

ALASKA LEGISLATURE COMMITTEE BILL FILES - 1987 - 1988 8879

HB 59

226

4B

59

Date referred: 2/13/87

FURTHER REFERRALS:

DATE: 2/24/87

The Finance Committee has considered HB 59

"An Act relating to the recycling and reduction of litter; and providing for an effective date."

RECOMMENDS:

- replace with CS HB 59 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS:  \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 2/2/87
- zero with analysis

SIGNING DO PASS:

Al Adams

Pat Farnsworth

Donald A. Linn

Steve Jace

Mark Boyer

Don

Steve Rogers

Mike Harris

Tay Brown

Clarence

SIGNING OTHER RECOMMENDATIONS:

F. Keywallis no rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Al Adams  
Chairman's signature

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. HB 59 (TJD)  
 Title: Relating to recycling and reduction of litter

Sponsor: Reps. Davis & Kobonen  
 Requestor: House Judiciary  
 Date of Request: 2/5/87

**FISCAL DETAIL**

Agency Affected: Alaska Court System  
 BRU: Trial Courts

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	0	0	0	0	0

<b>CAPITAL</b>	0	0	0	0	0	0
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<b>REVENUE</b>	0	0	0	0	0	0
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	0	0	0	0	0	0

**POSITIONS :**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The fiscal impact of this bill depends upon the level of anticipated enforcement. Since the Department of Environmental Conservation does not anticipate increased enforcement, there is no fiscal impact at this time.

Prepared by: Karla Forsythe  
 Division: General Counsel, Alaska Court System

Phone: 264-8228

Date: 2/6/87

Approved by Commissioner: Stephanie Cole for PAT Anderson  
 Agency: Alaska Court System

Date: 2-6-87

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsors: Davis and Koponen

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 59 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the recycling and reduction of  
7 litter; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 12.25.190(c) is amended to read:

10 (c) The person cited for the crime shall give a written promise  
11 to appear in court by signing at least one copy of the written cita-  
12 tion prepared by the peace officer and the officer shall deliver a  
13 copy of the citation to the person. The written promise requirement  
14 of this subsection does not apply to motor vehicle and traffic cita-  
15 tions under AS 28.05.151, fish and game citations for which a bail  
16 schedule has been established under AS 16.05.165, citations issued  
17 under AS 18.35.341, [AND] citations issued in state park and recre-  
18 ational facilities under AS 41.21.960, and littering citations issued  
19 under AS 46.06.080.

20 \* Sec. 2. AS 46.06.010 is repealed and reenacted to read:

21 Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department shall

22 (1) serve as the coordinating agency among public and  
23 private organizations in the state that are involved in the control,  
24 reduction, and recycling of litter;

25 (2) assist local governments in the adoption and amendment  
26 of ordinances relating to the control, reduction, and recycling of  
27 litter;

28 (3) promote voluntary local programs and information cam-  
29 paigns that encourage the public to refrain from littering and to

1 shall designate distribution points for the broadest possible dis-  
2 tribution of litter bags to persons entering the state by vehicle or  
3 vessel.

4 \* Sec. 4. AS 46.06.080(c) is amended to read:

5 (c) A person who violates this section is guilty of a violation  
6 [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more  
7 than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY AS 12.-  
8 55.035(b)(4) AND 12.55.135(b)], the court may order the person to  
9 gather and dispose of litter in an area and for a length of time  
10 determined by the court.

11 \* Sec. 5. AS 46.06.080 is amended by adding new subsections to read:

12 (d) A peace officer shall issue a citation as provided in  
13 AS 12.25.180 to a person who violates this section. If a citation is  
14 for a minor littering violation, then the person to whom the citation  
15 is issued may, within 15 days, mail or personally deliver to the clerk  
16 of the court in which the citation is filed

17 (1) a fine of \$50; and

18 (2) a copy of the citation indicating that the right to an  
19 appearance is waived and a plea of no contest is entered.

20 (e) If a \$50 fine has been paid under (d) of this section, then  
21 the court shall enter a judgment of conviction. Payment of the fine  
22 is a complete satisfaction for the violation.

23 (f) If a person cited under this section fails to pay the fine  
24 or to appear in court as required, the citation is considered a sum-  
25 mons for a failure to obey a citation under AS 12.25.230, and the  
26 court may issue a bench warrant.

27 (g) Notwithstanding other provisions of law, if a person cited  
28 for a minor littering violation under this section appears in court  
29 and is found guilty, the penalty that is imposed for the violation may

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSHB 59 (JUD)

Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Public Safety

Title: "An Act relating to the re-cycling of litter..."

BRU: Alaska State Troopers

Sponsor: Rep. Davis

Components: Detachments & CIB

Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan

Phone: 269-5691

Division: Alaska State Troopers

Date: 2/23/87

Approved by Commissioner: William R. Nix

Date: 2/24/87

Agency: Public Safety

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

page \_\_\_\_ of \_\_\_\_

*JNL*  
*2/24/87*

BILL NO: CSHB 59 (JUD)

DATE: February 23, 1987

TITLE: "An Act relating to the recycling of litter; and providing for an effective date."

CONTACT: Maj. Walter J. Gilmour  
Acting Director  
Alaska State Troopers

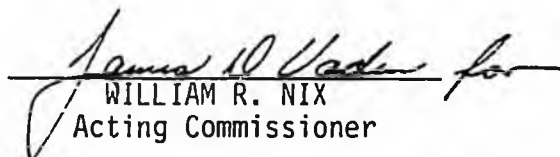
DEPARTMENT OF  
PUBLIC SAFETY

A considerable expense is incurred by the state when cases involving incidental littering are pursued.

This legislation reduces littering offenses from a Class "B" misdemeanor to a "violation" and enables peace officers to issue a citation rather than make a physical arrest. Further, it allows the violator to mail in the fine rather than to make a court appearance. This will reduce officer court time and report writing in these minor cases.

Serious littering offenses (over 5 lbs.) remain a class "B" misdemeanor and thus, serious offenders can still be prosecuted.

The Division of Alaska State Troopers supports passage of this legislation.

  
WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

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GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
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TOTAL						

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PART-TIME						
TEMPORARY						

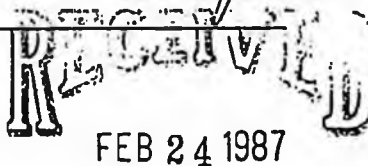
ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan Phone: 269-5691  
 Division: Alaska State Troopers Date: 2/23/87

Approved by Commissioner: William R. Nix Date: 2/24/87  
 Agency: Public Safety

Distribution (by preparer):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)  
 Senate Secretary



*JNR*  
*2/24/87*

CSHB 59 (JUD)

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### POSITION PAPER

Bill No: HB 59

Date: January 30, 1987

Title: An Act relating to the  
recycling and reduction  
of litter

Contact: Randy Bayliss  
465-2600

### Department's Position

We support the bill.

### Effect of the Bill

HB 59 reenacts most of Alaska's litter program, now on the eve of its "sunset." It also reduces the costs of the program, either by eliminating some functions (such as the Litter Advisory Council) or by making most other functions optional. The bill would also change littering from a "misdemeanor" to a "violation," which eliminates jail time as a penalty.

According to several opinion polls, many Alaskans consider littering to be a top environmental priority. Litter alongside tourist attractions has drawn national attention on television news and magazines. The litter program has enjoyed popular support from Alaskan cities and has encouraged start-up and operations of many recycling centers throughout Alaska.

### Impact on the Agency

HB 59 was drafted with minimal operating expenses in mind. We have prepared a "zero" fiscal note.

  
Dennis D. Kelso  
Commissioner

Discussions with ALPAR (Alaskans for Litter Prevention and Recycling), the Fairbanks Litter and Beautification Committee, the Department of Environmental Conservation, and several municipalities have been very positive toward this legislation. The remarks of a few municipal leaders are presented below:

City and Borough of Juneau, Mayor Ernest Polley: "The City and Borough certainly supports litter reduction and recycling programs. The City and Borough of Juneau has a considerable litter problem as well as disposal problems concerning metals, household garbage, and hazardous liquids. I feel that this is a statewide problem and should be addressed on a statewide basis. We would be happy to work with your office to review any proposed legislation in this area."

Municipality of Anchorage, Mayor Tony Knowles: "As a strong supporter of a healthy, clean environment, I share your wish to avoid sunseting the litter reduction and recycling program within DEC. Although unfunded at this point, I believe a mechanism should exist for revitalizing this program should revenue levels again allow for funding of the program."

Matanuska-Susitna Borough, Mayor Dorothy Jones: "As for the litter reduction and recycling program, we find it a boon to the Matanuska-Susitna area and would most assuredly like to see funding restored and the program remain."



# Alaska State Legislature

Representative Mike Davis

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708

## MEMORANDUM

To: House Finance Committee

From: Rep. Mike Davis

Date: February 24, 1987

Re: CSHB 59 (Jud); An Act Relating to the Recycling and Reduction of Litter.

---

The 1986 legislature failed to fund the state's litter reduction and recycling program for FY 87, and the program is due to sunset on June 30, 1987. However, this is an important program that coordinates community efforts to clean up litter throughout the state. Litter along the state's highways has a negative impact upon visitors to Alaska as well as upon the state's residents, and maintaining a litter program should continue to make the state a destination point for tourists.

The provisions of HB 59 would reduce the costs of operating an effective litter program by repealing requirements for an advisory council and the publication of an annual report. The legislation also reduces costs by allowing, rather than requiring, DEC to provide litter bags. These changes have allowed HB 59 to receive a zero fiscal note. The bill also would repeal the sunset provision of the program.

HB 59 would reduce the penalty for littering from a misdemeanor to a violation in order to eliminate court costs, and a prison term would be eliminated as a penalty for littering. The bill would also establish a \$50 fine for minor offenders that may be paid by mail, while retaining a maximum fine of \$1,000 for major offenders. A minor offense is one in which the amount of litter has an aggregate weight of five pounds or less. Community service provisions, in which a litterer may be required to pick up litter in a designated area for a designated length of time, are also retained.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**



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Matanuska-Susitna Borough, Mayor Dorothy Jones: "As for the litter reduction and recycling program, we find it a boon to the Matanuska-Susitna area and would most assuredly like to see funding restored and the program remain."

# ★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907 452-4761

January 30, 1987

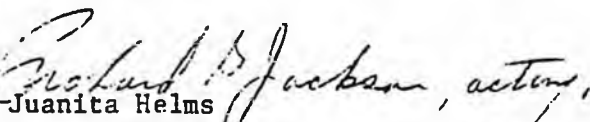
Representative Mike Davis  
Pouch V  
Juneau, Alaska 99811

Mail Stop 3100

Dear Representative Davis:

As Mayor of the Fairbanks North Star Borough, I support passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Providing proper solid waste disposal and dealing with the accumulation of litter on our roadways are two problems which confront our community. The State's efforts in recycling and litter reduction help us to effectively resolve these problems. For this reason, I would urge the Alaska State Legislature to pass HB 59.

Sincerely,

  
-Juanita Helms  
Borough Mayor

JH/HTS/mnb

# BEAUTIFICATION AND LITTER CONTROL COMMITTEE

First National Center  
100 Cushman Street

Greater Fairbanks Chamber of Commerce

(907) 452-1108

P.O. Box 74446  
Fairbanks, Alaska 99707

January 29, 1987

Representative Mike Davis  
Pouch V  
Juneau, AK 99811

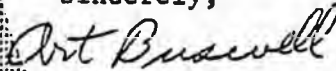
Mail Stop 3100

Dear Rep. Davis:


The Beautification and Litter Control Committee of the Greater Fairbanks Chamber of Commerce strongly supports passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Our committee has worked hard over the past several years to make Fairbanks a cleaner, more beautiful place for the enjoyment of residents and visitors alike. We feel that continued State support in the form of Litter reduction and recycling legislation is important to our success.

Litter reduction and recycling are more than just "environmental" concerns. These programs enhance economic development and tourism in our state. We are proud of the contributions our committee has made in these areas; we encourage the Alaska State Legislature to support our local efforts through passage of this legislation.

Sincerely,



Art Buswell  
Co-Chairman



Heather Stockard  
Co-Chairman

**Fifth Annual Report**

**May 1985**

**ALASKA  
LITTER REDUCTION  
AND  
RESOURCE RECOVERY  
PROGRAM**

**BILL SHEFFIELD**

**Governor**

**State of Alaska**

**BILL ROSS**

**Commissioner**

**Department of Environmental Conservation**

**Pouch O, Juneau, Alaska 99811**



## INTRODUCTION

Early in fiscal year 1984 the Division of Legislative Audit completed its review and evaluation of the first four years of the Department of Environmental Conservation's (DEC) Litter Reduction and Resource Recovery Program. Its performance report concluded that the popular and successful program, and its authorizing legislation, should be continued. On June 8, 1984, the Litter Reduction and Resource Recovery Act was reauthorized until July 1, 1987.

Since the inception of the Litter Reduction and Resource Recovery Program in 1980, DEC has actively pursued projects to reduce litter and encourage recycling and large-scale resource recovery in Alaska. According to the 1983 Alaska litter survey, much has been achieved in the first years of the program. Some of the highlights are:

- 36% decrease in fresh litter generation
- 35% decrease in litter accumulation
- 63.3% decrease of hazardous items in litter
- 20% increase in car litter bag use
- 40% decrease in aluminum can litter
- 36.6% decrease in litter at sites where receptacles have been added

Large-scale resource recovery significantly decreases certain kinds of litter, and saves resources and energy. The program provides support and assistance to resource recovery endeavors throughout Alaska. With the establishment of a pulp (shredder) mill in Anchorage (to be in operation in late 1985), an estimated 20,000 tons a year of ferrous metals will be recovered and possibly sold to a Pacific Rim country. This tonnage will represent a substantial increase over past years. At present, about 7% of over 50,000 tons of paper shipped to Alaska per year is recovered for reuse. Due to recent reduction of rates by freight carriers, the potential for recovery of waste paper is increasing. As demand for both energy and resources rises and supplies decline, such recovery becomes even more important.

This report documents DEC's accomplishments in litter reduction, litter prevention, resource recovery, and increasing public support of the program during FY 1984. In 1984, the program changed its reporting period to coincide with the State's fiscal year. Some of the figures in the report may overlap with figures in the 1983 annual report, which was based on a calendar year.

## LITTER REDUCTION

Results from the 1983 Alaska litter survey performed by the Institute for Applied Research indicate that during the first three years of the litter and recycling program's existence, there has been a 36% reduction in the rate that fresh litter is generated (Syrek, 1983). Similar decreases were measured in the rate at which long term accumulations of litter build up. These results show a 35% decline when corrected for traffic and weather conditions.

What are the causes of these significant decreases in litter? Alaskans are becoming more involved in both picking up litter already on the ground (litter reduction) and eliminating acts of littering (litter prevention).

In an executive proclamation, Governor Sheffield declared May 1984 as Litter Prevention and Cleanup Month. Letters seeking similar local declarations were sent to mayors. DEC staff sent mailouts to city and village councils, schools, community leaders, and local media asking for their involvement in cleanup efforts.

The results of these activities were once again gratifying. Again in 1984, Alaska saw an increase in the number of community cleanups statewide. A current list of communities with cleanups appears in Appendix A. Table I shows 1984 cleanup results.

Table I  
1984 Spring Cleanups

	Southeastern Region	Southcentral Region	Northern Region	TOTAL
Communities with cleanups	18	126	61	205
Participants	3,124	31,223	18,505	52,852
Bags Collected	6,729	105,590	55,700	168,019
Truckloads	379	12,401	not available	12,753
Junk Autos Removed	63	2,198	366	2,621

### Youth Litter Patrols

As part of statewide litter reduction efforts in 1984, summer youth litter patrols were funded for a second year by Alaskans for Litter Prevention and Recycling (ALPAR, a private organization of business and industry) and a cash grant of \$120,000 from the State. Approximately 284 young people on the patrols picked up litter in 26 communities, with more than double the participation of the first year of the program. Table II shows a comparison between 1983 and 1984.

Table II

#### Youth Litter Patrols

	<u>1983</u>	<u>1984</u>
Number of Participants	120	284
Number of Communities	11	26
Number of Patrols	27	71
Bags Collected	6,500	Data not available
Total Cost	\$82,000	\$171,348

Fairbanks, a star in the youth litter program, had an impressive 20 patrols in 1984, up from 4 patrols in 1983. The patrols worked for 13 weeks cleaning up 400 miles of roadways and over 3,300 bags of litter. This program created 21 full-time seasonal jobs for youths 14-17 years old in the Fairbanks area. The "bottom line" summary of the 1984 Greater Fairbanks litter patrol effort was 8.3 bags of litter abated per mile of roadway cleaned up, at a cost of \$13.90 per bag.

Anchorage doubled its youth litter patrols from 10 in 1983 to 20 in 1984. Communities with two patrols each in 1984 were Homer, Juneau, Kenai, Ketchikan, Nenana, Palmer, and Valdez. The following communities had one youth litter patrol each: Bethel, Deering, Delta Junction, Dillingham, Ekwok, Kodiak, Koliganek, Saxman, Skagway, Soldotna, Togiak, Wasilla, and Wrangell.

Alternative Sentencing and Pretrial Diversion Programs

The Department of Law Pretrial Diversion Program made an outstanding contribution to litter reduction in 1984. The results of the efforts of this program were well up over 1983 (See Table III).

Table III

The Department of Law Pretrial Diversion Program

	<u>1983</u>	<u>1984</u>
Number of participants	50	220
Number of hours	1,600	2,800
Number of communities	1 - Juneau	4 - Fairbanks, Juneau*, Kenai and Sitka

- \* 40 assigned to ALPAR patrols for 700 hours  
100 assigned to DOT/PF on weekends for 800 hours

In FY 1984, the Municipality of Anchorage's Community Work Services Program assigned 400 sentenced misdemeanants to 8,000 hours of litter pickup. These misdemeanants were referred by the Court to this program, and picked up a total of 250,000 pounds of litter. The program not only reduced litter in Anchorage, but seemed to have a positive impact on the recidivism of the offenders, most of whom had been convicted of DWI. Other offenses included shoplifting, reckless driving, and littering. Virtually all the participants commented they would never litter again, after seeing firsthand what a problem litter is.

Working closely with the District Court, the Fairbanks North Star Borough's Environmental Services Division supervised the community service work required of litter offenders and those who had committed other minor offenses. The 53 individuals assigned to this program performed 1,001 hours of work, for an average of 18.9 hours per person. Juveniles performed 465 hours of work; adults, 536 hours. Thirty-three persons were assigned to community work service who did not perform the work, totalling 1344 hours of work assigned which was not performed.

### Volunteer Efforts

DEC spring cleanups mobilize the people in a community and often lead to voluntary efforts to keep their communities clean year round. One spinoff of the DEC spring cleanup in 1984 was the voluntary placement of litter receptacles and antilitter signs in more than a dozen communities. Port Heiden went a step further, installing a large community dumpster and instituting a weekly pickup. In some areas, which did not have formal youth litter patrols, local people started voluntary cleanups. In Takotna such activity led to the demolition of three houses and the graveling over of the resulting vacant lot.

Many communities went beyond picking up litter and beautified areas which had previously been eyesores. They developed gardens and parks, planted trees, and placed flower boxes. In these communities volunteers did the work of creating and maintaining the beautified areas. Juneau and Fairbanks established committees, which included DEC litter program staff, to plan, carry out, and reward beautification activities. In Juneau the Beautification Subcommittee of the Mayor's Hospitality Committee honored individuals, businesses, and government agencies for their significant efforts to beautify Juneau. The Fairbanks Chamber of Commerce Beautification Committee beautified formerly littered areas in response to a perceived need in the community to enhance civic pride and foster ongoing antilittering behavior.

## LITTER PREVENTION

Reduction of litter on the ground is necessary and desirable, but prevention of acts of littering is the key to long-term litter reduction in Alaska.

Litter is the result of personal habits and decisions. In order to affect the litter rate in Alaska, individual attitudes towards litter must be changed, and efforts made to influence personal decisions about the act of littering.

### Secured Truckloads

The 1981 litter survey showed that deliberate littering comes from pedestrians aged 6 to 25 and occupants of motor vehicles aged 10 to 45. Most accidental littering is from unsecured truckloads and trash escaping from truck beds.

Since 1981 there has been a shift in the composition of litter. Deliberately littered convenience product packaging litter has decreased from 56% of all fresh litter items in 1981 to 49% in 1983. At the same time, the percentage of accidentally littered items from trash can spills, unsecured loads and uncovered truck beds has increased from 38% to 45%.

These figures indicate public attitudes towards deliberate littering is improving; fewer people are unconsciously tossing wrappers on the ground. The figures show, however, that more work needs to be done to motivate truck owners to cover their loads.

In 1984 the Municipality of Anchorage passed an ordinance requiring that trucks bringing loads to the municipal landfill be covered or pay an "uncovered load" fee of \$10.00 for small trucks and \$10.00 a ton plus a \$30.00 fee for large trucks. By July 1984, 98.8% of the trucks coming to the landfill were covered.

DEC will encourage other municipalities to follow the lead of this highly successful program and conduct their own covered load campaigns in FY 85.

### Community Outreach

Using information provided by litter surveys, DEC gears educational efforts to those groups primarily responsible for litter in Alaska. Attitudes and decisions are substantially shaped by both the mass media and personal contact.

1984 DEC media efforts included press releases, production and distribution of public service announcements, and arrangement of media coverage of local cleanup and recycling efforts. Litter caused by travelers was addressed by a full page ad in the 1984 Milepost. A full page "ad" on uncovered loads was published in the April 1984 edition of the State of Alaska's Driver's Manual.

Public information and public education services are an important means of encouraging litter reduction and resource recovery activities throughout Alaska. Table IV shows public awareness services provided by litter program staff in FY 1984.

Table IV

Community Outreach Services

School Presentations	12
Community Presentations	44
Hotline Calls	1591
Newspaper Interviews	161
TV Interviews	18
Radio Interviews	3
Other	12

Commodities Distributed

Another way DEC encourages communities and citizens to become involved in litter control is by distributing free commodities. These range from car litter bags to cleanup incentives for children, including patches and "sort-n-save" magnets. Table V shows the items distributed during FY 1984.

Table V

Commodities Distributed

DEC car litter bags	27,550
SOHIO car litter bags	90,800
Cleanup bags	166,100
Milepost posters	123
Fish & Game posters	30
Pins	12,995
Patches	8,981
Receptacle decals	6,668
"Aluminum only" decals	928
Miscellaneous brochures	4,002

At the beginning of the 1984 tourist season, DEC sent 2,000 DOT/PF car litter bags to U.S. border stations at ALCAN/TOK and Skagway.

### Education

Since young people comprise a large number of those groups identified as deliberate litterers, DEC has attempted to reach them through an elementary school curriculum.

The Legislature appropriated \$150,000 for litter reduction programs in schools. With the approval of the Litter Reduction and Resource Recovery Advisory Council, DEC contracted with the Department of Education to produce a series of three 15-minute lessons on videotape for the Learn/Alaska instructional television network. The series will be designed for grades 4-6 and aired on Learn/Alaska. Printed teacher's guides will be developed and used in conjunction with the video program.

The educational objectives of this series of video lessons are to increase the students' knowledge of their environment, affect their attitude toward conservation of natural resources, and encourage their personal commitment to antilitter, antiwaste behavior. By airing this program on the Learn/Alaska network, we expect to reach the largest possible target audience in the most effective way. The video series is expected to be aired on the Learn/Alaska network beginning in the fall semester 1985.

### Litter Receptacles

An important means of preventing litter is to make receptacles available in high use areas. Litter receptacle regulations became effective in October, 1983. Those regulations require receptacles marked with the State's anti-litter logo to be installed, routinely serviced and maintained at commercial, recreation and civic areas. The 1983 litter survey showed a significant increase in receptacles at 10 commercial sampling sites (Syrek, 1983). Table VI shows the additions by site.

BILL SHEFFIELD, GOVERNOR

**DEPARTMENT OF LAW**

CRIMINAL DIVISION

REPLY TO:

CRIMINAL DIVISION CENTRAL OFFICE  
POUCH KC  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 303  
ANCHORAGE, ALASKA 99501-5993  
PHONE: (907) 279-7424

October 29, 1986

The Honorable Pat Pourchot  
House Representative  
P.O. Box 104836  
Anchorage, Alaska 99504

Re: Littering - AS 46.06.080

Dear Representative Pourchot:

Recently, a request was made by a member of your staff for the number of littering cases prosecuted under AS 46.06.080 and the sentences received. Since January 1, 1983, a total of 142 littering cases have been referred to the district attorney offices for prosecution statewide. Of the 142 cases referred, 41 individuals have been convicted and sentenced. Of these 41 cases only one person went to jail and that was for one day. More likely than not, this individual was arrested and received credit for time already served when he was sentenced by the court. Two other people received fines and suspended jail sentences with the remainder not receiving any jail sentence but being required to pay fines ranging from \$25 to \$250. About one-quarter of the people were also required to perform community work service, including picking up litter from 2 hours to 50 hours. About half of the defendants were placed on probation anywhere from 11 days to one year.

The person on your staff with whom I spoke had expressed the opinion that the heavy maximum sentence for littering (90 days in jail and/or \$1000 fine) was a disincentive to enforcement, but our records show that this is unlikely. The average fine among these cases was \$60; the average community work service was about 10 hours. If the littering laws are not being enforced it seems much more likely that in this era of declining revenues there are other areas of law enforcement that take a higher priority.

Representative Pourchot

October 29, 1986  
Page -2-

If I may be of further assistance, do not hesitate to contact me.

Very truly yours,

HAROLD M. BROWN  
ATTORNEY GENERAL

By: *Genelle Massey*  
Genelle Massey  
Special Assistant

GM:ab-29

HB 31

STEVE COWPER, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY**

**OFFICE OF THE COMMISSIONER**

P.O. BOX N  
JUNEAU, ALASKA 99811-1200  
PHONE: 465-4322

January 8, 1987

The Honorable Pat Pourchot  
Alaska State Legislature  
P.O. Box 104836  
Anchorage, AK 99510

Dear Representative Pourchot:

Thank you for your letter of December 9, 1986.

Littering the highways is covered by 13 AAC 02.530(a) through (d), and 17 AAC 25.050, unsecured loads. At present, I believe both are mandatory court appearances, due to the fine the court often imposes.

Obviously, these sections do not address the littering of public and private property, or waters in the state.

I do not believe the mail-in citation would make a great deal of difference in enforcement, but it could reduce court time for judges and police. The fine is low and should, at least, be doubled, considering the expense involved in cleaning up these people's litter.

I personally believe your approach is correct. Perhaps there could be a second section with a mandatory court appearance to be used in aggravated circumstances. In any event, we need one comprehensive law, rather than multiple regulations.

The level of enforcement is a difficult question. The police seldom observe people littering because people watch for police. The Troopers have such limited patrol outside major municipalities that the perception of risk of being apprehended is small. Most law enforcement officers claim they cannot respond to all the calls for assistance they receive now. Littering complaints, including garbage on the right of way, have a low priority.

January 8, 1987

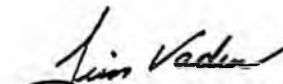
In truth, I believe most, if not all, officers would cite for littering under the aforementioned regulations. However, they do not like to sort through garbage alongside the road in an attempt to identify the depositor. It is also questionable if the district attorneys would prosecute these circumstantial cases, due to the difficulty in obtaining a guilty verdict.

\*  
In reference to out-of-state registered vehicles, perhaps we should keep the mail-in system, but make it a mandatory court appearance if the bail and a copy of the registration is not received by the court within a ten-day period. Other sanctions could be applied, i.e., increased penalties for every day after the tenth day.

I believe the residents want the initial enforcement, and the vehicle registered as expeditiously as possible.

If we can be of any further assistance, please let me know.

Sincerely,

  
James D. Vaden  
Deputy Commissioner



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

December 2, 1986

Jeannie Larson  
c/o Representative Pat Pourchot  
Box 104836  
Anchorage, Alaska 99510

Dear Jeannie:

As we discussed, you asked if I could provide a rough draft of a statute which would permit enforcement of anti-littering laws by a mail-in payment rather than a mandatory court appearance.

A copy of a draft is enclosed. Although my primary interest is in the section dealing with the mail-in fine payment, I have included substantive language so that you can see how such a statute might be laid out. The draft is written in legislative style, with new language underlined and deleted language in brackets.

I assumed the framework of the existing littering statutes, and that the existing anti-littering law would not be repealed. In other words, adoption of this draft would override the repealer clause in the existing legislation. However, AS 46.06.080(b), which deals with uncovered loads would be repealed, and replaced by AS 28.35.251, which the legislature enacted last year.

Using AS 16.05.160 as a model, I then drafted new language which would establish a fine rather than a bail schedule method of processing these payments. This process would apply to AS 46.06.080 only; other violations would require a court appearance.

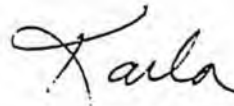
Some of the questions I am sure you will want to address include whether you want to retain the existing anti-littering language or draft new language, whether the \$25.00 fine is appropriate, and whether all violations of the chapter should be processed this way. You may want to solicit the views of enforcement officers regarding these provisions.

Jeannie Larson  
December 2, 1986  
Page Two

I hope this draft is helpful to you . Again, please be advised that it is merely a concept and that the administrative office does not take a position about the desirability of anti-litter legislation or the proper fine amount. The only concern of this office is that a procedure be adopted which will require the least expenditure of fiscal resources by the court system. If enforcement officers project a substantial level of enforcement, the court system would have to consider the need for additional clerical staff to process these citations and the payments. It is very important to have adequate staff to process these payments, because inaccurate records can lead to improper issuance of bench warrants and subsequent lawsuits for false arrest.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director  
Susan Miller, Manager of Special Projects

11/25/86-7

STATE OF ALASKA  
THE LEGISLATURE

POURCHOT STATE CAPITAL  
JUNEAU ALASKA 99801  
707 465 3800

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 25, 1986

SUBJECT: Litter laws  
(Work Order No. 15-0182)

TO: Representative Pat Pourchot

FROM: Edward H. Hein *ELH*  
Legislative Counsel

You are correct that littering is prohibited under AS 46.06.080, and that AS 46.06 is repealed, effective July 1, 1987. In the event that AS 46.06 is allowed to terminate, there are other statutes under which littering might be prosecuted, but that depends on how we define "litter."

Under AS 46.06.150(4), "litter" means all waste material except "the wastes of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing." But under AS 46.03.710, pollution of the air, land, subsurface land or water of the state is prohibited. For purposes of that section, "pollution" is defined as "the contamination or altering of waters, land or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Under AS 46.03.760, a polluter is liable to the state for civil damages; AS 46.03.790 provides for criminal penalties.

With regard to your idea of establishing a "two-tier" system for littering offenses, that seems like a practical approach. As you know, a bail forfeiture schedule is in effect for minor traffic offenses, and this works well. A similar schedule was required to be established for violations of the smoking-in-public-places law. AS 18.35.341(d). Serious litter offenses could be distinguished from minor litter

Representative Pourchot  
Page 2  
November 25, 1986

offenses on the basis of the amount of damage done, i.e. the cost of cleaning up and restoring the site to its pre-littered condition. As an alternative, you might want to distinguish on the basis of the weight, amount, or contents of the litter.

I have not discussed this matter with anyone else. I would be happy to work with you or any of your staff members, or to research the matter further on my own, if you wish. If you want me to draft some legislation, let's talk about it so I will have a better picture of what you have in mind.

EHH:mkr  
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46.05.155

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§ 46.05.160

WATER, ETC., CONSERVATION

§ 46.05.240

**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 129, SLA 1970.

**Article 2. Prohibited Acts and Penalties.**

**Section**  
160 — 220. [Repealed]

HB 59

**Cross references.** — For present provisions as to prohibited acts and penalties, see AS 46.03.710 et seq.

**Secs. 46.05.160 — 46.05.220.**  
Repealed by § 4 ch 120 SLA 1971.

**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 244, SLA 1970; ch. 62, SLA 1971.

**Article 3. General Provisions.**

**Section**  
225 — 240. [Repealed]

**Secs. 46.05.225 — 46.05.240.**  
Repealed by § 4 ch 120 SLA 1971.

**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 145, SLA 1970.

**Chapter 06. Recycling and Reduction of Litter.**

Section	Section
10. Powers and duties of the department	80. Littering prohibited
20. Annual report	90. Prohibited beverage containers
30. Advisory council	100. Notice to public
40. Public awareness; motivation	110. Enforcement authority
50. Litter receptacles and anti-litter symbol	120. Grants
60. Litter bags	130. Conditions for grants
70. Litter patrol	140. Federal requirements
	150. Definitions

**Revisor's notes.** This chapter was enacted as AS 41.21.010 — 41.21.150 but was renumbered by the revisor of statutes pursuant to AS 01.05.031(b).

**Termination date of chapter.** — Section 5, ch. 149, SLA 1980, provides: "This Act terminates July 1, 1981."

**Editor's notes.** — As to intent of 1980 legislation enacting AS 46.06.010 — 46.06.150, see § 1, ch. 149, SLA 1980, in Temporary and Special Acts and Resolves.

**Collateral references.** — 29 Am. Jur 2d, Highways, Streets and Bridges. §§ 186, 187; 10 Am. Jur 2d, Highways

Streets and Bridges. § 608; 56 Am. Jur. 2d.  
Municipal Corporations, Counties, and  
Other Political Subdivisions. §§ 455, 456;  
61A Am. Jur. 2d. Pollution Control.  
§§ 46-49.

39A C.J.S., Health and Environment.  
§§ 44, 125-128.

Validity and construction of statute or  
ordinance requiring return deposits on soft  
drink or similar containers. 73 ALR3d  
1105.

**Sec. 46.06.010. Powers and duties of the department [Terminates July 1, 1984].** The department shall

(1) serve as the coordinating agency among the various government and private organizations in the state which are involved in litter control and reduction and the recovery of energy or materials from litter;

(2) assist local governments in the adoption and amendment of ordinances relating to litter control and reduction;

(3) encourage, organize and coordinate voluntary local information campaigns which seek to focus the attention of the public on the reduction of litter and the recovery of materials and energy from litter;

(4) encourage, organize and coordinate voluntary or nonprofit local programs for the recovery of materials or energy from litter;

(5) encourage federal, state and local agencies to aid programs for the recovery of materials and energy from litter by providing publicity which encourages those programs and by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;

(6) investigate the availability of, apply for, receive, and expend grants, loans or other funds available from any source, and, if it is appropriate and feasible, accept nonmonetary assistance in the form of services or equipment for use in programs established under this chapter;

(7) determine the types of materials or energy which may be profitably recovered from litter, and adopt regulations under the Administrative Procedure Act (AS 44.62) which require the recovery of the materials or energy;

(8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter; and

(9) develop methods for the measurement of litter in the state and encourage competition between municipalities to establish which municipality has the least litter. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.020. Annual report [Terminates July 1, 1984].** Not later than six months after the end of each fiscal year, the department shall prepare a detailed report describing and evaluating the actions taken and programs established under this chapter for submission to the governor and the legislature. The report must include

§ 46.06.020

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§ 46.06.030

WATER, ETC., CONSERVATION

§ 46.06.050

- (1) the status and results of all grants made under this chapter;
- (2) an evaluation of the progress achieved by litter control and reduction programs; and
- (3) an evaluation of the resources and energy recovered from litter in the state. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.030. Advisory council [Terminates July 1, 1984].** (a) There is created an advisory council to the department, which shall advise the department concerning the litter control and reduction, source separation and other programs for the recovery of energy and materials from litter under this chapter. The council may encourage the participation of industry, labor, municipalities, and the public in the programs administered by the department.

(b) The council consists of seven members appointed by the governor who are aware of and concerned with achieving the goals of this chapter. The members serve at the pleasure of the governor.

(c) The council shall meet annually, and may meet more frequently if necessary or desired. The members of the council serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.040. Public awareness; motivation [Terminates July 1, 1984].** The department shall establish, provide advice concerning, and coordinate programs designed to

- (1) encourage the public to recover material and energy from litter;
- (2) use existing, and develop new, techniques and programs to reduce litter and littering;
- (3) encourage the public not to litter and to engage in cleanup efforts; and
- (4) advise the public of the state's anti-litter laws and regulations and encourage enforcement of those laws and regulations. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.050. Litter receptacles and anti-litter symbol [Terminates July 1, 1984].** (a) The department shall designate one or more types and sizes of litter receptacles for use in the state. The department shall make available for distribution throughout the state an anti-litter symbol of a uniform color and design adopted by the department. This anti-litter symbol must bear a statement of the penalties for littering, and the department shall design the anti-litter symbol so that it may be attached to litter receptacles. To aid public recognition and use of litter receptacles, the department may adopt an anti-litter symbol used in another state. The anti-litter symbol designed by the department must be attached to litter receptacles located in the public places of the state by the person or agency responsible for the placement of those receptacles.

(b) Litter receptacles designated for use in the state by the department shall be placed at public places in the state unless the public place

is specifically exempted by regulations adopted by the commissioner under the Administrative Procedure Act (AS 44.62). The number of receptacles required to be placed in each public place shall be determined by a formula related to the need for those receptacles. The requirements of this subsection are satisfied by the use of a litter receptacle which was in use before July 1, 1980, if the anti-litter symbol of the state is attached to the receptacle.

(c) A person owning or operating a privately owned public place at which litter receptacles are required under (b) of this section shall place litter receptacles at the public place at his own expense.

(d) Compliance with this section requires proper upkeep, maintenance and repair of a litter receptacle sufficient to permit the receptacle to serve the function for which it was designed and to prevent the receptacle from becoming unsightly.

(e) Responsibility for the placement of litter receptacles at publicly owned public places and for the removal of litter from those litter receptacles remains with the municipality or other public agency performing litter removal. Removal of litter from litter receptacles placed at privately owned public places remains the responsibility of the owner or operator of the privately owned public place.

(f) A person may not damage, deface, abuse or misuse a litter receptacle not owned by him so as to interfere with its proper function or to detract from its appearance.

(g) A person may not deposit leaves, clippings, prunings, garden refuse or household waste materials in a litter receptacle unless he has the permission of the owner of that receptacle.

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) — (g) of this section is guilty of a violation and in addition to the punishment imposed by AS 12.55.035(b)(5), the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

(i) If a municipality of the state adopts an ordinance which prohibits the same conduct prohibited by (b) — (g) of this section, a violation of (b) — (g) of this section which occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(5). (§ 2 ch 149 SLA 1980)

**Sec. 46.06.060. Litter bags [Terminates July 1, 1984].** The department shall design and have produced a biodegradable litter bag bearing the state anti-litter symbol and a statement of the penalties for littering in the state. The department shall make litter bags available to the division of motor vehicles in the Department of Public Safety for this purpose. To the greatest extent practicable, the division of motor vehicles shall distribute one litter bag to each person who applies for registration or reregistration of his motor vehicle and shall notify the person of his responsibilities under the law. The department shall

make litter bags available to all vessel owners and persons entering the state by automobile. The commissioner shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by automobile or vessel. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.070. Litter patrol [Terminates July 1, 1984].** (a) The department shall establish a youth litter patrol program for the employment of young people on a seasonal basis. The department shall cooperate with federal, state or municipal programs that either employ young people or encourage their employment. The department may contract with other state agencies to provide administration and other support for the youth litter patrol established by this section.

(b) The department may adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary to implement this section. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.080. Littering prohibited [Terminates July 1, 1984].** (a) A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the state or in waters in the state or under state jurisdiction unless

(1) the property is designated by a state agency or municipality as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or

(2) litter is placed in a litter receptacle so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the state or under state jurisdiction.

(b) A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used (1) to deposit salt or sand to secure traction, (2) by a public agency to clean or maintain highways, or (3) to transport agricultural, mining or timber products. A person who operates a vehicle from which an object has fallen or escaped which obstructs or endangers travel upon a public highway or right-of-way shall immediately remove the object at his own expense or pay the cost of removal incurred by the state or by a person.

(c) A person who violates this section is guilty of a class B misdemeanor, and in addition to the punishment imposed by AS 12.55.035(b)(4) and 12.55.135(b), the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.090. Prohibited beverage containers [Terminates July 1, 1984].** (a) Beginning October 1, 1981, a person may not sell or offer to sell a nonglass beverage container which is designed and constructed so that the container is opened by detaching a metal ring or tab. This section does not apply to a beverage container which is opened by a detachable piece of tape, foil, or other soft material.

(b) Beginning October 1, 1981, a person may not sell or offer to sell beverage containers which are held together by plastic rings or similar plastic devices which are not degradable.

(c) A person who violates this section is guilty of a violation. Each sale or offer to sell is a separate offense. (§ 2 ch 149 SLA 1980)

**Cross references.** — As to fines for violations, see AS 12.55.035(b)(5).

**Sec. 46.06.100. Notice to public [Terminates July 1, 1984].** The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and other publicly owned public places the commissioner determines necessary to accomplish the purposes of this chapter. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.110. Enforcement authority [Terminates July 1, 1984].** (a) The following persons are authorized to enforce the provisions of this chapter:

- (1) a state employee authorized by the commissioner; and
- (2) a peace officer.

(b) The department shall prescribe a citation form which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.120. Grants [Terminates July 1, 1984].** The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the establishment and operation of programs authorized under this chapter. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

- (1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;
- (2) purchase and erection of roadside signs;
- (3) organization and operation of litter removal activities conducted by municipalities, private organizations or service groups using volunteer help;
- (4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;
- (5) expansion of existing, and planning, design and construction of new, facilities for the recovery of materials and energy from litter;
- (6) research and evaluation of markets for the materials and energy recovered from litter;
- (7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrange-

ments, markets for materials or energy obtained from litter, transportation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations to assess the amount and composition of litter, and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of operating that equipment, and the cost of storing and transporting materials before and after those materials are recycled. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.130. Conditions for grants [Terminates July 1, 1984].**

(a) The department shall adopt regulations under the Administrative Procedure Act (AS 44.62) which establish

(1) eligibility requirements for applicants for a grant under AS 46.06.120;

(2) standards for the evaluation of proposals submitted by applicants for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120 which are necessary to achieve the purposes of this chapter.

(b) The regulations adopted by the department under (a) of this section must meet the following criteria:

(1) if there is not enough money for grants to all eligible applicants, the following shall receive priority:

(A) a proposed program or project which most efficiently recovers materials or energy from litter;

(B) the proposed program or project which creates the greatest number of new jobs;

(2) the maximum amount for a single grant shall be established so that available money is distributed to a variety of programs;

(3) a grant may be made for new programs or for improvements to or additions to existing programs which were not previously financed by other existing resources of financing. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.140. Federal requirements [Terminates July 1, 1984].**

If a federal department or agency issues a formal ruling that a section of this chapter will prevent the state from receiving federal financial participation in a program or activity established under this chapter, the section does not apply to the extent that it causes the program or activity to lose federal funding. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.150. Definitions [Terminates July 1, 1984].** In this chapter,

(1) "beverage container" means the individual, separate, sealed glass, metal or plastic bottle, can, jar or carton containing beer or other malt beverages or carbonated soft drinks, in liquid form;

(2) "commissioner" means the commissioner of environmental conservation;

(3) "department" means the Department of Environmental Conservation;

(4) "litter" means all waste materials susceptible to being dropped, deposited, discarded or otherwise disposed of upon property in the state or in waters under state jurisdiction; "litter" does not include the waste of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing;

(5) "litter bag" means a bag, sack or other container made of any material which is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(6) "public place" means public or private property that is used or held out for use by the public, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, parking lots for taverns, shopping centers and grocery stores and other parking lots which have a capacity for more than 50 vehicles, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, and business district sidewalks;

(7) "vehicle" means a mechanically driven device of any kind which is used for the transportation of a person or property on a public highway, trail or path;

(8) "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water. (§ 2 ch 149 SLA 1980)

### Chapter 07. Village Safe Water Act.

**Section**

- 10. Statement of purpose
- 20. Provision of facilities
- 30. Nature and location of facilities
- 40. Construction of facilities
- 50. Operation of facilities

**Section**

- 60. Educational and informational program
- 70. Economy of administration
- 80. Definitions

**Collateral references.** — 39 Am. Jur. 2d, Health, § 22; 61A Am. Jur. 2d, Pollution Control, §§ 134, 135; 78 Am. Jur. 2d, Waterworks and Water Companies, §§ 31-46.

39A C.J.S., Health and Environment, § 46; 93 C.J.S., Waters, §§ 43-57.

Validity of statute prescribing standard of purity of water furnished for human consumption. 6 ALR 475.

Power of board of health to prescribe means or methods of keeping water supply free of impurities. 23 ALR 228.

Constitutionality and construction of statutes and ordinances for protection of municipal water supply. 72 ALR 673.

Wrongful pollution of stream by municipality as creating single cause of action or successive causes of action. 75 ALR 529.

When statute of limitations commences to run as to action against municipality for damages to riparian premises by pollution of stream by discharge of sewage. 122 ALR 1509.

Measure and elements of damages for pollution of well, cistern, or spring. 19 ALR2d 769.

Introduced: 1/20/87  
Referred: Resources, Judiciary  
and Finance

1 IN THE HOUSE

BY DAVIS AND KOPONEN

2

HOUSE BILL NO. 59

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the recycling and reduction of  
7 litter; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 46.06.010 is repealed and reenacted to read:

10 Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department may

11 (1) serve as the coordinating agency among public and  
12 private organizations in the state that are involved in the control,  
13 reduction, and recycling of litter;

14 (2) assist local governments in the adoption and amendment  
15 of ordinances relating to the control, reduction, and recycling of  
16 litter;

17 (3) promote voluntary local programs and information cam-  
18 paigns that encourage the public to refrain from littering and to  
19 participate in efforts to clean up and recycle litter;

20 (4) inform the public of, and encourage the public to  
21 comply with, the provisions of this chapter and regulations adopted  
22 under this chapter;

23 (5) encourage federal, state, and local agencies to assist  
24 programs for the recycling of litter by allowing the use of publicly  
25 owned land, buildings, or equipment for those programs whenever possi-  
26 ble;

27 (6) apply for, receive, and expend grants, loans, and other  
28 monetary and nonmonetary assistance for use in programs established  
29 under this chapter;

1           (7) determine the types of materials or energy that may be  
2 profitably recovered from litter, and adopt regulations under the  
3 Administrative Procedure Act (AS 44.62) that require the recovery of  
4 the materials or energy;

5           (8) adopt other regulations under the Administrative Proce-  
6 dure Act (AS 44.62) necessary to implement this chapter.

7 \* Sec. 2. AS 46.06.060 is amended to read:

8           Sec. 46.06.060. LITTER BAGS. The department may [SHALL] design  
9 and have produced a litter bag bearing the state anti-litter symbol  
10 and a statement of the penalties for littering in the state. The  
11 department may [SHALL] make litter bags available to the division of  
12 motor vehicles in the Department of Public Safety for this purpose.  
13 The [TO THE GREATEST EXTENT PRACTICABLE, THE] division of motor  
14 vehicles may [SHALL] distribute one litter bag to each person who  
15 applies for registration or reregistration of a motor vehicle and  
16 shall notify the person of the person's responsibilities under the  
17 law. The department may [SHALL] make litter bags available to all  
18 vehicle and vessel operators entering the state. The commissioner  
19 shall designate distribution points for the broadest possible  
20 distribution of litter bags to persons entering the state by vehicle  
21 or vessel.

22 \* Sec. 3. AS 46.06.080(c) is amended to read:

23           (c) A person who violates this section is guilty of a violation  
24 [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more  
25 than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY  
26 AS 12.55.035(b)(4) AND 12.55.135(b)], the court may order the person  
27 to gather and dispose of litter in an area and for a length of time  
28 determined by the court.

29 \* Sec. 4. AS 46.06.020, 46.06.030, 46.06.040, and 46.06.070(b) are

1 repealed.

2 \* Sec. 5. Section 5, ch. 149, SLA 1980, as amended by sec. 9, ch. 164,  
3 SLA 1984, is repealed.

4 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).

HB

59

**HOUSE COMMITTEE REPORT**

(11)

Date referred: 2/13/87

FURTHER REFERRALS:

DATE: 2/24/87

The Finance Committee has considered HB 59

"An Act relating to the recycling and reduction of litter; and providing for an effective date."

**RECOMMENDS:**

- replace with CS HB 59 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

**ADOPTS:**  \_\_\_\_\_ letter of intent

**ATTACHES NEW FISCAL NOTE(s):**

- fiscal impact  same as previous fiscal note published \_\_\_\_\_
- zero fiscal note  same as previous zero fiscal note published 2/2/87
- zero with analysis

**SIGNING DO PASS:**

Al Adams

Pat Farnsworth

Donald A. Linn

Steve Jace

Mike Boyer

Steve Rogers

Mike Dean

Tony Brown

Clarence

**SIGNING OTHER RECOMMENDATIONS:**

F. Keywallin no rec

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Al Adams  
Chairman's signature

# STATE OF ALASKA 1987 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. HB 59 (TVD)  
 Title: Relating to recycling and reduction of litter

Sponsor: Reps. Davis & Koponen  
 Requestor: House Judiciary  
 Date of Request: 2/5/87

**FISCAL DETAIL**

Agency Affected: Alaska Court System  
 BRU: Trial Courts

Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

**FUNDING : (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

**POSITIONS :**

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

The fiscal impact of this bill depends upon the level of anticipated enforcement. Since the Department of Environmental Conservation does not anticipate increased enforcement, there is no fiscal impact at this time.

Prepared by: Karla Forsythe  
 Division: General Counsel, Alaska Court System

Phone: 264-8228  
 Date: 2/6/87

Approved by Commissioner: Stephanie Cole for Nat. Judiciary  
 Agency: Alaska Court System

Date: 2-6-87

**Distribution (by Agency preparing fiscal note):**

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

Original sponsors: Davis and Koponen

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 59 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the recycling and reduction of  
7 litter; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 12.25.190(c) is amended to read:

10 (c) The person cited for the crime shall give a written promise  
11 to appear in court by signing at least one copy of the written cita-  
12 tion prepared by the peace officer and the officer shall deliver a  
13 copy of the citation to the person. The written promise requirement  
14 of this subsection does not apply to motor vehicle and traffic cita-  
15 tions under AS 28.05.151, fish and game citations for which a bail  
16 schedule has been established under AS 16.05.165, citations issued  
17 under AS 18.35.341, [AND] citations issued in state park and recre-  
18 ational facilities under AS 41.21.960, and littering citations issued  
19 under AS 46.06.080.

20 \* Sec. 2. AS 46.06.010 is repealed and reenacted to read:

21 Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department shall

22 (1) serve as the coordinating agency among public and  
23 private organizations in the state that are involved in the control,  
24 reduction, and recycling of litter;

25 (2) assist local governments in the adoption and amendment  
26 of ordinances relating to the control, reduction, and recycling of  
27 litter;

28 (3) promote voluntary local programs and information cam-  
29 paigns that encourage the public to refrain from littering and to

1 shall designate distribution points for the broadest possible dis-  
2 tribution of litter bags to persons entering the state by vehicle or  
3 vessel.

4 \* Sec. 4. AS 46.06.080(c) is amended to read:

5 (c) A person who violates this section is guilty of a violation  
6 [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more  
7 than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY AS 12.-  
8 55.035(b)(4) AND 12.55.135(b)], the court may order the person to  
9 gather and dispose of litter in an area and for a length of time  
10 determined by the court.

11 \* Sec. 5. AS 46.06.080 is amended by adding new subsections to read:

12 (d) A peace officer shall issue a citation as provided in  
13 AS 12.25.180 to a person who violates this section. If a citation is  
14 for a minor littering violation, then the person to whom the citation  
15 is issued may, within 15 days, mail or personally deliver to the clerk  
16 of the court in which the citation is filed

17 (1) a fine of \$50; and

18 (2) a copy of the citation indicating that the right to an  
19 appearance is waived and a plea of no contest is entered.

20 (e) If a \$50 fine has been paid under (d) of this section, then  
21 the court shall enter a judgment of conviction. Payment of the fine  
22 is a complete satisfaction for the violation.

23 (f) If a person cited under this section fails to pay the fine  
24 or to appear in court as required, the citation is considered a sum-  
25 mons for a failure to obey a citation under AS 12.25.230, and the  
26 court may issue a bench warrant.

27 (g) Notwithstanding other provisions of law, if a person cited  
28 for a minor littering violation under this section appears in court  
29 and is found guilty, the penalty that is imposed for the violation may

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSHB 59 (JUD)

Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_

Agency Affected: Public Safety

Title: "An Act relating to the re-cycling of litter..."

BRU: Alaska State Troopers

Sponsor: Rep. Davis

Components: Detachments & CIB

Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan

Phone: 269-5691

Division: Alaska State Troopers

Date: 2/23/87

Approved by Commissioner: William R. Nix

Date: 2/24/87

Agency: Public Safety

Distribution (by preparer):

Legislative Finance

Legislative Sponsor

Requestor

Office of Management and Budget

Impacted Agency(ies)

Senate Secretary

page \_\_\_\_ of \_\_\_\_

JNL  
2/24/87

POSTAL PERMIT / DEPARTMENT OF PUBLIC SAFETY

BILL NO: CSHB 59 (JUD)

DATE: February 23, 1987

TITLE: "An Act relating to the recycling of litter; and providing for an effective date."

CONTACT: Maj. Walter J. Gilmour  
Acting Director  
Alaska State Troopers

A considerable expense is incurred by the state when cases involving incidental littering are pursued.

This legislation reduces littering offenses from a Class "B" misdemeanor to a "violation" and enables peace officers to issue a citation rather than make a physical arrest. Further, it allows the violator to mail in the fine rather than to make a court appearance. This will reduce officer court time and report writing in these minor cases.

Serious littering offenses (over 5 lbs.) remain a class "B" misdemeanor and thus, serious offenders can still be prosecuted.

The Division of Alaska State Troopers supports passage of this legislation.

*James O. Uaden for*  
WILLIAM R. NIX  
Acting Commissioner

STATE OF ALASKA 1987 LEGISLATIVE SESSION  
FISCAL NOTE

Bill Version: CSHB 59 (JUD)

Publish Date: \_\_\_\_\_

REQUEST \_\_\_\_\_

Revision Date: \_\_\_\_\_

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Components: Detachments & CIB

Requestor: House Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL	0	0	0	0	0	0
REVENUE						

FUNDING:: (Thousands of Dollars)

GENERAL FUNDS	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact is anticipated.

Prepared by: Francis C. Allan  
Division: Alaska State Troopers

Phone: 269-5691

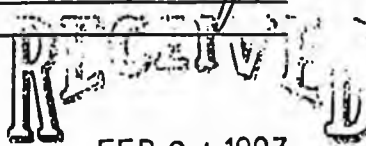
Date: 2/23/87

Approved by Commissioner: William R. Nix  
Agency: Public Safety

Date: 2/24/87

Distribution (by preparer):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)  
Senate Secretary



FEB 24 1987

LEGISLATIVE FINANCE

page \_\_\_\_ of \_\_\_\_

*JNL*  
*2/24/87*

4310651 (Cont)

# STATE OF ALASKA

STEVE COWPER, GOVERNOR

## DEPT. OF ENVIRONMENTAL CONSERVATION

### POSITION PAPER

Bill No: HB 59

Date: January 30, 1987

Title: An Act relating to the  
recycling and reduction  
of litter

Contact: Randy Bayliss  
465-2600

### Department's Position

We support the bill.

### Effect of the Bill

HB 59 reenacts most of Alaska's litter program, now on the eve of its "sunset." It also reduces the costs of the program, either by eliminating some functions (such as the Litter Advisory Council) or by making most other functions optional. The bill would also change littering from a "misdemeanor" to a "violation," which eliminates jail time as a penalty.

According to several opinion polls, many Alaskans consider littering to be a top environmental priority. Litter alongside tourist attractions has drawn national attention on television news and magazines. The litter program has enjoyed popular support from Alaskan cities and has encouraged start-up and operations of many recycling centers throughout Alaska.

### Impact on the Agency

HB 59 was drafted with minimal operating expenses in mind. We have prepared a "zero" fiscal note.

  
Dennis D. Kelso  
Commissioner



# Alaska State Legislature

Representative Mike Davis

P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4930/4941

Interim Office:  
P.O. Box 81435  
Fairbanks, Alaska 99708

## MEMORANDUM

To: House Finance Committee

From: Rep. Mike Davis

Date: February 24, 1987

Re: CSHB 59 (Jud); An Act Relating to the Recycling and Reduction of Litter.

---

The 1986 legislature failed to fund the state's litter reduction and recycling program for FY 87, and the program is due to sunset on June 30, 1987. However, this is an important program that coordinates community efforts to clean up litter throughout the state. Litter along the state's highways has a negative impact upon visitors to Alaska as well as upon the state's residents, and maintaining a litter program should continue to make the state a destination point for tourists.

The provisions of HB 59 would reduce the costs of operating an effective litter program by repealing requirements for an advisory council and the publication of an annual report. The legislation also reduces costs by allowing, rather than requiring, DEC to provide litter bags. These changes have allowed HB 59 to receive a zero fiscal note. The bill also would repeal the sunset provision of the program.

HB 59 would reduce the penalty for littering from a misdemeanor to a violation in order to eliminate court costs, and a prison term would be eliminated as a penalty for littering. The bill would also establish a \$50 fine for minor offenders that may be paid by mail, while retaining a maximum fine of \$1,000 for major offenders. A minor offense is one in which the amount of litter has an aggregate weight of five pounds or less. Community service provisions, in which a litterer may be required to pick up litter in a designated area for a designated length of time, are also retained.

Discussions with ALPAR (Alaskans for Litter Prevention and Recycling), the Fairbanks Litter and Beautification Committee, the Department of Environmental Conservation, and several municipalities have been very positive toward this legislation. The remarks of a few municipal leaders are presented below:

City and Borough of Juneau, Mayor Ernest Polley: "The City and Borough certainly supports litter reduction and recycling programs. The City and Borough of Juneau has a considerable litter problem as well as disposal problems concerning metals, household garbage, and hazardous liquids. I feel that this is a statewide problem and should be addressed on a statewide basis. We would be happy to work with your office to review any proposed legislation in this area."

Municipality of Anchorage, Mayor Tony Knowles: "As a strong supporter of a healthy, clean environment, I share your wish to avoid sunsetting the litter reduction and recycling program within DEC. Although unfunded at this point, I believe a mechanism should exist for revitalizing this program should revenue levels again allow for funding of the program."

Matanuska-Susitna Borough, Mayor Dorothy Jones: "As for the litter reduction and recycling program, we find it a boon to the Matanuska-Susitna area and would most assuredly like to see funding restored and the program remain."

# ★ Fairbanks North Star Borough

809 Pioneer Road

P.O. Box 1267

Fairbanks, Alaska 99707

907 452-4761

January 30, 1987

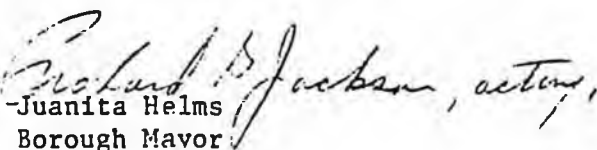
Representative Mike Davis  
Pouch V  
Juneau, Alaska 99811

Mail Stop 3100

Dear Representative Davis:

As Mayor of the Fairbanks North Star Borough, I support passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Providing proper solid waste disposal and dealing with the accumulation of litter on our roadways are two problems which confront our community. The State's efforts in recycling and litter reduction help us to effectively resolve these problems. For this reason, I would urge the Alaska State Legislature to pass HB 59.

Sincerely,

  
-Juanita Helms  
Borough Mayor

JH/HTS/mnb

# BEAUTIFICATION AND LITTER CONTROL COMMITTEE

First National Center  
100 Cushman Street

Greater Fairbanks Chamber of Commerce

(907) 458-1108

P.O. Box 74446  
Fairbanks, Alaska 99707

January 29, 1987

Representative Mike Davis  
Pouch V  
Juneau, AK 99801

Mail Stop 3100

Dear Rep. Davis:

The Beautification and Litter Control Committee of the Greater Fairbanks Chamber of Commerce strongly supports passage of HB 59, An Act Relating to the Recycling and Reduction of Litter. Our committee has worked hard over the past several years to make Fairbanks a cleaner, more beautiful place for the enjoyment of residents and visitors alike. We feel that continued State support in the form of Litter reduction and recycling legislation is important to our success.

Litter reduction and recycling are more than just "environmental" concerns. These programs enhance economic development and tourism in our state. We are proud of the contributions our committee has made in these areas; we encourage the Alaska State Legislature to support our local efforts through passage of this legislation.

Sincerely,

*Art Buswell*

Art Buswell  
Co-Chairman

*Heather Stockard*

Heather Stockard  
Co-Chairman

**Fifth Annual Report**

**May 1985**

**ALASKA  
LITTER REDUCTION  
AND  
RESOURCE RECOVERY  
PROGRAM**

**BILL SHEFFIELD**

**Governor**

**State of Alaska**

**BILL ROSS**

**Commissioner**

**Department of Environmental Conservation**

**Pouch O, Juneau, Alaska 99811**



## INTRODUCTION

Early in fiscal year 1984 the Division of Legislative Audit completed its review and evaluation of the first four years of the Department of Environmental Conservation's (DEC) Litter Reduction and Resource Recovery Program. Its performance report concluded that the popular and successful program, and its authorizing legislation, should be continued. On June 8, 1984, the Litter Reduction and Resource Recovery Act was reauthorized until July 1, 1987.

Since the inception of the Litter Reduction and Resource Recovery Program in 1980, DEC has actively pursued projects to reduce litter and encourage recycling and large-scale resource recovery in Alaska. According to the 1983 Alaska litter survey, much has been achieved in the first years of the program. Some of the highlights are:

- 36% decrease in fresh litter generation
- 35% decrease in litter accumulation
- 63.3% decrease of hazardous items in litter
- 20% increase in car litter bag use
- 40% decrease in aluminum can litter
- 36.6% decrease in litter at sites where receptacles have been added

Large-scale resource recovery significantly decreases certain kinds of litter, and saves resources and energy. The program provides support and assistance to resource recovery endeavors throughout Alaska. With the establishment of a pulp (shredder) mill in Anchorage (to be in operation in late 1985), an estimated 20,000 tons a year of ferrous metals will be recovered and possibly sold to a Pacific Rim country. This tonnage will represent a substantial increase over past years. At present, about 7% of over 50,000 tons of paper shipped to Alaska per year is recovered for reuse. Due to recent reduction of rates by freight carriers, the potential for recovery of waste paper is increasing. As demand for both energy and resources rises and supplies decline, such recovery becomes even more important.

This report documents DEC's accomplishments in litter reduction, litter prevention, resource recovery, and increasing public support of the program during FY 1984. In 1984, the program changed its reporting period to coincide with the State's fiscal year. Some of the figures in the report may overlap with figures in the 1983 annual report, which was based on a calendar year.

## LITTER REDUCTION

Results from the 1983 Alaska litter survey performed by the Institute for Applied Research indicate that during the first three years of the litter and recycling program's existence, there has been a 36% reduction in the rate that fresh litter is generated (Syrek, 1983). Similar decreases were measured in the rate at which long term accumulations of litter build up. These results show a 35% decline when corrected for traffic and weather conditions.

What are the causes of these significant decreases in litter? Alaskans are becoming more involved in both picking up litter already on the ground (litter reduction) and eliminating acts of littering (litter prevention).

In an executive proclamation, Governor Sheffield declared May 1984 as Litter Prevention and Cleanup Month. Letters seeking similar local declarations were sent to mayors. DEC staff sent mailouts to city and village councils, schools, community leaders, and local media asking for their involvement in cleanup efforts.

The results of these activities were once again gratifying. Again in 1984, Alaska saw an increase in the number of community cleanups statewide. A current list of communities with cleanups appears in Appendix A. Table I shows 1984 cleanup results.

Table I  
1984 Spring Cleanups

	Southeastern Region	Southcentral Region	Northern Region	TOTAL
Communities with cleanups	18	126	61	205
Participants	3,124	31,223	18,505	52,852
Bags Collected	6,729	105,590	55,700	168,019
Truckloads	379	12,401	not available	12,753
Junk Autos Removed	63	2,198	366	2,621

### Youth Litter Patrols

As part of statewide litter reduction efforts in 1984, summer youth litter patrols were funded for a second year by Alaskans for Litter Prevention and Recycling (ALPAR, a private organization of business and industry) and a cash grant of \$120,000 from the State. Approximately 284 young people on the patrols picked up litter in 26 communities, with more than double the participation of the first year of the program. Table II shows a comparison between 1983 and 1984.

Table II

#### Youth Litter Patrols

	<u>1983</u>	<u>1984</u>
Number of Participants	120	284
Number of Communities	11	26
Number of Patrols	27	71
Bags Collected	6,500	Data not available
Total Cost	\$82,000	\$171,348

Fairbanks, a star in the youth litter program, had an impressive 20 patrols in 1984, up from 4 patrols in 1983. The patrols worked for 13 weeks cleaning up 400 miles of roadways and over 3,300 bags of litter. This program created 21 full-time seasonal jobs for youths 14-17 years old in the Fairbanks area. The "bottom line" summary of the 1984 Greater Fairbanks litter patrol effort was 8.3 bags of litter abated per mile of roadway cleaned up, at a cost of \$13.90 per bag.

Anchorage doubled its youth litter patrols from 10 in 1983 to 20 in 1984. Communities with two patrols each in 1984 were Homer, Juneau, Kenai, Ketchikan, Nenana, Palmer, and Valdez. The following communities had one youth litter patrol each: Bethel, Deering, Delta Junction, Dillingham, Ekwok, Kodiak, Koliganek, Saxman, Skagway, Soldotna, Togiak, Wasilla, and Wrangell.

### Alternative Sentencing and Pretrial Diversion Programs

The Department of Law Pretrial Diversion Program made an outstanding contribution to litter reduction in 1984. The results of the efforts of this program were well up over 1983 (See Table III).

Table III

#### The Department of Law Pretrial Diversion Program

	<u>1983</u>	<u>1984</u>
Number of participants	50	220
Number of hours	1,600	2,800
Number of communities	1 - Juneau	4 - Fairbanks, Juneau*, Kenai and Sitka

- \* 40 assigned to ALPAR patrols for 700 hours
- 100 assigned to DOT/PF on weekends for 800 hours

In FY 1984, the Municipality of Anchorage's Community Work Services Program assigned 400 sentenced misdemeanants to 8,000 hours of litter pickup. These misdemeanants were referred by the Court to this program, and picked up a total of 250,000 pounds of litter. The program not only reduced litter in Anchorage, but seemed to have a positive impact on the recidivism of the offenders, most of whom had been convicted of DWI. Other offenses included shoplifting, reckless driving, and littering. Virtually all the participants commented they would never litter again, after seeing firsthand what a problem litter is.

Working closely with the District Court, the Fairbanks North Star Borough's Environmental Services Division supervised the community service work required of litter offenders and those who had committed other minor offenses. The 53 individuals assigned to this program performed 1,001 hours of work, for an average of 18.9 hours per person. Juveniles performed 465 hours of work; adults, 536 hours. Thirty-three persons were assigned to community work service who did not perform the work, totalling 1344 hours of work assigned which was not performed.

### Volunteer Efforts

DEC spring cleanups mobilize the people in a community and often lead to voluntary efforts to keep their communities clean year round. One spinoff of the DEC spring cleanup in 1984 was the voluntary placement of litter receptacles and antilitter signs in more than a dozen communities. Port Heiden went a step further, installing a large community dumpster and instituting a weekly pickup. In some areas, which did not have formal youth litter patrols, local people started voluntary cleanups. In Takotna such activity led to the demolition of three houses and the graveling over of the resulting vacant lot.

Many communities went beyond picking up litter and beautified areas which had previously been eyesores. They developed gardens and parks, planted trees, and placed flower boxes. In these communities volunteers did the work of creating and maintaining the beautified areas. Juneau and Fairbanks established committees, which included DEC litter program staff, to plan, carry out, and reward beautification activities. In Juneau the Beautification Subcommittee of the Mayor's Hospitality Committee honored individuals, businesses, and government agencies for their significant efforts to beautify Juneau. The Fairbanks Chamber of Commerce Beautification Committee beautified formerly littered areas in response to a perceived need in the community to enhance civic pride and foster ongoing antilittering behavior.

## LITTER PREVENTION

Reduction of litter on the ground is necessary and desirable, but prevention of acts of littering is the key to long-term litter reduction in Alaska.

Litter is the result of personal habits and decisions. In order to affect the litter rate in Alaska, individual attitudes towards litter must be changed, and efforts made to influence personal decisions about the act of littering.

### Secured Truckloads

The 1981 litter survey showed that deliberate littering comes from pedestrians aged 6 to 25 and occupants of motor vehicles aged 10 to 45. Most accidental littering is from unsecured truckloads and trash escaping from truck beds.

Since 1981 there has been a shift in the composition of litter. Deliberately littered convenience product packaging litter has decreased from 56% of all fresh litter items in 1981 to 49% in 1983. At the same time, the percentage of accidentally littered items from trash can spills, unsecured loads and uncovered truck beds has increased from 38% to 45%.

These figures indicate public attitudes towards deliberate littering is improving; fewer people are unconsciously tossing wrappers on the ground. The figures show, however, that more work needs to be done to motivate truck owners to cover their loads.

In 1984 the Municipality of Anchorage passed an ordinance requiring that trucks bringing loads to the municipal landfill be covered or pay an "uncovered load" fee of \$10.00 for small trucks and \$10.00 a ton plus a \$30.00 fee for large trucks. By July 1984, 98.8% of the trucks coming to the landfill were covered.

DEC will encourage other municipalities to follow the lead of this highly successful program and conduct their own covered load campaigns in FY 85.

### Community Outreach

Using information provided by litter surveys, DEC gears educational efforts to those groups primarily responsible for litter in Alaska. Attitudes and decisions are substantially shaped by both the mass media and personal contact.

1984 DEC media efforts included press releases, production and distribution of public service announcements, and arrangement of media coverage of local cleanup and recycling efforts. Litter caused by travelers was addressed by a full page ad in the 1984 Milepost. A full page "ad" on uncovered loads was published in the April 1984 edition of the State of Alaska's Driver's Manual.

Public information and public education services are an important means of encouraging litter reduction and resource recovery activities throughout Alaska. Table IV shows public awareness services provided by litter program staff in FY 1984.

Table IV

Community Outreach Services

School Presentations	12
Community Presentations	44
Hotline Calls	1591
Newspaper Interviews	161
TV Interviews	18
Radio Interviews	3
Other	12

Commodities Distributed

Another way DEC encourages communities and citizens to become involved in litter control is by distributing free commodities. These range from car litter bags to cleanup incentives for children, including patches and "sort-n-save" magnets. Table V shows the items distributed during FY 1984.

Table V

Commodities Distributed

DEC car litter bags	27,550
SOHIO car litter bags	90,800
Cleanup bags	166,100
Milepost posters	123
Fish & Game posters	30
Pins	12,995
Patches	8,981
Receptacle decals	6,668
"Aluminum only" decals	928
Miscellaneous brochures	4,002

At the beginning of the 1984 tourist season, DEC sent 2,000 DOT/PF car litter bags to U.S. border stations at ALCAN/TOK and Skagway.

### Education

Since young people comprise a large number of those groups identified as deliberate litterers, DEC has attempted to reach them through an elementary school curriculum.

The Legislature appropriated \$150,000 for litter reduction programs in schools. With the approval of the Litter Reduction and Resource Recovery Advisory Council, DEC contracted with the Department of Education to produce a series of three 15-minute lessons on videotape for the Learn/Alaska instructional television network. The series will be designed for grades 4-6 and aired on Learn/Alaska. Printed teacher's guides will be developed and used in conjunction with the video program.

The educational objectives of this series of video lessons are to increase the students' knowledge of their environment, affect their attitude toward conservation of natural resources, and encourage their personal commitment to antilitter, antiwaste behavior. By airing this program on the Learn/Alaska network, we expect to reach the largest possible target audience in the most effective way. The video series is expected to be aired on the Learn/Alaska network beginning in the fall semester 1985.

### Litter Receptacles

An important means of preventing litter is to make receptacles available in high use areas. Litter receptacle regulations became effective in October, 1983. Those regulations require receptacles marked with the State's anti-litter logo to be installed, routinely serviced and maintained at commercial, recreation and civic areas. The 1983 litter survey showed a significant increase in receptacles at 10 commercial sampling sites (Syrek, 1983). Table VI shows the additions by site.

BILL SHEFFIELD, GOVERNOR

REPLY TO:

**DEPARTMENT OF LAW**

CRIMINAL DIVISION

CRIMINAL DIVISION CENTRAL OFFICE  
POUCH KC  
JUNEAU, ALASKA 99811  
PHONE: (907) 465-3428

OFFICE OF SPECIAL PROSECUTIONS  
AND APPEALS  
1031 WEST 4TH AVENUE, SUITE 313  
ANCHORAGE, ALASKA 99501-5533  
PHONE: (907) 279-7424

October 29, 1986

The Honorable Pat Pourchot  
House Representative  
P.O. Box 104836  
Anchorage, Alaska 99504

Re: Littering - AS 46.06.080

Dear Representative Pourchot:

Recently, a request was made by a member of your staff for the number of littering cases prosecuted under AS 46.06.080 and the sentences received. Since January 1, 1983, a total of 142 littering cases have been referred to the district attorney offices for prosecution statewide. Of the 142 cases referred, 41 individuals have been convicted and sentenced. Of these 41 cases only one person went to jail and that was for one day. More likely than not, this individual was arrested and received credit for time already served when he was sentenced by the court. Two other people received fines and suspended jail sentences with the remainder not receiving any jail sentence but being required to pay fines ranging from \$25 to \$250. About one-quarter of the people were also required to perform community work service, including picking up litter from 2 hours to 50 hours. About half of the defendants were placed on probation anywhere from 11 days to one year.

The person on your staff with whom I spoke had expressed the opinion that the heavy maximum sentence for littering (90 days in jail and/or \$1000 fine) was a disincentive to enforcement, but our records show that this is unlikely. The average fine among these cases was \$60; the average community work service was about 10 hours. If the littering laws are not being enforced it seems much more likely that in this era of declining revenues there are other areas of law enforcement that take a higher priority.

Representative Pourchot

October 29, 1986

Page -2-

If I may be of further assistance, do not hesitate to contact me.

Very truly yours,

HAROLD M. BROWN  
ATTORNEY GENERAL

By: *Genelle Massey*  
Genelle Massey  
Special Assistant

GM:ab-29

STEVE COWPER, GOVERNOR

**DEPARTMENT OF PUBLIC SAFETY**

**OFFICE OF THE COMMISSIONER**

P.O. BOX N  
JUNEAU, ALASKA 99811-1200  
PHONE: 465-4322

January 8, 1987

The Honorable Pat Pourchot  
Alaska State Legislature  
P.O. Box 104836  
Anchorage, AK 99510

Dear Representative Pourchot:

Thank you for your letter of December 9, 1986.

Littering the highways is covered by 13 AAC 02.530(a) through (d), and 17 AAC 25.050, unsecured loads. At present, I believe both are mandatory court appearances, due to the fine the court often imposes.

Obviously, these sections do not address the littering of public and private property, or waters in the state.

I do not believe the mail-in citation would make a great deal of difference in enforcement, but it could reduce court time for judges and police. The fine is low and should, at least, be doubled, considering the expense involved in cleaning up these people's litter.

I personally believe your approach is correct. Perhaps there could be a second section with a mandatory court appearance to be used in aggravated circumstances. In any event, we need one comprehensive law, rather than multiple regulations.


The level of enforcement is a difficult question. The police seldom observe people littering because people watch for police. The Troopers have such limited patrol outside major municipalities that the perception of risk of being apprehended is small. Most law enforcement officers claim they cannot respond to all the calls for assistance they receive now. Littering complaints, including garbage on the right of way, have a low priority.

The Honorable Pat Pourchot

-2-

January 8, 1987

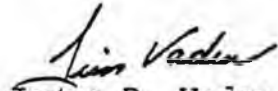
In truth, I believe most, if not all, officers would cite for littering under the aforementioned regulations. However, they do not like to sort through garbage alongside the road in an attempt to identify the depositor. It is also questionable if the district attorneys would prosecute these circumstantial cases, due to the difficulty in obtaining a guilty verdict.

 In reference to out-of-state registered vehicles, perhaps we should keep the mail-in system, but make it a mandatory court appearance if the bail and a copy of the registration is not received by the court within a ten-day period. Other sanctions could be applied, i.e., increased penalties for every day after the tenth day.

I believe the residents want the initial enforcement, and the vehicle registered as expeditiously as possible.

If we can be of any further assistance, please let me know.

Sincerely,

  
James D. Vaden  
Deputy Commissioner



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

KARLA L. FORSYTHE  
STAFF COUNSEL

303 K Street  
Anchorage, Alaska 99501

(907) 264-8228

December 2, 1986

Jeannie Larson  
c/o Representative Pat Pourchot  
Box 104836  
Anchorage, Alaska 99510

Dear Jeannie:

As we discussed, you asked if I could provide a rough draft of a statute which would permit enforcement of anti-littering laws by a mail-in payment rather than a mandatory court appearance.

A copy of a draft is enclosed. Although my primary interest is in the section dealing with the mail-in fine payment, I have included substantive language so that you can see how such a statute might be laid out. The draft is written in legislative style, with new language underlined and deleted language in brackets.

I assumed the framework of the existing littering statutes, and that the existing anti-littering law would not be repealed. In other words, adoption of this draft would override the repealer clause in the existing legislation. However, AS 46.06.080(b), which deals with uncovered loads would be repealed, and replaced by AS 28.35.251, which the legislature enacted last year.

Using AS 16.05.160 as a model, I then drafted new language which would establish a fine rather than a bail schedule method of processing these payments. This process would apply to AS 46.06.080 only; other violations would require a court appearance.

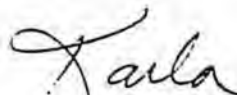
Some of the questions I am sure you will want to address include whether you want to retain the existing anti-littering language or draft new language, whether the \$25.00 fine is appropriate, and whether all violations of the chapter should be processed this way. You may want to solicit the views of enforcement officers regarding these provisions.

Jeannie Larson  
December 2, 1986  
Page Two

I hope this draft is helpful to you . Again, please be advised that it is merely a concept and that the administrative office does not take a position about the desirability of anti-litter legislation or the proper fine amount. The only concern of this office is that a procedure be adopted which will require the least expenditure of fiscal resources by the court system. If enforcement officers project a substantial level of enforcement, the court system would have to consider the need for additional clerical staff to process these citations and the payments. It is very important to have adequate staff to process these payments, because inaccurate records can lead to improper issuance of bench warrants and subsequent lawsuits for false arrest.

Please let me know if you have any questions.

Sincerely,



Karla L. Forsythe  
Staff Counsel

KLF:bs

cc: Arthur H. Snowden, II, Administrative Director  
Susan Miller, Manager of Special Projects

11/25/86-7

STATE OF ALASKA  
THE LEGISLATURE

POURCHOT STATE CAPITAL  
JUNEAU ALASKA 99801  
907 465 3831

LEGISLATIVE AFFAIRS AGENCY

MEMORANDUM

November 25, 1986

SUBJECT: Litter laws  
(Work Order No. 15-0182)

TO: Representative Pat Pourchot

FROM: Edward H. Hein *EH*  
Legislative Counsel

You are correct that littering is prohibited under AS 46.06.080, and that AS 46.06 is repealed, effective July 1, 1987. In the event that AS 46.06 is allowed to terminate, there are other statutes under which littering might be prosecuted, but that depends on how we define "litter."

Under AS 46.06.150(4), "litter" means all waste material except "the wastes of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing." But under AS 46.03.710, pollution of the air, land, subsurface land or water of the state is prohibited. For purposes of that section, "pollution" is defined as "the contamination or altering of waters, land or subsurface land of the state in a manner which creates a nuisance or makes waters, land or subsurface land unclean, or noxious, or impure, or unfit so that they are actually or potentially harmful or detrimental or injurious to public health, safety or welfare, to domestic, commercial, industrial, or recreational use, or to livestock, wild animals, bird, fish, or other aquatic life." Under AS 46.03.760, a polluter is liable to the state for civil damages; AS 46.03.790 provides for criminal penalties.

With regard to your idea of establishing a "two-tier" system for littering offenses, that seems like a practical approach. As you know, a bail forfeiture schedule is in effect for minor traffic offenses, and this works well. A similar schedule was required to be established for violations of the smoking-in-public-places law. AS 18.35.341(d). Serious litter offenses could be distinguished from minor litter

Representative Pourchot  
Page 2  
November 25, 1986

offenses on the basis of the amount of damage done, i.e. the cost of cleaning up and restoring the site to its pre-littered condition. As an alternative, you might want to distinguish on the basis of the weight, amount, or contents of the litter.

I have not discussed this matter with anyone else. I would be happy to work with you or any of your staff members, or to research the matter further on my own, if you wish. If you want me to draft some legislation, let's talk about it so I will have a better picture of what you have in mind.

EHH:mkr  
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46.05.155

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WATER, ETC., CONSERVATION

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**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 129, SLA 1970.

### Article 2. Prohibited Acts and Penalties.

#### Section

160 — 220. (Repealed)

**Cross references.** — For present provisions as to prohibited acts and penalties, see AS 46.03.710 et seq.

HB 59

**Secs. 46.05.160 — 46.05.220.**

Repealed by § 4 ch 120 SLA 1971.

**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 244, SLA 1970; ch. 62, SLA 1971.

### Article 3. General Provisions.

#### Section

225 — 240. (Repealed)

**Secs. 46.05.225 — 46.05.240.**

Repealed by § 4 ch 120 SLA 1971.

**Editor's notes.** — The repealed article derived from ch. 117, SLA 1949; ch. 109, SLA 1968; ch. 145, SLA 1970.

## Chapter 06. Recycling and Reduction of Litter.

#### Section

- 10. Powers and duties of the department
- 20. Annual report
- 30. Advisory council
- 40. Public awareness; motivation
- 50. Litter receptacles and anti-litter symbol
- 60. Litter bags
- 70. Litter patrol

#### Section

- 80. Littering prohibited
- 90. Prohibited beverage containers
- 100. Notice to public
- 110. Enforcement authority
- 120. Grants
- 130. Conditions for grants
- 140. Federal requirements
- 150. Definitions

**Revisor's notes.** This chapter was enacted as AS 41.21.010 — 41.21.150 but was renumbered by the revisor of statutes pursuant to AS 01.05.031(b).

**Termination date of chapter.** — Section 5, ch. 149, SLA 1980, provides: "This Act terminates July 1, 1981."

**Editor's notes.** — As to intent of 1980 legislation enacting AS 46.06.010 — 46.06.150, see § 1, ch. 149, SLA 1980, in Temporary and Special Acts and Resolves.

**Collateral references.** — 39 Am. Jur 2d, Highways, Streets and Bridges, § 186, 187; 40 Am. Jur 2d, Highways

Streets and Bridges. § 608; 56 Am. Jur. 2d. Municipal Corporations, Counties, and Other Political Subdivisions. §§ 455, 456; 61A Am. Jur. 2d. Pollution Control. §§ 46-49.

39A C.J.S., Health and Environment. §§ 44, 125-128.

Validity and construction of statute or ordinance requiring return deposits on soft drink or similar containers. 73 ALR3d 1105.

**Sec. 46.06.010. Powers and duties of the department [Terminates July 1, 1984].** The department shall

(1) serve as the coordinating agency among the various government and private organizations in the state which are involved in litter control and reduction and the recovery of energy or materials from litter;

(2) assist local governments in the adoption and amendment of ordinances relating to litter control and reduction;

(3) encourage, organize and coordinate voluntary local information campaigns which seek to focus the attention of the public on the reduction of litter and the recovery of materials and energy from litter;

(4) encourage, organize and coordinate voluntary or nonprofit local programs for the recovery of materials or energy from litter;

(5) encourage federal, state and local agencies to aid programs for the recovery of materials and energy from litter by providing publicity which encourages those programs and by allowing the use of publicly owned land, buildings, or equipment for those programs whenever possible;

(6) investigate the availability of, apply for, receive, and expend grants, loans or other funds available from any source, and, if it is appropriate and feasible, accept nonmonetary assistance in the form of services or equipment for use in programs established under this chapter;

(7) determine the types of materials or energy which may be profitably recovered from litter, and adopt regulations under the Administrative Procedure Act (AS 44.62) which require the recovery of the materials or energy;

(8) adopt other regulations under the Administrative Procedure Act (AS 44.62) necessary to implement this chapter; and

(9) develop methods for the measurement of litter in the state and encourage competition between municipalities to establish which municipality has the least litter. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.020. Annual report [Terminates July 1, 1984].** Not later than six months after the end of each fiscal year, the department shall prepare a detailed report describing and evaluating the actions taken and programs established under this chapter for submission to the governor and the legislature. The report must include

§ 46.06.020

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§ 46.06.050

- (1) the status and results of all grants made under this chapter;
- (2) an evaluation of the progress achieved by litter control and reduction programs; and
- (3) an evaluation of the resources and energy recovered from litter in the state. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.030. Advisory council [Terminates July 1, 1984].** (a) There is created an advisory council to the department, which shall advise the department concerning the litter control and reduction, source separation and other programs for the recovery of energy and materials from litter under this chapter. The council may encourage the participation of industry, labor, municipalities, and the public in the programs administered by the department.

(b) The council consists of seven members appointed by the governor who are aware of and concerned with achieving the goals of this chapter. The members serve at the pleasure of the governor.

(c) The council shall meet annually, and may meet more frequently if necessary or desired. The members of the council serve without compensation but are entitled to per diem and travel expenses authorized by law for boards and commissions. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.040. Public awareness; motivation [Terminates July 1, 1984].** The department shall establish, provide advice concerning, and coordinate programs designed to

- (1) encourage the public to recover material and energy from litter;
- (2) use existing, and develop new, techniques and programs to reduce litter and littering;
- (3) encourage the public not to litter and to engage in cleanup efforts; and
- (4) advise the public of the state's anti-litter laws and regulations and encourage enforcement of those laws and regulations. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.050. Litter receptacles and anti-litter symbol [Terminates July 1, 1984].** (a) The department shall designate one or more types and sizes of litter receptacles for use in the state. The department shall make available for distribution throughout the state an anti-litter symbol of a uniform color and design adopted by the department. This anti-litter symbol must bear a statement of the penalties for littering, and the department shall design the anti-litter symbol so that it may be attached to litter receptacles. To aid public recognition and use of litter receptacles, the department may adopt an anti-litter symbol used in another state. The anti-litter symbol designed by the department must be attached to litter receptacles located in the public places of the state by the person or agency responsible for the placement of those receptacles.

(b) Litter receptacles designated for use in the state by the department shall be placed at public places in the state unless the public place

is specifically exempted by regulations adopted by the commissioner under the Administrative Procedure Act (AS 44.62). The number of receptacles required to be placed in each public place shall be determined by a formula related to the need for those receptacles. The requirements of this subsection are satisfied by the use of a litter receptacle which was in use before July 1, 1980, if the anti-litter symbol of the state is attached to the receptacle.

(c) A person owning or operating a privately owned public place at which litter receptacles are required under (b) of this section shall place litter receptacles at the public place at his own expense.

(d) Compliance with this section requires proper upkeep, maintenance and repair of a litter receptacle sufficient to permit the receptacle to serve the function for which it was designed and to prevent the receptacle from becoming unsightly.

(e) Responsibility for the placement of litter receptacles at publicly owned public places and for the removal of litter from those litter receptacles remains with the municipality or other public agency performing litter removal. Removal of litter from litter receptacles placed at privately owned public places remains the responsibility of the owner or operator of the privately owned public place.

(f) A person may not damage, deface, abuse or misuse a litter receptacle not owned by him so as to interfere with its proper function or to detract from its appearance.

(g) A person may not deposit leaves, clippings, prunings, garden refuse or household waste materials in a litter receptacle unless he has the permission of the owner of that receptacle.

(h) Except as provided in (i) of this section, a person who violates the provisions of (b) — (g) of this section is guilty of a violation and in addition to the punishment imposed by AS 12.55.035(b)(5), the court may order a person who violates this section to gather and dispose of litter in an area and for a length of time determined by the court.

(i) If a municipality of the state adopts an ordinance which prohibits the same conduct prohibited by (b) — (g) of this section, a violation of (b) — (g) of this section which occurs in the municipality is punishable under the provisions of the municipal ordinance if the punishment imposed under the ordinance is equal to or greater than the punishment imposed by AS 12.55.035(b)(5). (§ 2 ch 149 SLA 1980)

**Sec. 46.06.060. Litter bags (Terminates July 1, 1984).** The department shall design and have produced a biodegradable litter bag bearing the state anti-litter symbol and a statement of the penalties for littering in the state. The department shall make litter bags available to the division of motor vehicles in the Department of Public Safety for this purpose. To the greatest extent practicable, the division of motor vehicles shall distribute one litter bag to each person who applies for registration or reregistration of his motor vehicle and shall notify the person of his responsibilities under the law. The department shall

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make litter bags available to all vessel owners and persons entering the state by automobile. The commissioner shall designate distribution points for the broadest possible distribution of litter bags to persons entering the state by automobile or vessel. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.070. Litter patrol [Terminates July 1, 1984].** (a) The department shall establish a youth litter patrol program for the employment of young people on a seasonal basis. The department shall cooperate with federal, state or municipal programs that either employ young people or encourage their employment. The department may contract with other state agencies to provide administration and other support for the youth litter patrol established by this section.

(b) The department may adopt regulations under the Administrative Procedure Act (AS 44.62) which are necessary to implement this section. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.080. Littering prohibited [Terminates July 1, 1984].**

(a) A person may not throw, drop, deposit, discard or otherwise dispose of litter from a vehicle or otherwise, on public or private property in the state or in waters in the state or under state jurisdiction unless

(1) the property is designated by a state agency or municipality as a site for the sanitary disposal of garbage or refuse, and the person is authorized to use the site for that purpose; or

(2) litter is placed in a litter receptacle so that the litter is prevented from being carried away or deposited by the elements upon public or private property or waters in the state or under state jurisdiction.

(b) A vehicle may not be driven or moved on a public highway or right-of-way unless it is constructed, loaded or covered to prevent its load from dropping, sifting, leaking or otherwise escaping from the vehicle. This subsection does not apply to a vehicle used (1) to deposit salt or sand to secure traction, (2) by a public agency to clean or maintain highways, or (3) to transport agricultural, mining or timber products. A person who operates a vehicle from which an object has fallen or escaped which obstructs or endangers travel upon a public highway or right-of-way shall immediately remove the object at his own expense or pay the cost of removal incurred by the state or by a person.

(c) A person who violates this section is guilty of a class B misdemeanor, and in addition to the punishment imposed by AS 12.55.035(b)(4) and 12.55.135(b), the court may order the person to gather and dispose of litter in an area and for a length of time determined by the court. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.090. Prohibited beverage containers [Terminates July 1, 1984].**

(a) Beginning October 1, 1981, a person may not sell or offer to sell a nonglass beverage container which is designed and constructed so that the container is opened by detaching a metal ring or tab. This section does not apply to a beverage container which is opened by a detachable piece of tape, foil, or other soft material.

(b) Beginning October 1, 1981, a person may not sell or offer to sell beverage containers which are held together by plastic rings or similar plastic devices which are not degradable.

(c) A person who violates this section is guilty of a violation. Each sale or offer to sell is a separate offense. (§ 2 ch 149 SLA 1980)

**Cross references.** — As to fines for violations, see AS 12.55.03(b)(5).

**Sec. 46.06.100. Notice to public [Terminates July 1, 1984].** The penalties imposed for littering shall be posted along the public highways of the state, at visitor centers, at entrances to state parks and recreational areas, at public beaches, and other publicly owned public places the commissioner determines necessary to accomplish the purposes of this chapter. The state agency or municipality responsible for litter removal from a public place shall post the notice required by this section. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.110. Enforcement authority [Terminates July 1, 1984].** (a) The following persons are authorized to enforce the provisions of this chapter:

- (1) a state employee authorized by the commissioner; and
- (2) a peace officer.

(b) The department shall prescribe a citation form which shall be used by all peace officers and persons in the state who are authorized to enforce the provisions of this chapter. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.120. Grants [Terminates July 1, 1984].** The department may make grants to state agencies, to municipalities, and to private organizations including nonprofit organizations for the establishment and operation of programs authorized under this chapter. A grant under this section may not exceed 18 months. A program qualifying for a grant under this section may include

- (1) courses of instruction at, or the distribution of informative materials to, elementary and secondary schools;
- (2) purchase and erection of roadside signs;
- (3) organization and operation of litter removal activities conducted by municipalities, private organizations or service groups using volunteer help;
- (4) a public information program to inform the public concerning the reduction of litter using the media including use of the electronic media;
- (5) expansion of existing, and planning, design and construction of new, facilities for the recovery of materials and energy from litter;
- (6) research and evaluation of markets for the materials and energy recovered from litter;
- (7) advice and assistance, including information and consultation on available technology, operating procedures, organizational arrange-

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ments, markets for materials or energy obtained from litter, transpor-  
tation alternatives, and publicity techniques;

(8) surveys by public agencies or recognized research organizations  
to assess the amount and composition of litter, and rates of littering;

(9) the purchase of litter receptacles;

(10) the creation or expansion of litter law enforcement programs;

(11) the initial purchase or lease of recycling equipment, the cost of  
operating that equipment, and the cost of storing and transporting  
materials before and after those materials are recycled. (§ 2 ch 149  
SLA 1980)

**Sec. 46.06.130. Conditions for grants [Terminates July 1, 1984].**

(a) The department shall adopt regulations under the Administrative  
Procedure Act (AS 44.62) which establish

(1) eligibility requirements for applicants for a grant under AS  
46.06.120;

(2) standards for the evaluation of proposals submitted by applicants  
for grants under AS 46.06.120; and

(3) other conditions for the receipt of a grant under AS 46.06.120  
which are necessary to achieve the purposes of this chapter.

(b) The regulations adopted by the department under (a) of this  
section must meet the following criteria:

(1) if there is not enough money for grants to all eligible applicants,  
the following shall receive priority:

(A) a proposed program or project which most efficiently recovers  
materials or energy from litter;

(B) the proposed program or project which creates the greatest num-  
ber of new jobs;

(2) the maximum amount for a single grant shall be established so  
that available money is distributed to a variety of programs;

(3) a grant may be made for new programs or for improvements to  
or additions to existing programs which were not previously financed  
by other existing resources of financing. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.140. Federal requirements [Terminates July 1,  
1984].** If a federal department or agency issues a formal ruling that a  
section of this chapter will prevent the state from receiving federal  
financial participation in a program or activity established under this  
chapter, the section does not apply to the extent that it causes the  
program or activity to lose federal funding. (§ 2 ch 149 SLA 1980)

**Sec. 46.06.150. Definitions [Terminates July 1, 1984].** In this  
chapter,

(1) "beverage container" means the individual, separate, sealed  
glass, metal or plastic bottle, can, jar or carton containing beer or other  
malt beverages or carbonated soft drinks, in liquid form;

(2) "commissioner" means the commissioner of environmental con-  
servation;

(3) "department" means the Department of Environmental Conservation;

(4) "litter" means all waste materials susceptible to being dropped, deposited, discarded or otherwise disposed of upon property in the state or in waters under state jurisdiction; "litter" does not include the waste of the primary processes of mining or other extraction process, logging, sawmilling, farming or manufacturing;

(5) "litter bag" means a bag, sack or other container made of any material which is large enough and suitable to serve as a receptacle for litter inside a vehicle or vessel;

(6) "public place" means public or private property that is used or held out for use by the public, including but not limited to highways or other roads upon which vehicles are moved, parks, campgrounds, trailer parks, drive-in and fast food restaurants, gasoline service stations, parking lots for taverns, shopping centers and grocery stores and other parking lots which have a capacity for more than 50 vehicles, marinas, boat launching areas, boat moorage and fueling stations, public and private piers, beaches, bathing areas, school grounds, sporting event sites with seating capacity for more than 200 spectators, and business district sidewalks;

(7) "vehicle" means a mechanically driven device of any kind which is used for the transportation of a person or property on a public highway, trail or path;

(8) "vessel" means all descriptions of watercraft used or capable of being used as a means of transportation on the water. (§ 2 ch 149 SLA 1980)

### Chapter 07. Village Safe Water Act.

**Section**

- 10. Statement of purpose
- 20. Provision of facilities
- 30. Nature and location of facilities
- 40. Construction of facilities
- 50. Operation of facilities

**Section**

- 60. Educational and informational program
- 70. Economy of administration
- 80. Definitions

**Collateral references.** — 39 Am. Jur. 2d, Health, § 22; 61A Am. Jur. 2d, Pollution Control, §§ 134, 135; 78 Am. Jur. 2d, Waterworks and Water Companies, §§ 31-46.

39A C.J.S., Health and Environment, § 46; 93 C.J.S., Waters, §§ 43-57.

Validity of statute prescribing standard of purity of water furnished for human consumption. 6 ALR 475.

Power of board of health to prescribe means or methods of keeping water supply free of impurities. 23 ALR 229.

Constitutionality and construction of statutes and ordinances for protection of municipal water supply. 72 ALR 673.

Wrongful pollution of stream by municipality as creating single cause of action or successive causes of action. 75 ALR 529.

When statute of limitations commences to run as to action against municipality for damages to riparian premises by pollution of stream by discharge of sewage. 122 ALR 1509.

Measure and elements of damages for pollution of well, cistern, or spring. 19 ALR2d 769.

1           (7) determine the types of materials or energy that may be  
2 profitably recovered from litter, and adopt regulations under the  
3 Administrative Procedure Act (AS 44.62) that require the recovery of  
4 the materials or energy;

5           (8) adopt other regulations under the Administrative Proce-  
6 dure Act (AS 44.62) necessary to implement this chapter.

7 \* Sec. 2. AS 46.06.060 is amended to read:

8           Sec. 46.06.060. LITTER BAGS. The department may [SHALL] design  
9 and have produced a litter bag bearing the state anti-litter symbol  
10 and a statement of the penalties for littering in the state. The  
11 department may [SHALL] make litter bags available to the division of  
12 motor vehicles in the Department of Public Safety for this purpose.  
13 The [TO THE GREATEST EXTENT PRACTICABLE, THE] division of motor  
14 vehicles may [SHALL] distribute one litter bag to each person who  
15 applies for registration or reregistration of a motor vehicle and  
16 shall notify the person of the person's responsibilities under the  
17 law. The department may [SHALL] make litter bags available to all  
18 vehicle and vessel operators entering the state. The commissioner  
19 shall designate distribution points for the broadest possible  
20 distribution of litter bags to persons entering the state by vehicle  
21 or vessel.

22 \* Sec. 3. AS 46.06.080(c) is amended to read:

23           (c) A person who violates this section is guilty of a violation  
24 [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more  
25 than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY  
26 AS 12.55.035(b)(4) AND 12.55.135(b)], the court may order the person  
27 to gather and dispose of litter in an area and for a length of time  
28 determined by the court.

29 \* Sec. 4. AS 46.06.020, 46.06.030, 46.06.040, and 46.06.070(b) are

Introduced: 1/20/87  
Referred: Resources, Judiciary  
and Finance

1 IN THE HOUSE

BY DAVIS AND KOPONEN

2

HOUSE BILL NO. 59

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the recycling and reduction of  
7 litter; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. AS 46.06.010 is repealed and reenacted to read:

10 Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department may

11 (1) serve as the coordinating agency among public and  
12 private organizations in the state that are involved in the control,  
13 reduction, and recycling of litter;

14 (2) assist local governments in the adoption and amendment  
15 of ordinances relating to the control, reduction, and recycling of  
16 litter;

17 (3) promote voluntary local programs and information cam-  
18 paigns that encourage the public to refrain from littering and to  
19 participate in efforts to clean up and recycle litter;

20 (4) inform the public of, and encourage the public to  
21 comply with, the provisions of this chapter and regulations adopted  
22 under this chapter;

23 (5) encourage federal, state, and local agencies to assist  
24 programs for the recycling of litter by allowing the use of publicly  
25 owned land, buildings, or equipment for those programs whenever possi-  
26 ble;

27 (6) apply for, receive, and expend grants, loans, and other  
28 monetary and nonmonetary assistance for use in programs established  
29 under this chapter;

1 repealed.

2 \* Sec. 5. Section 5, ch. 149, SLA 1980, as amended by sec. 9, ch. 164,  
3 SLA 1984, is repealed.

4 \* Sec. 6. This Act takes effect immediately under AS 01.10.070(c).