ENVIRONMENT/LITTERING: Transfers litter abatement responsibilities and programs from the Department of Education to the Department of Culture, Recreation, and Tourism

AN ACT

To amend and reenact R.S. 17:200, 203(7) and 205(Section heading) and (A) and to enact R.S. 17:215(E) and Chapter 17-A of Title 49 of the Revised Statutes of 1950, to be comprised of R.S. 49:1131 through 1143 and to repeal R.S. 17:203(3) through (6), 204, 205(C), and 206 through 214, relative to litter abatement responsibilities and programs; to remove litter reduction and litter awareness functions from the Department of Education and place them within the Department of Culture, Recreation, and Tourism; to provide for the litter abatement grant program; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 17:200, 203(7) and 205(Section heading) and (A) are hereby amended and reenacted and R.S. 17:215(E) is hereby enacted to read as follows:

SUBPART B-1. LOUISIANA ENVIRONMENTAL EDUCATION AND LITTER REDUCTION ACT

§200. Title

This Subpart may be cited as the "Louisiana Environmental Education and Litter Reduction Act".

§203. Definitions
As used in this Subpart, the following words have the meanings ascribed to them unless the context requires otherwise:

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(7)(3) "Section" means the environmental education and litter reduction section located within and acting through the state Department of Education.

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§205. Environmental Education and Litter Reduction Section; staff; powers and duties; cooperation; funding

A. There is hereby created, within the state Department of Education, the environmental education and litter reduction section which shall assist the commission and perform responsibilities relative to education and litter abatement as provided for in this Subpart. Insofar as funds are appropriated, staff may be employed under the direction and control of the state superintendent of education and in accordance with policies of the department.

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§215. Grant program

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E. The section is hereby authorized to accept, administer, and make use of federal, state, local and private appropriations, public and private grants and donations, and when it is deemed appropriate and feasible, to accept nonmonetary funding in the form of services or equipment for use in connection with any of the programs or purposes of this Subpart.

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Section 2. Chapter 17-A of Title 49 of the Revised Statutes of 1950, comprised of R.S. 49:1131 through 1143, is hereby enacted to read as follows:

CHAPTER 17-A. KEEP LOUISIANA BEAUTIFUL INITIATIVE

§1131. Litter abatement, reduction, and control
The office of the secretary of the Department of Culture, Recreation, and
Tourism shall be responsible for implementing the provisions of this Chapter relative
to litter abatement, reduction, and control.

§1132. Definitions

As used in this Chapter, the following words have the meanings ascribed to
them unless the context requires otherwise:

(1) "Department" means the state Department of Culture, Recreation, and
    Tourism.

(2) "Dispose" means to throw, discard, place, deposit, discharge, burn, dump,
drop, eject, or allow the escape of a substance.

(3) "Litter" means all waste material except as provided and defined in R.S.
    30:2173, including but not limited to disposable packages, containers, sand, gravel,
rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, cigars,
cigarillos, cigar or cigarillo tips, debris, dead animals, furniture or appliances,
avtomotive parts including but not limited to tires and engines, trailers, boats and
boating accessories, tools and equipment, and building materials, roofing nails, or
other discarded materials of any kind and description. While being used for or
distributed in accordance with their intended uses, litter shall not include political
pamphlets, handbills, religious tracts and newspapers, and other similar printed
materials, the unsolicited distribution of which is protected by the Constitution of the
United States or the Constitution of Louisiana. Litter shall not include agricultural
products that are being transported from the harvest or collection site to a processing
or market site if reasonable measures are taken to prevent the agricultural product
from leaving the transporting vehicle. Litter shall also not include recyclable
cardboard being transported in compressed bundles to processing facilities.
"Agricultural product" as used in this definition means all crops, livestock, poultry,
and forestry, and all aquacultural, floricultural, horticultural, silvicultural, and
viticultural products.
(4) "Local government" means the governing authority of a parish or the governing authority of the municipality.

(5) "Public or private property" means the right-of-way of any road or highway, levee, body of water or watercourse, or the shores or beaches thereof, any park, playground, building, refuge, or conservation or recreation area, and residential or farm properties, timberlands, or forests.

(6) "Secretary" means the office of the secretary of the Department of Culture, Recreation, and Tourism.

§1133. Litter control awareness

The secretary may implement litter control awareness measures, including but not limited to the following:

(1) Develop and implement litter prevention, publicity, educational, and motivational campaigns and programs.

(2) Serve as the coordinating agency between various government and private organizations seeking to aid in litter control and reduction and recycling efforts.

(3) Assist local governments in the adoption and revision of ordinances aimed at litter control and reduction.

(4) Encourage, organize, and coordinate voluntary campaigns seeking to focus the attention of the public on programs to control and reduce litter and increase public awareness.

(5) Provide encouragement of and increased funds for litter cleanup and collection, litter prevention, and cleanup equipment.

(6) Promote litter abatement and control and encourage recycling.

(7) Promote public awareness and education.

(8) Assist local governments, industries, and other organizations which aid in anti-litter efforts.

(9) Assist local governments in the coordination of local anti-litter efforts.
(10) Encourage, organize, and coordinate voluntary local anti-litter
campaigns seeking to focus the attention and participation of the public on the laws
of this state enacted to control and remove litter and to provide for the recycling of
trash materials.

(11) Investigate the availability of and apply for funds from any private or
public source to be used for the purposes of this Chapter.

(12) Exchange litter enforcement information with judges, district and
municipal attorneys, Louisiana state police, and local law enforcement officers on
enforcement mechanics.

(13) Award grants and provide financial assistance on a local level in
accordance with rules adopted pursuant to this Chapter in order to achieve the
purposes of this Chapter and award certificates of achievement for litter abatement.

(14) Investigate methods, and monitor effectiveness of this Chapter and of
techniques in the control of litter and develop, encourage, and coordinate litter
control within the state.

(15) Provide an annual report to the House Committee on Natural Resources
and Environment and the Senate Committee on Environmental Quality giving details
regarding the department's efforts to implement the provisions of this Chapter.

(16) Approve and disburse financial assistance to any local government or
nonprofit organization which, in written application, seeks such assistance to
implement a local litter prevention or abatement program.

(17) Support the Keep Louisiana Beautiful Program and network of affiliates
in the activation of civilian volunteers and development of organized litter
prevention programs.

§1134. Donations and grants; Louisiana Litter Abatement Grant Program

A. The secretary is hereby authorized to accept, administer, and make use
of federal, state, local and private appropriations, public and private grants and
donations, and when it is deemed appropriate and feasible, to accept nonmonetary
funding in the form of services or equipment for use in connection with any of the
programs or purposes of this Chapter.

B.(1) The Louisiana Litter Abatement Grant Program is hereby created
within the office of the secretary for the purpose of supporting community-based
litter abatement programs.

(2) Grants through the program shall be made available to local governments
and nonprofit organizations. Funding through the grant program shall be subject to
the availability of funds and shall be awarded on a competitive basis to be
determined by the secretary.

(3) The monies awarded through the grants shall be used to further the
administration and execution of the Keep Louisiana Beautiful Program. Allowable
uses of grant funding shall include but not be limited to the following:

(a) Keep America Beautiful fees.

(b) Keep Louisiana Beautiful pre-certification training, education curriculums, and workshops.

(c) Law enforcement seminars.

(d) Litter surveys.

(e) Projects, services, activities, and operational costs of litter abatement programs.

(f) Materials and services for program development and training.

(g) Direct expenditures for materials that can facilitate litter reduction, recycling, waste reduction, reuse, and general solid waste management programs.

(h) Minimal advertising, public relations, and promotional materials necessary for publicity and promotion of program activities.

(i) Salary of the program coordinator and staff.

(4) Each successful applicant shall supplement grant funds with a fifteen
percent match from other sources. All matching funds must be available to the
program after the date of the grant award, and funds spent prior to the grant award
shall not be considered in fulfillment of the match requirement.

CODING: Words in struck through type are deletions from existing law; words underscored are additions.
§1135. Removal of litter; responsibility

The duty to remove litter from receptacles placed at publicly owned parks, beaches, campgrounds, trailer parks, roadside parks, and other property shall remain with those state and local agencies performing litter removal within their respective jurisdictions. The duty to remove litter from litter receptacles placed on private property which is used by the public shall remain with the owner.

§1136. Anti-litter campaign; industrial and civic cooperation requested

In order to aid in the statewide anti-litter campaign authorized by this Chapter, the secretary may solicit the assistance and active cooperation of industry and private civic organizations which are active in anti-litter efforts so that additional effect may be given to the campaign to eradicate litter within the state.

§1137. Adopt-a-beach program

In order to fulfill the obligations and responsibilities under this Chapter, the secretary may develop a program to be known as "adopt-a-beach", whereby an industry or a private civic organization may adopt one mile of Louisiana beach for the sole purpose of controlling litter along that section of beach. Included in the responsibilities of any industry or private civic organization which chooses to participate in the program shall be the following:

1. Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of beach.
2. A general cleanup of the area at least twice a year.
3. Assistance to the secretary in securing media coverage for the program.

§1138. Community improvement program

In order to fulfill the obligations and responsibilities under this Chapter, the secretary may coordinate a community improvement program whereby an annual cleanup may be conducted during the spring encouraging local groups to clean streets, alleys, public areas, adopted roads and beaches, and state and parish highways in surrounding areas. Beautification programs may be conducted along with the cleanup programs at schools, public buildings and grounds, median areas,
entrances to subdivisions, commercial areas, and other similar areas. Graffiti removal and excess signage removal programs may be held simultaneously.

§1139. Beach sweep program

   In order to fulfill the obligations and responsibilities under this Chapter, the secretary may propose and encourage beach sweep programs whereby coordinated cleanups may be conducted on the state's beaches. The beach sweep program may consist of removing debris and trash while conducting data collection on marine debris.

§1140. Inland water cleanup

   In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage inland water cleanups whereby a waterway cleanup may be conducted annually by local groups to clean rivers, bayous, lakes, streams, and other waterways encouraging beautification through removal of litter and debris.

§1141. Boaters' and fishermen's pledge

   In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage a program known as "boaters' and fishermen's pledge" whereby the program may be conducted asking sportsmen to sign a commitment to bring trash and debris generated in their vehicle or boat back home or to proper disposal receptacles.

§1142. Adopt-a-byway program

   A. In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage a program to be known as "adopt-a-byway", whereby an organization which owns, uses, or leases property adjacent to a parish maintained road may adopt a section of such road for the sole purpose of controlling litter along that section. Included in the responsibilities of any organization which chooses to participate in the program may be the following:

      (1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted section of the road.
(2) A general cleanup of the area at least twice a year.

(3) Assistance to the secretary in securing media coverage for the program.

B. Any parish or municipality which develops an "adopt-a-byway" program shall coordinate the adoption of rules governing the program with the secretary.

C. Any parish or municipality which develops an "adopt-a-byway" program may use funds received from the collection of fines provided for under the provisions of R.S. 30:2532(A) to place a sign upon a portion of a road identifying the organization which has adopted such portion of the road.

D. The Department of Transportation and Development may promulgate rules and regulations to implement the provisions of this Section regarding the placement, construction, and maintenance of the signs.

§1143. Adopt-a-waterbody program

A. In order to fulfill the obligations and responsibilities under this Chapter, the secretary may promote and encourage a program to be known as "adopt-a-waterbody", whereby a business or a private civic organization may adopt a portion of a public bayou, stream, creek, river, or lake for the sole purpose of controlling litter. Included in the responsibilities of any business or private civic organization which chooses to participate in the program may be as follows:

(1) Development of a functional plan to influence and encourage the public to improve the appearance of the adopted portion of a public waterbody.

(2) A general cleanup of the area at least twice a year.

(3) Assistance to the secretary in securing media coverage for the program.

B. Any organization which adopts a portion of a public bayou, stream, creek, river, or lake may place a sign identifying the organization on an interstate highway or state highway within two hundred feet of the adopted waterbody upon approval of the Department of Transportation and Development. Such a sign may also be placed on the bank of the adopted water body with the approval of the riparian landowner.
Section 3. R.S. 17:203(3) through (6), 204, 205(C), and 206 through 214 are hereby
repealed in their entirety.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 749 Original 2022 Regular Session Bishop

Abstract: Removes litter reduction and awareness responsibilities, litter abatement grants, and anti-litter programs from the Dept. of Education and places these functions within the Dept. of Culture, Recreation, and Tourism.

Present law contains a La. Environmental Education and Litter Reduction Act, which creates and provides for an environmental education and litter reduction section within the Dept. of Education. Present law establishes the responsibilities of this department section as environmental education programming throughout the state as well as litter control awareness programming, a litter abatement grant program, and a host of programs designed to encourage anti-litter efforts from the private sector, including the following:

(1) Adopt-a-beach program
(2) Community improvement program
(3) Beach sweep program
(4) Inland water cleanup
(5) Boaters' and fishermen's pledge
(6) Adopt-a-byway program
(7) Adopt-a-waterbody program

Proposed law removes litter reduction, litter control awareness, the litter abatement grant program, and the private sector anti-litter programs from under the Dept. of Education and places them each under the office of the secretary for the Dept. of Culture, Recreation, and Tourism.

(Amends R.S. 17:200, 203(7) and 205(Section heading) and (A), Adds R.S. 17:215(E) and R.S. 49:1131-1143; Repeals R.S. 17:203(3)-(6), 204, 205(C), and 206-214)