

2022 Regular Session

HOUSE BILL NO. 749

BY REPRESENTATIVE BISHOP

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

1 AN ACT

2 To amend and reenact the heading of Subpart B-1 of Part III of Chapter I of Title 17 of the  
3 Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and 205(Section heading)  
4 and (A) and to enact R.S. 17:215(E) and Chapter 17-A of Title 49 of the Revised  
5 Statutes of 1950, to be comprised of R.S. 49:1131 through 1143 and to repeal R.S.  
6 17:203(3) through (6), 204, 205(C), and 206 through 214, relative to litter abatement  
7 responsibilities and programs; to remove litter reduction and litter awareness  
8 functions from the Department of Education and place them within the Department  
9 of Culture, Recreation, and Tourism; to provide for the litter abatement grant  
10 program; and to provide for related matters.

11 Be it enacted by the Legislature of Louisiana:

12 Section 1. The heading of Subpart B-1 of Part III of Chapter I of Title 17 of the  
13 Louisiana Revised Statutes of 1950, R.S. 17:200, 203(7) and 205(Section heading) and (A)  
14 are hereby amended and reenacted and R.S. 17:215(E) is hereby enacted to read as follows:

15 SUBPART B-1. LOUISIANA ENVIRONMENTAL EDUCATION

16 ~~AND LITTER REDUCTION ACT~~

17 §200. Title

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

20 \* \* \*

1 §203. Definitions

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

4 \* \* \*

5 ~~(7)~~(3) "Section" means the environmental education ~~and litter reduction~~  
6 section located within and acting through the state Department of Education.

7 \* \* \*

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

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

16 \* \* \*

17 §215. Grant program

18 \* \* \*

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

24 \* \* \*

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

1           CHAPTER 17-A. KEEP LOUISIANA BEAUTIFUL INITIATIVE

2           §1131. Litter abatement, reduction, and control

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

6           §1132. Definitions

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

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

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

13          (3) "Litter" means all waste material except as provided and defined in R.S.  
14          30:2173, including but not limited to disposable packages, containers, sand, gravel,  
15          rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, cigars,  
16          cigarillos, cigar or cigarillo tips, debris, dead animals, furniture or appliances,  
17          automotive parts including but not limited to tires and engines, trailers, boats and  
18          boating accessories, tools and equipment, and building materials, roofing nails, or  
19          other discarded materials of any kind and description. While being used for or  
20          distributed in accordance with their intended uses, litter shall not include political  
21          pamphlets, handbills, religious tracts and newspapers, and other similar printed  
22          materials, the unsolicited distribution of which is protected by the Constitution of the  
23          United States or the Constitution of Louisiana. Litter shall not include agricultural  
24          products that are being transported from the harvest or collection site to a processing  
25          or market site if reasonable measures are taken to prevent the agricultural product  
26          from leaving the transporting vehicle. Litter shall also not include recyclable  
27          cardboard being transported in compressed bundles to processing facilities.  
28          "Agricultural product" as used in this definition means all crops, livestock, poultry,

1 and forestry, and all aquacultural, floricultural, horticultural, silvicultural, and  
2 viticultural products.

3 (4) "Local government" means the governing authority of a parish or the  
4 governing authority of the municipality.

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

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

11 §1133. Litter control awareness

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

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

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

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

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

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

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

27 (7) Promote public awareness and education.

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

1           (9) Assist local governments in the coordination of local anti-litter efforts.

2           (10) Encourage, organize, and coordinate voluntary local anti-litter  
3           campaigns seeking to focus the attention and participation of the public on the laws  
4           of this state enacted to control and remove litter and to provide for the recycling of  
5           trash materials.

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

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

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

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

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

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

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

26          §1134. Donations and grants; Louisiana Litter Abatement Grant Program

27           A. The secretary is hereby authorized to accept, administer, and make use  
28           of federal, state, local and private appropriations, public and private grants and  
29           donations, and when it is deemed appropriate and feasible, to accept nonmonetary

1 funding in the form of services or equipment for use in connection with any of the  
2 programs or purposes of this Chapter.

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

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

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

13 (a) Keep America Beautiful fees.

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

16 (c) Law enforcement seminars.

17 (d) Litter surveys.

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

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

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

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

25 (i) Salary of the program coordinator and staff.

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

1        §1135. Removal of litter; responsibility

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

7        §1136. Anti-litter campaign; industrial and civic cooperation requested

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

12       §1137. Adopt-a-beach program

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

19               (1) Development of a functional plan to influence and encourage the public  
20       to improve the appearance of the adopted section of beach.

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

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

23       §1138. Community improvement program

24               In order to fulfill the obligations and responsibilities under this Chapter, the  
25       secretary may coordinate a community improvement program whereby an annual  
26       cleanup may be conducted during the spring encouraging local groups to clean  
27       streets, alleys, public areas, adopted roads and beaches, and state and parish  
28       highways in surrounding areas. Beautification programs may be conducted along  
29       with the cleanup programs at schools, public buildings and grounds, median areas,

1 entrances to subdivisions, commercial areas, and other similar areas. Graffiti  
2 removal and excess signage removal programs may be held simultaneously.

3 §1139. Beach sweep program

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

9 §1140. Inland water cleanup

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

15 §1141. Boaters' and fishermen's pledge

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

21 §1142. Adopt-a-byway program

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

28 (1) Development of a functional plan to influence and encourage the public  
29 to improve the appearance of the adopted section of the road.



- 1           (2) A general cleanup of the area at least twice a year.
- 2           (3) Assistance to the secretary in securing media coverage for the program.
- 3           B. Any parish or municipality which develops an "adopt-a-byway" program  
4 shall coordinate the adoption of rules governing the program with the secretary.
- 5           C. Any parish or municipality which develops an "adopt-a-byway" program  
6 may use funds received from the collection of fines provided for under the provisions  
7 of R.S. 30:2532(A) to place a sign upon a portion of a road identifying the  
8 organization which has adopted such portion of the road.
- 9           D. The Department of Transportation and Development may promulgate  
10 rules and regulations to implement the provisions of this Section regarding the  
11 placement, construction, and maintenance of the signs.

12 §1143. Adopt-a-waterbody program

- 13           A. In order to fulfill the obligations and responsibilities under this Chapter,  
14 the secretary may promote and encourage a program to be known as "adopt-a-  
15 waterbody", whereby a business or a private civic organization may adopt a portion  
16 of a public bayou, stream, creek, river, or lake for the sole purpose of controlling  
17 litter. Included in the responsibilities of any business or private civic organization  
18 which chooses to participate in the program may be as follows:
- 19           (1) Development of a functional plan to influence and encourage the public  
20 to improve the appearance of the adopted portion of a public waterbody.
- 21           (2) A general cleanup of the area at least twice a year.
- 22           (3) Assistance to the secretary in securing media coverage for the program.
- 23           B. Any organization which adopts a portion of a public bayou, stream, creek,  
24 river, or lake may place a sign identifying the organization on an interstate highway  
25 or state highway within two hundred feet of the adopted waterbody upon approval  
26 of the Department of Transportation and Development. Such a sign may also be  
27 placed on the bank of the adopted water body with the approval of the riparian  
28 landowner.

29 \* \* \*

1 Section 3. R.S. 17:203(3) through (6), 204, 205(C), and 206 through 214 are hereby  
2 repealed in their entirety.

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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)]

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HB 749 Engrossed

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. Additionally, changes the name of the La. Environmental Education and Litter Reduction Act to the La. Environmental Education Act.

(Amends the heading of Subpart B-1 of Part III of Chapter I of Title 17 of the La. Revised Statutes of 1950, 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)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Natural Resources and Environment to the original bill:

1. Make technical changes.