

ACT No. 16

2022 Regular Session

HOUSE BILL NO. 749

BY REPRESENTATIVE BISHOP

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AN ACT

To amend and reenact the heading of Subpart B-1 of Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, 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. The heading of Subpart B-1 of Part III of Chapter I of Title 17 of the Louisiana Revised Statutes of 1950, 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~~".

* * *

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) "Section" means the environmental education ~~and litter reduction~~ section
6 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 INITIATIVE2 §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,
29 and forestry, and all aquacultural, floricultural, horticultural, silvicultural, and
30 viticultural products.

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

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

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

9 §1133. Litter control awareness

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

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

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

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

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

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

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

25 (7) Promote public awareness and education.

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

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

29 (10) Encourage, organize, and coordinate voluntary local anti-litter
 30 campaigns seeking to focus the attention and participation of the public on the laws

1 of this state enacted to control and remove litter and to provide for the recycling of
2 trash materials.

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

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

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

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

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

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

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

23 §1134. Donations and grants; Louisiana Litter Abatement Grant Program

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

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

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

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

11 (a) Keep America Beautiful fees.

12 (b) Keep Louisiana Beautiful pre-certification training, education
13 curriculum, and workshops.

14 (c) Law enforcement seminars.

15 (d) Litter surveys.

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

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

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

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

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

24 (4) Each successful applicant shall supplement grant funds with a fifteen
25 percent match from other sources. All matching funds must be available to the
26 program after the date of the grant award, and funds spent prior to the grant award
27 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.

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

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

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

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

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

11 §1143. Adopt-a-waterbody program

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

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

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

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

22 B. Any organization which adopts a portion of a public bayou, stream, creek,
23 river, or lake may place a sign identifying the organization on an interstate highway
24 or state highway within two hundred feet of the adopted waterbody upon approval
25 of the Department of Transportation and Development. Such a sign may also be
26 placed on the bank of the adopted water body with the approval of the riparian
27 landowner.

28 * * *

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

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

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____