

2022 Regular Session

HOUSE BILL NO. 765

BY REPRESENTATIVE CARRIER

ENVIRONMENT/LITTERING: Separates litter abatement responsibilities, grant program, and fund account from the environmental education section of the Department of Education, and places them with the Department of Culture, Recreation, and Tourism

1 AN ACT

2 To amend and reenact R.S. 17:200, 203(7) and 205(Section heading) and (A), R.S.

3 30:2531(C)(4) and 2532(A)(5), R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2),

4 and (7)(e)(i)(cc) and (ee) and (ii)(cc) and (ee), R.S. 47:463.43(Section heading), (A),

5 and (D), and R.S. 56:10(B)(15) and to enact R.S. 17:215(E), Chapter 17-A of Title

6 49 of the Revised Statutes of 1950, to be comprised of R.S. 49:1131 through 1143,

7 and R.S. 56:10(B)(17) and to repeal R.S. 17:203(3) through (6), 204, 205(C), and

8 206 through 214 and R.S. 30:2532(B), relative to litter abatement responsibilities,

9 programs, and funding; to remove litter reduction and litter awareness functions from

10 the Department of Education and place them within the Department of Culture,

11 Recreation, and Tourism; to provide for the litter abatement grant program; to

12 separate the litter abatement and education account into an account for litter

13 abatement and an account for environmental education; to redirect existing fines,

14 fees, and donations dedicated for these purposes into the separate accounts; and to

15 provide for related matters.

16 Be it enacted by the Legislature of Louisiana:

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

19 SUBPART B-1. LOUISIANA ENVIRONMENTAL EDUCATION



1 Section 2. R.S. 30:2531(C)(4) and 2532(A)(5) are hereby amended and reenacted  
2 to read as follows:

3 §2531. Intentional littering prohibited; criminal penalties; simple littering  
4 prohibited; civil penalties; special court costs

5 \* \* \*

6 C. Whoever violates the provisions of this Section shall pay special court  
7 costs of one hundred dollars in lieu of other costs of court and the special court costs  
8 shall be disbursed as follows:

9 \* \* \*

10 (4) Twenty-five dollars shall be paid to the state treasury for credit to the  
11 Litter Abatement ~~and Education~~ Account.

12 \* \* \*

13 §2532. Collection and distribution of fines; litter abatement ~~and education~~ account

14 A. All fines collected under the provisions of this Part shall be payable as  
15 follows:

16 \* \* \*

17 (5) The remainder shall be paid to the state treasury for credit to the litter  
18 abatement ~~and education~~ account.

19 \* \* \*

20 Section 3. R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2), and (7)(e)(i)(cc) and  
21 (ee) and (ii)(cc) and (ee) are hereby amended and reenacted to read as follows:

22 §412. Amount of fees; credit or refund; duration of license; veteran designation;  
23 disabled veteran designation; university logo; "I'm a Cajun" designation;  
24 needs accommodation designation; autism spectrum disorder designation;  
25 disbursement of funds; renewal by mail or electronic commerce of Class "D"  
26 or "E" drivers' licenses; disposition of certain fees; exception

27 A.(1) Every applicant for a Class "D" driver's license, or for a renewal of a  
28 Class "D" driver's license, except those bona fide residents of the city of New  
29 Orleans, shall pay for such basic license a fee of forty-two dollars and seventy-five

1 cents. Eleven dollars and fifteen cents of the fee shall be paid to the Louisiana State  
2 Police Retirement System Fund. One dollar and fifty cents of the fee shall be  
3 forwarded by the department to the litter abatement ~~and education~~ account which is  
4 created ~~with~~ within the Conservation Fund through the provisions of R.S.  
5 56:10(B)(15).

6 (2) The fee for Class "D" driver's licenses, or renewal of a Class "D" driver's  
7 license, issued to bona fide residents of the city of New Orleans shall be fifty-four  
8 dollars, fifteen dollars of which shall be payable by the department to the board of  
9 trustees of the police pension fund of the city of New Orleans. One dollar and  
10 eighty-four cents of the fee shall be paid to the Louisiana State Police Retirement  
11 System Fund. One dollar and fifty cents of the fee shall be forwarded by the  
12 department to the litter abatement ~~and education~~ account which is created within the  
13 Conservation Fund through the provisions of R.S. 56:10(B)(15).

14 \* \* \*

15 (5) Every applicant for a Class "E" driver's license, or for a renewal of a  
16 Class "E" driver's license, except those bona fide residents of the city of New  
17 Orleans, shall pay for such basic license a fee of twenty dollars and twenty-five  
18 cents, which shall be the cost of such basic license. Five dollars and sixty-three cents  
19 of the fee shall be paid to the Louisiana State Police Retirement System Fund. One  
20 dollar and fifty cents of the fee shall be forwarded by the department to the litter  
21 abatement ~~and education~~ account which is created within the Conservation Fund  
22 through the provisions of R.S. 56:10(B)(15).

23 (6) The fee for a Class "E" driver's license, or renewal of a Class "E" driver's  
24 license, issued to bona fide residents of the city of New Orleans shall be twenty  
25 dollars and twenty-five cents, three dollars and seventy-five cents of which shall be  
26 paid by the department to the board of trustees of the police pension funds of the city  
27 of New Orleans. Three dollars and seventy-five cents of the fee shall be paid to the  
28 Louisiana State Police Retirement System Fund. One dollar and fifty cents of the fee  
29 shall be forwarded by the department to the litter abatement ~~and education~~ account

1 which is created within the Conservation Fund through the provisions of R.S.  
2 56:10(B)(15).

3 \* \* \*

4 B.(1) Every applicant for a Class "A", "B", or "C" commercial driver's  
5 license, or for a renewal of a basic Class "A", "B", or "C" commercial driver's  
6 license, except for those bona fide residents of the city of New Orleans, shall pay for  
7 such basic license a fee of sixty-one dollars and fifty cents. Sixteen dollars and  
8 twenty cents of the fee shall be paid to the Louisiana State Police Retirement System  
9 Fund. One dollar and fifty cents of the fee shall be forwarded by the department to  
10 the litter abatement ~~and education~~ account which is created within the Conservation  
11 Fund through the provisions of R.S. 56:10(B)(15).

12 (2) The fee for a basic Class "A", "B", or "C" commercial driver's license,  
13 or for the renewal of a basic Class "A", "B", or "C" commercial driver's license,  
14 issued to bona fide residents of the city of New Orleans shall be seventy-six dollars  
15 and fifty cents, fifteen dollars of which fee shall be paid by the department to the  
16 board of trustees of the police pension fund of the city of New Orleans. Fifteen  
17 dollars of the fee shall be paid to the Louisiana State Police Retirement System Fund.  
18 One dollar and fifty cents of the fee shall be forwarded by the department to the litter  
19 abatement ~~and education~~ account which is created with the Conservation Fund  
20 through the provisions of R.S. 56:10(B)(15).

21 \* \* \*

22 (7)

23 \* \* \*

24 (e)(i)

25 \* \* \*

26 (cc) Seventy-five cents of the fee shall be paid to the office of state police.  
27 Two dollars and seventy-five cents of the fee shall be paid to the Louisiana State  
28 Police Retirement System Fund. One dollar and fifty cents of the fee shall be

1 forwarded by the department to the litter abatement ~~and education~~ account which is  
2 created within the Conservation Fund through the provisions of R.S. 56:10(B)(15).

3 \* \* \*

4 (ee) Five dollars and fifty-six cents of the fee shall be paid to the Louisiana  
5 State Police Pension and Retirement System Fund. One dollar and fifty cents of the  
6 fee shall be forwarded by the department to the litter abatement ~~and education~~  
7 account which is created within the Conservation Fund through the provisions of  
8 R.S. 56:10(B)(15).

9 \* \* \*

10 (ii)

11 \* \* \*

12 (cc) One dollar and fifty cents of the fee shall be paid to the Board of  
13 Trustees of the Police Pension Fund of the city of New Orleans. One dollar and fifty  
14 cents of the fee shall be paid to the State Police Pension and Retirement Fund. One  
15 dollar and fifty cents of the fee shall be forwarded by the department to the litter  
16 abatement ~~and education~~ account which is created within the Conservation Fund  
17 through the provisions of R.S. 56:10(B)(15).

18 \* \* \*

19 (ee) Seven dollars and fifty cents of the fee shall be payable by the  
20 department to the board of trustees of the police pension fund of the city of New  
21 Orleans. Ninety-two cents of the fee shall be paid to the State Police Pension and  
22 Retirement Fund. One dollar and fifty cents of the fee shall be forwarded by the  
23 department to the litter abatement ~~and education~~ account which is created within the  
24 Conservation Fund through the provisions of R.S. 56:10(B)(15).

25 \* \* \*

26 Section 4. R.S. 47:463.43(Section heading), (A), and (D) are hereby amended and  
27 reenacted to read as follows:

28 §463.43. Special license plates; environmental education ~~and litter reduction section~~  
29 account



1           (3) "Litter" means all waste material except as provided and defined in R.S.  
2           30:2173, including but not limited to disposable packages, containers, sand, gravel,  
3           rubbish, cans, bottles, refuse, garbage, trash, cigarettes, cigarette butts, cigars,  
4           cigarillos, cigar or cigarillo tips, debris, dead animals, furniture or appliances,  
5           automotive parts including but not limited to tires and engines, trailers, boats and  
6           boating accessories, tools and equipment, and building materials, roofing nails, or  
7           other discarded materials of any kind and description. While being used for or  
8           distributed in accordance with their intended uses, litter shall not include political  
9           pamphlets, handbills, religious tracts and newspapers, and other similar printed  
10           materials, the unsolicited distribution of which is protected by the Constitution of the  
11           United States or the Constitution of Louisiana. Litter shall not include agricultural  
12           products that are being transported from the harvest or collection site to a processing  
13           or market site if reasonable measures are taken to prevent the agricultural product  
14           from leaving the transporting vehicle. Litter shall also not include recyclable  
15           cardboard being transported in compressed bundles to processing facilities.  
16           "Agricultural product" as used in this definition means all crops, livestock, poultry,  
17           and forestry, and all aquacultural, floricultural, horticultural, silvicultural, and  
18           viticultural products.

19           (4) "Local governing authority" means the governing authority of the parish  
20           or the governing authority of the municipality in which the littering offense was  
21           committed.

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

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

1        §1133. Litter control awareness

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

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

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

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

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

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

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

17               (7) Promote public awareness and education.

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

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

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

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

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

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

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

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

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

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

16          §1134. Donations and grants; Louisiana Litter Abatement Grant Program

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

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

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

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

4                   (a) Keep America Beautiful fees.

5                   (b) Keep Louisiana Beautiful pre-certification training, education  
6                   curriculumms, and workshops.

7                   (c) Law enforcement seminars.

8                   (d) Litter surveys.

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

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

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

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

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

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

21           §1135. Removal of litter; responsibility

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

27           §1136. Anti-litter campaign; industrial and civic cooperation requested

28                   In order to aid in the statewide anti-litter campaign authorized by this  
29           Chapter, the secretary may solicit the assistance and active cooperation of industry

1 and private civic organizations which are active in anti-litter efforts so that additional  
2 effect may be given to the campaign to eradicate litter within the state.

3 §1137. Adopt-a-beach program

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

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

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

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

14 §1138. Community improvement program

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

23 §1139. Beach sweep program

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

29 §1140. Inland water cleanup

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

6           §1141. Boaters' and fishermen's pledge

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

12          §1142. Adopt-a-byway 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  
15          "adopt-a-byway", whereby an organization which owns, uses, or leases property  
16          adjacent to a parish maintained road may adopt a section of such road for the sole  
17          purpose of controlling litter along that section. Included in the responsibilities of any  
18          organization which chooses to participate in the program may 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 the road.

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

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



1           (15)(a) There is hereby created within the Conservation Fund a special  
 2 account known as the "litter abatement ~~and education~~ account" which shall consist  
 3 of ~~donations collected from the sale of the environmental education license plate~~  
 4 ~~provided for in R.S. 47:463.43~~; revenue received by the Conservation Fund from the  
 5 Department of Public Safety and Corrections, office of motor vehicles as provided  
 6 in R.S. 32:412; revenue received by the Conservation Fund from fines for violations  
 7 of the provisions of Part I of Chapter 21 of Subtitle II of Title 30 as provided in R.S.  
 8 30:2531 and 2532; funds from public or private donations and any other source  
 9 which may specify deposit to this account; and any remaining balance in the litter  
 10 abatement and education account as of August 1, 2022. The revenues shall be  
 11 subject to the same requirements as provided for other revenues placed in the  
 12 Conservation Fund in Paragraph (1) of this Subsection.

- 13           (b) The funds in this account shall be used solely for the following:
- 14           (i) ~~To develop, review, approve, and implement a plan for statewide~~  
 15 ~~environmental education.~~
  - 16           (ii) To provide for ~~environmental education~~ litter abatement grant programs  
 17 in the state.
  - 18           (iii) ~~To develop an environmental education curriculum framework.~~
  - 19           (iv) ~~To develop guidelines for incorporating environmental education into~~  
 20 ~~teacher education requirements.~~
  - 21           (v) ~~To develop environmental education teacher professional development.~~
  - 22           (vi) ~~To provide for formal environmental education.~~
  - 23           (vii)(ii) To provide for litter abatement and enforcement.
  - 24           (viii)(iii) To support community-based litter abatement programs.
  - 25           (ix)(iv) To develop, disseminate, and assess litter education and awareness  
 26 programs and materials.

\* \* \*

28           (17)(a) There is hereby created within the Conservation Fund a special  
 29 account known as the "environmental education account" which shall consist of



- (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.

Present law creates within the Conservation Fund an account entitled the "litter abatement and education account" to be used towards certain environmental education and litter abatement programs and goals. Present law further directs donations from certain prestige license plates, a portion of littering fines and court costs paid, and a portion of fees collected for the issuance and renewal of driver's licenses into this account.

Proposed law creates the "litter abatement account" within the Conservation Fund and directs that a portion of littering fines and court costs paid and a portion of the fees collected for the issuance and renewal of driver's licenses into this account. Proposed law further specifies that funds in the account be used for litter abatement grants, litter abatement and enforcement, and to support community-based litter abatement programs.

Proposed law creates the "environmental education account" within the Conservation Fund and directs that donations from the environmental education special prestige license plate be credited to the account. Proposed law specifies that funds in the account be used for statewide environmental education, environmental education grant programs, development of environmental education curriculum and teacher education and professional development requirements, and litter education and awareness programs and materials.

Present law provides fines and special court costs for intentional littering and directs portions of those fines and special court costs to the litter abatement and education account.

Proposed law retains the fines and special court costs for intentional littering under present law, but directs the portions dedicated to the litter abatement and education account under present law to the litter abatement account instead.

Present law provides for fees to be charged for the issuance or renewal of driver's licenses and directs a portion of those fees to the litter abatement and education account.

Proposed law retains the same fees, but directs the portions dedicated to the litter abatement and education account under present law to the litter abatement account instead.

Present law provides for a special prestige license plate for environmental education and dedicates a portion of the donation received for such plates to the litter abatement and education account.

Proposed law retains the special prestige license plate and the donation required for the plate, but directs the portions dedicated to the litter abatement and education account under present law to the environmental education account instead.

Present law creates a litter abatement and education account within the state treasury and directs fines from littering violations into this account.

Proposed law repeals present law.

(Amends R.S. 17:200, 203(7) and 205(Section heading) and (A), R.S. 30:2531(C)(4) and 2532(A)(5), R.S. 32:412(A)(1), (2), (5), and (6), and (B)(1), (2), and (7)(e)(i)(cc) and (ee)

and (ii)(cc) and (ee), R.S. 47:463.43(Section heading), (A), and (D), and R.S. 56:10(B)(15); Adds R.S. 17:215(E), R.S. 49:1131-1143, and R.S. 56:10(B)(17); Repeals R.S. 17:203(3)-(6), 204, 205(C), and 206-214 and R.S. 30:2532(B))