

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred House
3 Bill No. 356 entitled “An act relating to prohibiting littering in or on the waters
4 of the State” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

8 Sec. 1. 24 V.S.A. § 2201 is amended to read:

9 § 2201. THROWING, DEPOSITING, BURNING, AND DUMPING
10 REFUSE; PENALTY; SUMMONS AND COMPLAINT

11 (a)(1) Prohibition. Every person shall be responsible for proper disposal
12 of his or her own solid waste. A person shall not throw, dump, deposit, cause,
13 or permit to be thrown, dumped, or deposited any solid waste as defined in
14 10 V.S.A. § 6602, refuse of whatever nature, or any noxious thing outside a
15 solid waste management facility certified by the Agency of Natural Resources
16 in or on lands or waters of the State.

17 (2) It shall be prima facie evidence that a person who is identifiable
18 from an examination of illegally disposed solid waste is the person who
19 violated a provision of this section.

20 ~~(2)~~(3) No person shall burn or cause to be burned in the open or
21 incinerate in any container, furnace, or other device any solid waste without:

1 (A) first having obtained all necessary permits from the Agency of
2 Natural Resources, the district environmental commission, and the
3 municipality where the burning is to take place; and

4 (B) complying with all relevant State and local regulations and
5 ordinances.

6 (b) Prosecution of violations. A person who violates a provision of this
7 section commits a civil violation and shall be subject to a civil ~~penalty of not~~
8 ~~more than \$500.00~~ citation under section 8019 of this title. This violation shall
9 be enforceable in the Judicial Bureau pursuant to the provisions of 4 V.S.A.
10 chapter 29 in an action that may be brought by a municipal attorney, solid
11 waste management district attorney, environmental enforcement officer
12 employed by the Agency of Natural Resources, grand juror, or designee of the
13 legislative body of the municipality, or by any duly authorized law
14 enforcement officer. If the throwing, placing, or depositing was done from a
15 snowmobile, vessel, or motor vehicle, except a motor bus, it shall be prima
16 facie evidence that the throwing, placing, or depositing was done by the ~~driver~~
17 operator of such snowmobile, vessel, or motor vehicle. Nothing in this section
18 shall be construed as affecting the operation of an automobile graveyard or
19 salvage yard as defined in section 2241 of this title, nor shall anything in this
20 section be construed as prohibiting the installation and use of appropriate
21 receptacles for solid waste provided by the State or towns.

1 (c) Roadside cleanup. A person found in violation of this section may be
2 assigned to spend up to 80 hours collecting trash or litter from a specified
3 segment of roadside or from a specified area of public property.

4 (d) Revocation of motor vehicle operator's license. The Commissioner of
5 Motor Vehicles shall suspend the motor vehicle operator's license or operating
6 privilege of a person found in violation of this section for a period of ten days
7 if the person fails to pay the penalty set forth in subsection (b) of this section.
8 If the person that fails to pay the penalty set forth in subsection (b) violated this
9 section while operating a vessel, the Commissioner of Motor Vehicles shall
10 suspend that person's certificate of boating education that is required by
11 23 V.S.A. § 3305b for a period of ten days. This provision shall not apply if
12 the only evidence of violation is the presumption set forth in subsection (b) of
13 this section. The Bureau shall immediately notify the Commissioner of Motor
14 Vehicles of the entry of judgment.

15 (e) Revocation of hunting, fishing, or trapping license. The Commissioner
16 of Fish and Wildlife shall revoke the privilege of a person found in violation of
17 this section from holding a hunting ~~or~~, fishing, or trapping license, ~~or both~~, for
18 a period of one year from the date of the conviction, if the person fails to pay
19 the penalty set forth in subsection (b) of this section. The Bureau shall
20 immediately notify the Commissioner of Fish and Wildlife of the entry of
21 judgment.

1 (f) ~~{Deleted.}~~ [Repealed.]

2 (g) Amendment of complaint. A person authorized to enforce this section
3 may amend or dismiss a complaint issued by that person by marking the
4 complaint and returning it to the Judicial Bureau. At the hearing, a person
5 authorized to enforce this section may amend or dismiss a complaint issued by
6 that person, subject to the approval of the hearing judge.

7 (h) ~~{Deleted.}~~ [Repealed.]

8 (i) Applicability. Enforcement actions taken under this section shall in no
9 way preclude the Agency of Natural Resources, the Attorney General, or an
10 appropriate State prosecutor from initiating other or further enforcement
11 actions under the civil, administrative, or criminal enforcement provisions of
12 10 V.S.A. chapter 23, 47, 159, 201, or 211. To the extent that enforcement
13 under this section is by an environmental enforcement officer employed by the
14 Agency of Natural Resources, enforcement under this section shall preclude
15 other enforcement by the ~~agency~~ Agency for the same offence.

16 (j) Definitions. As used in this section:

17 (1) “Motor vehicle” shall have the same meaning as in 23 V.S.A.

18 § 4(21).

19 (2) “Snowmobile” shall have the same meaning as in 23 V.S.A. § 3801.

20 (3) “Vessel” means motor boats, boats, kayaks, canoes, sailboats, and all
21 other types of watercraft.

1 (4) “Waters” shall have the same meaning as in 10 V.S.A. § 1251(13).

2 Sec. 2. 1 V.S.A. § 377 is added to read:

3 § 377. GREEN UP DAY; RIVER GREEN UP MONTH

4 (a) The first Saturday in the month of May is designated as Green Up Day.

5 (b) September of each year is designated as River Green Up Month.

6 Sec. 3. EFFECTIVE DATE

7 This act shall take effect on July 1, 2014.

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10 (Committee vote: _____)

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Senator _____

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FOR THE COMMITTEE