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MINNESOTA
STATE GOVERNMENT

ISSUES

ENVIRONMENTAL BEAUTIFICATION TEAM
LEGISLATIVE INITIATIVES

August 29, 1984

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v.18

Executive Branch Policy Development Program
1984-1985

ENVIRONMENTAL BEAUTIFICATION TEAM

LEGISLATIVE INITIATIVES

August 29, 1984

ENVIRONMENTAL BEAUTIFICATION TEAM
EXECUTIVE SUMMARY DRAFT

Frank V. Ongaro and Nick Riley - Team Leaders
Energy/Environment/Resources Subcabinet

Our goal is to increase public awareness of environmental beautification concerns through education of children and adults, creation of environmental ethic among the public, enforcement of current regulations by State and Municipal Agencies, and development of a state-wide volunteer effort to promote participation in maintaining a clean environment.

ENVIRONMENTAL EDUCATION

Our recommended course of action is to develop legislation that requires environmental education in the elementary and secondary school systems. The Department of Education and the Office of Environmental Resource Development are currently working on a draft of this legislation. The budget implications for the proposed bill could run as high as two million dollars. The Department of Education will have the figures available when the rough draft is completed. This legislation will impact their budget. The time table for implementing this proposal most likely will be fiscal year 1986.

RECYCLING ACT

Currently in Minnesota there is an imminent problem with sanitary landfills reaching their capacities in the next ten to twenty years. One of the solutions that poses the best scenario is recycling. Recycling takes products out of the waste stream that otherwise would create a disposal problem, and turns them into useful products while at the same time saving energy and dollars.

Our Team recommends that we develop legislation to create a Recycling Act for Minnesota. The Act envisions a cooperative effort among local governments (cities and counties), garbage collection and disposal services, recyclers, and the public. The Act does not designate who shall provide the "opportunity to recycle", but does require that it be provided. Local government leaders will decide who in their community can best make available the recycling collection and promotion in accordance with the Act.

The "opportunity to recycle" must be provided to every person in the State, including households, business and industry. The "opportunity to recycle" includes at a minimum:

- o A recycling depot located either at a disposal site or at another site more convenient to the people being served. The depot is a condition of the disposal site permit.
- o Monthly on route collection of source separated recyclable material within urban growth boundaries in cities of 4,000 or more population.

- o A public education and promotion program that encourages participation in recycling and notifies each person about the recycling program available to them.

This program should not have any major budget implications, as it could be implemented by an existing agency. This Act could go into effect in various stages starting in 1986.

LITTER LAWS

The proliferation and accumulation of litter discarded throughout the State impairs the fundamental need for a healthful, clean and beautiful environment. The rapid growth in tourism and the expanded mobility of our residence has resulted in increased littering on roadways and public and private places.

An all out state-wide program to induce the various State Agencies to enforce existing litter laws should be undertaken. These are the Team's recommendations:

- o The Department of Transportation, Department of Natural Resources, Pollution Control Agency and Department of Public Safety should all tighten up their enforcement of existing rules and regulations involving littering and the creation of illegal dumping areas.
- o The State should ensure that litter laws are visible on all their applicable publications such as State maps, hunting and fishing licenses, and State Park information.
- o A program should be developed with the judicial system to require violators to work on clean up programs.
- o A Minnesota Beautiful program should be established with involvement of the Office of Environmental Resource Development, the Minnesota Department of Transportation and the Department of Natural Resources.

The budget implications are negligible for this program. All efforts can be conducted without substantial increases in manpower and funding. This recommendation should be implemented as soon as possible.

TEAM APPROACH

ENVIRONMENTAL BEAUTIFICATION TEAM

Brian Hiti-----Iron Range Resources and Rehabilitation Board

Dale Wikre-----Pollution Control Agency
Director, Solid and Hazardous Waste Division

Mark Schreiber-----Department of Agriculture
Technical Support, Plant Industry

Paul Hansen-----Department of Natural Resources
Citizen Participation Coordinator, Special Programs

Jim Reiersen-----Minnesota Department of Transportation
Site and Development Unit, Office of Environmental Service

Frank Catani-----Department of Natural Resources
Mineland Cleanup

Bob Cupit-----State Planning Agency
Power Plant Siting Program

John Miller-----Department of Education
Program Specialist Environmental Education

Frank V. Ongaro-----State Planning Agency
Director, Office of Environmental Resource Development

Nicholas Riley-----State Planning Agency
Management Analyst, Office of Environmental Resource Development

II BACKGROUND

ENVIRONMENTAL EDUCATION

In 1969 the Minnesota Legislature enacted a bill amending Minnesota Statutes 1967, Chapter 126 to add Environmental Conservation Education. The Act does not have any incentive in it for school districts to adopt such a curriculum and there wasn't any appropriation attached to it.

John Miller and Dan Loritz from the Department of Education, along with Frank V. Ongaro and Nick Riley from the Office of Environmental Resource Development are working to analyze the issue further and determine the best method of implementing legislative initiatives. The Minnesota Association for Environmental and Outdoor Education has been informed about this issue.

RECYCLING ACT

There are a number of municipalities in the State that have recycling programs in one form or another, but most operations are small and inefficient. The Metropolitan area has a much better system of recycling in place, but generally, participation is quite low at the present time. There appears to be a great need in our State for consumer education programs that would bring about greater awareness for the need to recycle.

The Metropolitan Council recently developed a Regional Solid Waste Policy Plan that outlines current recycling activities in the seven county Metropolitan area. Some of the conclusions drawn by this study are; State Agencies involved with recycling market development should meet periodically to coordinate efforts, directories of recycling services and markets should continue to be published, government should develop and implement a state-wide public education and awareness campaign designed to increase consumer participation and demand for recycled products.

The proposed Recycling Act would be patterned after that of Oregon's which was passed in 1983. A copy of the summary of Oregon's Recycling Opportunity Act is included in the appendix.

LITTER LAWS

In Minnesota a Litter Act was passed in 1963 (Criminal Code 609.68). It provides that anyone unlawfully littering will be charged with a misdemeanor. In the Highway Traffic Regulations (169.42), it was first enacted in 1937 with revisions in 1951, 1967, 1973, 1976 and 1980. This Act covers the same items as that in the Criminal Code, but goes further in that it spells out what civil actions can be commenced against any violators.

The Team felt that no further legislation needs to be enacted, but the existing laws need to be more strictly enforced. Specifically, investigative measures should be taken to locate offenders that indiscriminately dump items at unauthorized sites.

III FINDINGS/CONCLUSIONS

ENVIRONMENTAL EDUCATION

It is the finding of the Team that Environmental Education is a key issue that needs immediate attention by the citizens of Minnesota. Our State is a leader on environmental issues and awareness, but if we hope to continue in that capacity, we must have an aggressive educational format. There is such a great need for us to expand our knowledge of how we interact with our environment and how we can actively participate in the resolution of environmental problems.

The State of Wisconsin has passed a rule that effects the requirements for teacher education candidates in science, social studies, agriculture, early childhood, and elementary education who graduate after July 1, 1985. This bill summary is attached in the appendix along with Minnesota's current Act.

RECYCLE ACT

The Team has determined that there exists a need to establish recycling on a state-wide basis. Much has already been accomplished in the recycling field, but we have only scratched the surface as to what can be accomplished. Minnesota has a large number of companies that greatly benefit from recycling efforts in metals, paper and glass. If recycling efforts were increased, we would see a great savings to taxpayers from reductions in waste that are currently going to landfill and also millions of dollars would stay in Minnesota from the creation of new jobs and products. Recycling is potentially one of the largest industries in our State.

Information on the Oregon Recycling Act is attached in the appendix.

LITTER LAWS

Litter along our highways is an on going problem, but littering at rest areas, lake accesses and public parks has been on the increase due to the influx of tourists in our State. A bigger problem has been developing over the years, and that problem is one of creation of "mini dumps" throughout the State. Some residences have been hauling debris from their households and forgo the landfill process only to dump in convenient unauthorized public and private areas.

Public education and strict enforcements of existing regulations will go far to curtail this practice. Investigative measures will have to be taken to track down offenders, and a program similar to that of the Department of Natural Resources T.I.P. (Turn in Poachers) program should be instituted. The Minnesota Department of Public Safety made 254 arrests and issued 282 warnings for litter violations in 1983. The average charge was \$30.00 and they ranged from \$0 to \$700.00 for the fines.

IV ALTERNATIVE OPTIONS

ENVIRONMENTAL EDUCATION

One option to our Team proposal for environmental education would be to enact legislation similar to that of Wisconsin. It is the opinion of the Team that this could be an expensive option that might not have the same results as our proposal. The Department of Education supports the Team's recommendation and is of the opinion that this gets to the heart of the issue. There would be no guarantees that teachers who have taken the required courses on environmental conservation would actually implement them in their curriculum. This alternative course would be costly to implement into the higher education system in our State.

RECYCLING ACT

Alternatives to the Recycling Act are either a litter tax, bottle deposit legislation, or continue on the piecemeal course that the State is on. The Litter Tax is a tax imposed on industries which are located in the State that sell products which contribute to the litter problem. The tax that is imposed amounts to \$150.00 for every 1 million dollars worth of business that the particular industry does in the State. This tax has been in effect in the State of Washington since 1971, and their studies indicate that it is much more effective than the neighboring states bottle law. This law is more popular with industries than bottle deposit legislation and it addresses the entire litter problem instead of only cans and bottles. Revenues are used for recycling education programs and clean up programs.

Bottle deposit legislation has been relatively successful for the various states that have implemented the legislation. The biggest drawback is the handling cost incurred by businesses and also the fact that only bottles and cans are taken from the waste stream.

There is strong opposition to bottle deposit legislation from the container industry. Litter Tax is opposed by the business community who see it as just another tax. Our recommendation would be relatively free from opposition and should not require much of a budget requirement, and could be implemented either by the Office of Environmental Resource Development or the Minnesota Pollution Control Agency.

LITTER LAWS

The only option that our Team was able to identify with this subject is to increase the ceiling for litter fines and to create a minimum level. This option would require legislation and it is unknown if it would have any impact on the current situation.

V RECOMMENDATIONS

ENVIRONMENTAL EDUCATION

The Beautification Team prefers the option of the legislation being developed by the Department of Education and the Office of Environmental Resource Development. The fiscal impact with this legislation amounts to approximately 2 million dollars per year to the budget of the Department of Education. The time required to implement this option would be approximately 1 year from passage of the legislation. The Department of Education feels that there will be a broad base of support from environmental groups and also feels that it can garner the support of teacher organizations.

RECYCLING ACT

The Team recommends acceptance of this option as opposed to either the litter tax or bottle deposit legislation. The Recycling Act would not impose any monetary constraints on the States budget and would not raise any revenue. The other two alternatives would run into quite a bit of opposition from various interest groups such as the Soft Drink Association, the bottling industry, various packaging industries and union groups who fear the loss of jobs.

LITTER LAWS

The Team prefers that the State requires stricter enforcement of its existing litter laws. This should not impact any budgets, on the contrary, it should generate revenue from the increase in arrests while at the same time helping to clean up existing eyesores. This action should not run into any opposition from any groups in the private sector.

VI APPENDIX

LITTER TAX IN THE STATE OF WASHINGTON

In 1971 the Washington State Legislature found that the proliferation and accumulation of litter discarded throughout the State impaired "the fundamental need for a healthful, clean and beautiful environment." It was recognized that the rapid population growth in the State and the expanding mobility of its people was resulting in increased littering on the roadways and public places, and that this trend constituted a public health hazard. The requirement to conserve energy and natural resources also was emphasized. Finally, the Legislature stressed the need to anticipate, plan for, and accomplish effective litter control and recover waste materials for recycling and reuse.

As a result of the above findings, the Legislature passed the Model Litter Control Act, with direction to the Secretary of State that it be placed on the ballot at the next general election. The Act was approved and validated at the November 7, 1972 general election as Alternative Measure 40B. The statute was later revised in 1979 to include more emphasis on recycling and was renamed the Model Litter Control and Recycling Act. The Department of Ecology was assigned the following major responsibilities for litter control and recycling:

- Conduct a permanent and continuous program to control and remove litter from this state to the maximum practical extent possible;
- Recover and recycle waste materials related to litter and littering;
- Foster private recycling; and
- Increase public awareness of the need for recycling and litter control.

The Litter Control and Recycling Program is financed by an assessment levied against manufacturers, wholesalers and retailers of products and packaging related to the litter problem. The rate of this special tax is .00015 (.015%) and it applies to sales made within the state. The tax is to be computed on and paid with the last return for the calendar year. Accrued litter taxes were about \$1.7 million for 1980 and 1.8 million for 1981. The Department has estimated that about \$1.8 million in assessments will be collected for each fiscal year of the pending 1983-85 biennium.

The Program is administered at the Department headquarters level by the Litter Control and Recycling Section under the Solid Waste Management Division of the Office of Land Programs. At the field level, litter control and recycling functions are decentralized into four regions covering the State. The total number of employees assigned to the program is 15.

The recycling industry in the State of Washington provides a significant number of jobs. In 1981 there were 1,454 full time jobs, 25,711 part-time jobs, and 56,241 volunteer hours. The total value of the recycled material is estimated at \$36,493,059 just for the 1981 fiscal year.

Total litter in the State of Washington has been reduced by 12.8% and highway litter has been reduced by 62% from 1975 to 1981. A big problem is urban litter, and this problem is mainly do to unsecurely loaded trucks. Total citations, warnings and arrests for litter law violations (excluding litterbag) are reported to have increased 34% between 1973 and 1980. If the 10,000 warnings issued in 1980 by the State Department of Parks and Recreation are also included, it means that one out of every 200 persons in Washington State was personally reminded of the litter law in that one year.

A survey by the Institute for Applied Research shows that Washington now has the lowest rate of fresh litter generation of any state surveyed. It also shows a greater percentage reduction is being achieved for beer and soft drink containers than for litter as a whole. It indicates that after 9 years, the combined results of equipment, education, law enforcement, litter patrols, and recycling in the State of Washington have reduced both the percentages and absolute litter rates for beverage containers to levels approaching very close to those achieved in deposit legislation states.

Solid Waste Division
Department of Environmental Quality

SECTION BY SECTION SUMMARY
SB 405
OREGON'S RECYCLING OPPORTUNITY ACT

Section 1 adds the provisions of SB 405 to the existing Oregon Revised Statutes (ORS) 459 dealing with solid waste.

**OPPORTUNITY
TO RECYCLE**

Section 2 defines providing the "opportunity to recycle" as a place for collecting source separated recyclable materials located either at a disposal site or another location more convenient to the population being served and at least monthly collection of source separated recyclable materials from customers served by a collection service within the urban growth boundaries of cities with a population of over 4,000.

The "opportunity to recycle" can also be provided by an alternative method which complies with Commission rules.

"Opportunity to recycle" also includes public education and promotion programs that give notice to each person that the "opportunity to recycle" is available and encourages source separation of recyclable materials.

RULES

Section 3 directs the Environmental Quality Commission (EQC) to adopt rules for SB 405 by January 1, 1985. These rules will define:

- a. Acceptable alternatives for providing the opportunity to recycle
- b. Educational, promotional and notice requirements for disposal and collection systems
- c. Identification of wastesheds within the state
- d. Recyclable materials in each wasteshed
- e. Guidelines for local governments for implementing the provisions of SB 405
- f. Standards for recycling reports required of local governments
- g. Permit fees

It also lists points the Commission must consider when adopting rules or guidelines.

**DISPOSAL
SITES**

Section 4 deals with solid waste disposal site permits. After January 1, 1985, the Department will require that as a condition of any solid waste disposal site permit issued that a place for collection of source separated recyclables be located at a disposal site or at another location more convenient to the population served. By July 1, 1986, the Department will revise all disposal site permits statewide to address the above condition to provide for recycling at disposal sites.

**WASTESHED
NOTIFICATION**

Section 5 directs the Department to notify all affected parties in the state of what wasteshed they are in and what "recyclable material" is in that wasteshed. Persons living in the affected wastesheds may appeal to the Commission for inclusion in or exclusion from a wasteshed or modification of what is "recyclable material" in their wasteshed.

**RECYCLING
REPORTS**

Section 6 directs cities and counties within a wasteshed to coordinate with other affected persons and develop a recycling report to be submitted to the Department. The report will explain how the "opportunity to recycle" is being implemented. Unless extended by the Commission, these reports and the "opportunity to recycle" will be implemented by July 1, 1986.

**EQC
AUTHORITY
TO ORDER
"OPPORTUNITY"
PROVIDED**

Section 7 directs the Department to base acceptance or disapproval of recycling reports on written findings. Time extensions and procedures are provided to remedy reports which are disapproved. If no progress is made on a disapproved report, the Commission will order a public hearing to develop findings. If after review, the Commission concludes that the "opportunity to recycle" is not being provided, it may order the opportunity to be provided. Such an order could include:

- a. The types of materials to be recycled
- b. The manner in which it is to be done
- c. The responsibility of each person in the solid waste collection and disposal processes for providing the "opportunity to recycle"
- d. A timetable for implementation
- e. Methods of public education

The Commission may also grant a variance from specific requirements of the rules. This section outlines findings the Commission must make in granting a variance.

**MANDATORY
RECYCLING**

Section 8 defines conditions to be considered by the Environmental Quality Commission in directing mandatory participation by solid waste generators in a given watershed in the "opportunity to recycle." The EQC will hold public hearings and develop findings to determine whether or not participation by solid waste generators in the "opportunity to recycle" meets the State of Oregon's solid waste policies. Based on the findings of insufficient participation, the Commission may require one or more materials to be source separated by one or more classes of solid waste generators. Before requiring generators to participate in a mandatory program, the Commission must find in a public hearing that:

- a. The "opportunity to recycle" has been provided for a reasonable time
- b. The level of participation by generators does not fulfill the directives of ORS 459.015, the state's solid waste management policies
- c. Mandatory participation is economically feasible within the watershed
- d. It is the only practical alternative to carrying out the previous mentioned statute

After a mandatory participation program is established, no one in the identified class of generators will dispose of solid waste unless the identified recyclables have been separated from the solid waste and made available for recycling.

In a mandatory participation program, the determination of the recyclability of commercial or industrial materials will include the cost of source separating and making materials available for recycling or reuse.

Section 9 directs the Environmental Quality Commission to amend the state Solid Waste Management Plan to conform with the new policies of SB 405, review Department reports on implementation and compliance with SB 405, and report to the legislature on the implementation and compliance of SB 405.

**FRANCHISE
AUTHORITY**

Section 10 authorizes cities and counties to displace competition with a system of regulated service by issuing franchises for solid waste collection and/or providing the "opportunity to recycle." This section clarifies the authority of local governments to direct franchises to provide collection service and the "opportunity to recycle."

**COLLECTION
RATES**

Section 11 restricts solid waste collection services and solid waste disposal sites from charging a customer more for combined recycling and garbage service than it charges for garbage service alone. However, it allows them to charge less.

Section 12 states that SB 405 has no authority over materials that are source separated by the generator when they remain the property of the generator or are exchanged by the generator for fair market value for recycling and reuse.

Section 13 states that persons may not:

- a. Without the permission of the generator or owner remove recyclable material set out for collection by authorized parties that provide collection service
- b. Remove recyclable materials from drop boxes, collection vehicles, or recycling depots for the accumulation and storage of recyclables without permission of the owner
- c. Mix source separated recyclable materials with solid waste in any vehicle or container used to collect solid waste

Section 14 adds new definitions to ORS 459.005 for "affected person," "area of state," "collection franchise," "collection service" "Metropolitan Service District," "recyclable materials," "source separate," "wasteshed."

**SOLID WASTE
POLICY
PRIORITIES**

Section 15 amends ORS 459.015 (policy statement for solid waste) and states that the legislature finds: The planning, developing and operating a recycling program is a matter of statewide concern. The "opportunity to recycle" should be provided to every person in Oregon. There is a shortage of appropriate sites for landfills in Oregon. It is in the best interest of the people of Oregon to extend the useful lives of existing solid waste disposal sites by encouraging recycling and reuse of materials whenever it is economically feasible.

It also states that, after consideration of technical and economic feasibility, the state establishes priorities for managing solid wastes in Oregon as follows: (1) reduce the amount, (2) reuse materials, (3) recycle, (4) recover energy from solid waste, and (5) dispose of solid waste that cannot be reused, recycled or from which energy cannot be recovered.

Section 16 directs the Department to provide advisory, technical, and planning assistance in the implementation of effective recycling programs, as set forth in the act.

Section 17 makes violation of Section 13 a Class "A" misdemeanor.

Section 18 sets civil penalties for violation of provisions of Sections 6, 8, 11 or 13.



THE STATE OF WISCONSIN • DEPARTMENT OF PUBLIC INSTRUCTION

125 South Webster Street • Box 7841 • Madison, Wisconsin 53707

Herbert J. Grover, State Superintendent / B. Dean Bowles, Deputy State Superintendent

A FURTHER INTERPRETATION OF THE COMPETENCIES IN THE ENVIRONMENTAL EDUCATION RULE

On October 13, 1983, the Wisconsin Department of Public Instruction promulgated a new rule interpreting "adequate instruction in the conservation of natural resources" (henceforth referred to as environmental education) as it appears in the Wisconsin Statutes. This rule will affect all teacher education candidates in science, social studies, agriculture, early childhood, and elementary education who graduate after July 1, 1985.

Seven competencies identified in the rule appear underlined below. Following each competency are statements intended to further clarify its meaning.

The Seven Competencies

1. Knowledge of the wide variety of natural resources and methods of conserving these natural resources.

Interpretation: Candidates should be able to demonstrate a basic understanding of:

- a. air, fuel minerals, nonfuel minerals, plants, soil, water, and wildlife as natural resources;
- b. current and projected supplies of these resources;
- c. current and projected demands for these resources;
- d. management strategies for these resources.

2. Knowledge of interactions between the living and nonliving elements of the natural environment.

Interpretation: Candidates should be able to demonstrate an ability to:

- a. communicate major concepts in ecology such as organization (organisms, populations, communities, ecosystems, biomes, etc.), bio-geochemical cycles, energy relationships (food chains, food webs, pyramidal relationships, trophic levels, etc.), population dynamics (limiting factors, cycles, etc.), change (succession, etc.);

- b. apply a knowledge of ecological principles to the analysis of environmental issues;
- c. apply a knowledge of ecological principles to predict the consequences of alternative solutions to environmental problems.

3. Knowledge of the concept of energy and its transformations in physical and biological systems.

Interpretation: Candidates should be able to demonstrate a basic understanding of:

- a. the nature of energy;
- b. energy states (kinetic and potential) and forms (thermal, radiant, chemical, mechanical, sound, nuclear);
- c. renewable and nonrenewable energy sources;
- d. energy conversion and transfer;
- e. law of conservation of energy and matter;
- f. the first and second laws of thermodynamics;
- g. the global energy budget;
- h. energy flow in biological systems;
- i. environmental consequences of energy use.

4. Knowledge of local, national, and global interactions among people and the natural and built environments including:

A. Historical and philosophical review of the interactions between people and the environment.

Interpretation: Candidates should have a basic understanding of the changing role of humans in nature as:

- * hunter-gatherers;
- * agricultural societies;
- * industrial societies;
- * members of a living community (e.g., Leopold's Land Ethic).

B. The social, economic, and political implications of continued growth of the human population.

Interpretation: Candidates should have a basic understanding of:

- * human population dynamics;
- * human population controls—natural and artificial;
- * the relationship between population size, lifestyles, and competition for natural resources;
- * the impact of competition for natural resources on local, national, and global economics and politics.

C. The concept of renewable and nonrenewable resources and principles of resource management.

Interpretation: Candidates should be able to differentiate between renewable and nonrenewable resources and describe appropriate management strategies for each.

D. The impact of technology on the environment.

Interpretation: Candidates should be able to provide examples of positive and negative implications of technology for environmental quality in areas such as:

- * solid waste generation and disposal;
- * hazardous waste generation and disposal;
- * surface and ground water contamination;
- * human-induced climatic changes;
- * air contamination, including acid deposition;
- * food additives;
- * the nuclear cycle (prospecting through waste disposal) and the generation of nuclear power.

E. How such interactions affect physical and mental well being.

Interpretation: Candidates should be able to describe how living and non-living elements in the environment affect the physical and mental well being of human beings, such as:

- * the need for beauty in both natural and built environments;
- * the potential for direct detrimental effects on the physical well being of humans by environmental contaminants;
- * the potential for indirect detrimental effects on the physical and mental well being of humans when environmental contaminants affect other organisms.

5. Ability to use affective education methods to examine attitudes and values inherent in environmental problems.

Interpretation: Candidates should be able to:

- a. utilize current theories of knowledge/attitude/behavior relationships in selecting, developing, and/or implementing a balanced environmental education curriculum which incorporates values education;
- b. utilize affective education methods such as values clarification, and Kohlberg's moral reasoning model in planning and implementing instruction;
- c. analyze environmental issues and their associated value perspectives with respect to their ecological and cultural implications;
- d. evaluate alternative solutions and associated value perspectives for discrete environmental issues with respect to their cultural and ecological implications;
- e. identify their own value positions related to discrete environmental issues and their associated solutions;
- f. evaluate, clarify, and change their own value positions in light of new information.

6. Ability to incorporate the study of environmental problems in whatever subjects or grade level programs the recipient of the certificate of license is permitted to teach through the use of the following methodologies: a) outdoor teaching strategies; b) simulation; c) case studies; d) community resource use; and e) environmental issue investigation, evaluation and action planning.

Interpretation: Candidates should have experienced the use of the methodologies listed and should be able to effectively use each of them in providing instruction about the environment and its associated problems.

7. Knowledge of ways in which citizens can actively participate in the resolution of environmental problems.

Interpretation: Candidates should be familiar with the possible strategies for citizen involvement in the resolution of environmental issues and problems, such as:

- a. persuasion;
- b. consumerism;
- c. political action;
- d. legal action;
- e. ecomanagement;
- f. combinations of these strategies.

Candidates should also be able to develop and/or implement programs and activities which enable students to develop participatory skills needed in each of these strategies.

Questions about the new rule and its interpretation may be directed to: David Engleson, Supervisor of Environmental Education, Department of Public Instruction, P. O. Box 7841, Madison, Wisconsin 53707; Telephone - (608) 267-9266.

ORDER OF THE
STATE SUPERINTENDENT OF PUBLIC INSTRUCTION
RENUMBERING, AMENDING,
REPEALING AND RECREATING,
AND CREATING RULES

1 To renumber PI 3.07(4)(g), to amend PI 3.07(1)(intro.), PI 3.07(2)(intro.),
2 PI 3.07(3)(intro.), and PI 3.07(4)(intro.), to repeal PI 3.07(4)(c) through (f) and
3 recreate PI 3.07(4)(c), and to create PI 3.07(1)(d) and PI 3.07(5)(i) relating to
4 adequate preparation in conservation of natural resources.

Analysis Prepared by the Department of Public Instruction

The proposed amendment to the certification code strengthens the current statutory requirement (s. 118.19(6), Stats.) requiring adequate preparation in conservation of natural resources for teachers of science and social studies by emphasizing environmental issues pertaining to changes in the past forty-five years such as radioactive wastes, solid waste disposal, energy demand and supply impact on the environment, ground water pollution, ecological concepts, and other environmental issues affecting the quality of life. Also, there is an emphasis on the citizenship and research skills needed for individuals and groups to investigate, evaluate, and develop responsible public policy decisions.

The proposed amendment adds early childhood, elementary, and agriculture teachers to those who would be required to complete preparation in environmental education. It is generally accepted that environmental education should begin with young children in an effort to develop knowledge and positive attitudes regarding the environment. Environmental educators and others concerned about the environment believe that it is particularly important for agriculture teachers to be able to deal effectively with the many environmental issues related to food production.

5 Pursuant to the authority vested in the State Superintendent of Public Instruc-
6 tion by s. 115.28(7) and s. 227.014(2)(a), Stats., and interpreting s. 115.28(7),
7 s.118.19(6), and s.227.014(2)(a), Stats., the State Superintendent hereby renumbers,
8 amends, repeals and recreates, and creates rules as follows:

1 SECTION 1. PI 3.07(1)(intro.) is amended to read:

2 PI 3.07 Requirements for a license. (1) GENERAL REQUIREMENTS. The
3 requirements for a license are the completion of an approved program including (a),
4 (b), and (c), and (d) below, and the institutional endorsement.

5 SECTION 2. PI 3.07(1)(d) is created to read:

6 PI 3.07(1)(d) Environmental education. Effective July 1, 1985, adequate
7 preparation in conservation of natural resources is required for a license to teach
8 early childhood, elementary education, agriculture, and for secondary education
9 licenses in science and social studies with the exception of philosophy, psychology,
10 and religious studies. Programs shall provide students with the following knowledge:

- 11 1. Knowledge of the wide variety of natural resources and methods of
12 conserving these natural resources;
- 13 2. Knowledge of interactions between the living and non-living elements of
14 the natural environment;
- 15 3. Knowledge of the concept of energy and its various transformations in
16 physical and biological systems;
- 17 4. Knowledge of local, national, and global interactions among people and
18 the natural and built environments including:
 - 19 a. Historic and philosophical review of the interactions between
20 people and the environment;
 - 21 b. The social, economic, and political implications of continued
22 growth of the human population;
 - 23 c. The concept of renewable and non-renewable resources and the
24 principles of resource management;
 - 25 d. The impact of technology on the environment; and
 - 26 e. The manner in which physical and mental well-being are affected
27 by interaction among people and their environments.

- 1 5. Ability to use affective education methods to examine attitudes and
- 2 values inherent in environmental problems.
- 3 6. Ability to incorporate the study of environmental problems in whatever
- 4 subjects or grade level programs the recipient of the certificate or license
- 5 is permitted to teach through the use of the following methodologies:
- 6 a. Outdoor teaching strategies;
- 7 b. Simulation;
- 8 c. Case studies;
- 9 d. Community resource use; and
- 10 e. Environmental issue investigation, evaluation, and action planning.
- 11 7. Knowledge of ways in which citizens can actively participate in the
- 12 resolution of environmental problems.

13 SECTION 3. PI 3.07(2)(intro.) is amended to read:

14 PI 3.07(2) EARLY CHILDHOOD EDUCATION (N-K). A regular license may be

15 issued to an applicant who has completed the general requirements sub. (1)(a), (b),

16 and (c), and (d), including the Approved Program and the institutional endorsement.

17 SECTION 4. PI 3.07(3)(intro.) is amended to read:

18 PI 3.07(3) ELEMENTARY EDUCATION. A regular license may be issued to an

19 applicant who has completed the general requirements, sub. (1)(a), (b), and (c), and

20 (d), including the approved Program and the institutional endorsement.

21 SECTION 5. PI 3.07(4)(intro.) is amended to read:

22 PI 3.07(4) SECONDARY EDUCATION (7-12). A regular license may be used to

23 an applicant who has completed the general requirements, sub. (1)(a), (b), and (c),

24 and (d), including the Approved Program and the institutional endorsement.

25 SECTION 6. PI 3.07(4)(c) through (f) is repealed and PI 3.07(4)(c) is recreated

26 to read:

1 PI 3.07(4)(c) Adequate preparation in cooperative marketing and consumer
2 cooperatives is required under s. 118.19(6), Stats., for a license to teach social
3 studies with the exception of philosophy, psychology, and religious studies.

4 SECTION 7. PI 3.07(4)(g) is renumbered PI 3.07(4)(d).

5 SECTION 8. PI 3.07(5)(i) is created to read:

6 PI 3.07(5)(i) Adequate preparation in both conservation of natural resources as
7 outlined in PI 3.07(1)(d) and in cooperative marketing and consumers cooperatives is
8 required for a license to teach:
9

10 1. 200 Agriculture

The rules contained in this order shall take effect on July 1, 1985.

Dated this 29th day of August, 1983

B. Dean Bowles

Herbert J. Grover
State Superintendent

Deputy

which fasten automatically when closed, to be exposed and accessible to children without removing the doors, lids, hinges, or latches, is guilty of a misdemeanor.

History: 1963 c 753 art 1 s 609.675; 1971 c 23 s 67

609.68 UNLAWFUL DEPOSIT OF GARBAGE, LITTER OR LIKE.

Whoever unlawfully deposits garbage, rubbish, offal, or the body of a dead animal, or other litter in or upon any public highway, public waters or the ice thereon, public lands, or, without the consent of the owner, private lands or water or ice thereon, is guilty of a misdemeanor.

History: 1963 c 753 art 1 s 609.68; 1971 c 23 s 68

609.685 SALE OF TOBACCO TO CHILDREN.

Subdivision 1. **Definition.** For the purposes of this section, "tobacco related devices" means cigarette papers or pipes for smoking.

Subd. 2. **Crime.** Whoever furnishes tobacco or tobacco related devices to a person under the age of 18 years is guilty of a misdemeanor.

Subd. 3. **Petty misdemeanor.** Whoever uses tobacco or tobacco related devices and is under the age of 18 years is guilty of a petty misdemeanor.

Subd. 4. **Effect on local ordinances.** Nothing in subdivisions 1 to 3 shall supersede or preclude the continuation or adoption of any local ordinance which provides for more stringent regulation of the subject matter in subdivisions 1 to 3.

History: 1963 c 753 art 1 s 609.685; 1981 c 218 s 1,2

609.686 FALSE FIRE ALARMS; TAMPERING WITH OR INJURING A FIRE ALARM SYSTEM.

Whoever intentionally gives a false alarm of fire, or unlawfully tampers or interferes with any station or signal box of any fire alarm system or any auxiliary fire appliance, or unlawfully breaks, injures, defaces, or removes any such box or station, or unlawfully breaks, injures, destroys, or disturbs any of the wires, poles, or other supports and appliances connected with or forming a part of any fire alarm system or any auxiliary fire appliance is guilty of a misdemeanor.

History: 1971 c 77 s 1

PUBLIC MISCONDUCT OR NUISANCE

609.705 UNLAWFUL ASSEMBLY.

When three or more persons assemble, each participant is guilty of unlawful assembly, which is a misdemeanor, if the assembly is:

- (1) With intent to commit any unlawful act by force; or
- (2) With intent to carry out any purpose in such manner as will disturb or threaten the public peace; or
- (3) Without unlawful purpose, but the participants so conduct themselves in a disorderly manner as to disturb or threaten the public peace.

History: 1963 c 753 art 1 s 609.705; 1971 c 23 s 69

609.71 RIOT.

When three or more persons assembled disturb the public peace by an intentional act or threat of unlawful force or violence to person or property, each participant therein is guilty of riot and may be sentenced to imprisonment for not more than one year or to payment of a fine of not more than \$1,000, or both, or, if the offender, or to his knowledge any other participant, is armed with a dangerous

169.39 COASTING.

The driver of any motor vehicle when traveling upon a down grade shall not coast with the gears of such vehicle in neutral.

The driver of a commercial motor vehicle when traveling upon a down grade shall not coast with the clutch disengaged.

History: 1937 c 464 s 74 (2720-224)

169.40 FIRE APPARATUS; FIRE STATIONS.

Subdivision 1. The driver of any vehicle other than one on official business shall not follow any fire apparatus traveling in response to a fire alarm closer than 500 feet, or drive into or park such vehicle within the block where fire apparatus has stopped in answer to a fire alarm.

Subd. 2. No person shall drive a vehicle within 50 feet of the driveway entrance to any fire station while fire apparatus is being driven into the fire station unless he is on official business.

History: 1937 c 464 s 75; 1967 c 281 s 1 (2720-225)

169.41 CROSSING FIRE HOSE.

No street car or vehicle shall be driven over any unprotected hose of a fire department when laid down on any street, private driveway, or street car track, to be used at any fire or alarm of fire, without the consent of the fire department official in command.

History: 1937 c 464 s 76 (2720-226)

169.42 LITTERING OR PLACING REFUSE UPON HIGHWAYS OR ADJACENT LANDS, PRIVATE PROPERTY, PARKS OR PUBLIC PLACES; DROPPING OBJECTS ON VEHICLES.

Subdivision 1. No person shall throw, deposit, place or dump, or cause to be thrown, deposited, placed or dumped upon any street or highway or upon any public or privately owned land adjacent thereto without the owner's consent any snow, ice, glass bottle, glass, nails, tacks, wire, cans, garbage, swill, papers, ashes, refuse, carcass of any dead animal, offal, trash or rubbish or any other form of offensive matter or any other substance likely to injure any person, animal or vehicle upon any such street or highway.

Subd. 2. MS 1969 [Repealed, Ex1971 c 27 s 49]

Subd. 2. Any person who drops, or permits to be dropped or thrown, upon any highway any of the material specified in subdivision 1, shall immediately remove the same or cause it to be removed.

Subd. 3. Any person removing a wrecked or damaged vehicle from a highway shall remove any glass or other injurious substance dropped upon the highway from such vehicle.

Subd. 4. No person shall drop or hurl any destructive or injurious material or object at or upon any motor vehicle upon any highway or the occupants thereof.

Subd. 5. Any person violating the provisions of this section shall be guilty of a misdemeanor. The record of any conviction of or plea of guilty under this section of a person operating a motor vehicle shall be immediately forwarded to the department of public safety for inclusion upon that offender's driving record. Any second offense or offense thereafter under this section shall require a minimum fine in the amount of \$100. Any judge or magistrate may, for any violation of this section, order the offender to pick up litter along any public

highway or road for four to eight hours under the direction of the department of transportation, with the option of a jail sentence being imposed.

History: 1937 c 464 s 77; 1951 c 663 s 1.2; 1967 c 104 s 1; 1973 c 299 s 1; 1976 c 166 s 7; 1980 c 533 s 13 (2720-227)

169.421 CIVIL LIABILITY FOR LITTERING.

Subdivision 1. **Finding.** The legislature finds that the cost of removal and disposal of litter from vehicles is an onerous burden upon the public, and that the criminal law is not always adequate in dealing with the problem. This requires the imposition of civil liability as provided in this section.

Subd. 2. **Definition.** For purposes of this section, "owner" as to a vehicle means the owner of the vehicle, but in the case of a leased vehicle means the lessee.

Subd. 3. **Civil liability imposed.** If any litter, including glass, nails, tacks, wire, cans, bottles, garbage, papers, refuse, trash, or any form of offensive matter is thrown, deposited, placed, or dumped from a vehicle upon any street or highway, public land, or upon private land without the consent of the owner of the land, a violation of this subdivision occurs and civil liability is imposed upon the owner of the vehicle. The driver and passengers riding in a vehicle are constituted as the agents of the owner of the vehicle for purposes of this subdivision. It is a defense to any action brought pursuant to this section that the vehicle was stolen. This section is not applicable to the owner of a vehicle transporting persons for hire or transporting school children.

Subd. 4. **Damages.** Any person or governmental body injured by a violation of subdivision 3 may bring a civil action and recover as damages the actual costs of removal and disposal of the litter plus exemplary damages not to exceed \$100, together with costs and disbursements, including reasonable attorney's fees, as determined by the court.

Subd. 5. **Procedures.** A civil action may be commenced as is any civil action or by the issuance of a citation to the owner of the vehicle by any law enforcement officer who has reason to believe that a violation has occurred. Actions commenced by the issuance of a citation by a law enforcement officer shall be tried by the prosecuting authority responsible for misdemeanor prosecutions in the jurisdiction where a violation occurs. Any damages recovered in an action brought by a public agency shall be deposited in the treasury of the jurisdiction trying the action and distributed as provided in section 487.33. Any county or county municipal court may establish a separate civil calendar for cases brought under this section.

Subd. 6. **Relationship to criminal law; election of remedies.** If an act is a violation of this section and of a statute or ordinance providing a criminal penalty, a public agency elects its remedy by commencing either an action under this section or a criminal prosecution, and the commencement of one type of action by a public agency is a bar to its bringing of the other.

Subd. 7. **Payment.** Any county or county municipal court may establish a schedule of costs and civil damages, and procedures for payment, in cases brought by a public agency under which the defendant may consent to default judgment and make payment according to the schedule without making a personal appearance in court.

Subd. 8. **Citation.** This section may be cited as the civil litter act.

History: 1979 c 235 s 1

AN ACT

1025

relating to education; establishing a program of instruction in environmental conservation education in the public schools; amending Minnesota Statutes 1967, Chapter 126, by adding a section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Minnesota Statutes 1967, Chapter 126, is amended by adding a section to read:

[126.111] [ENVIRONMENTAL CONSERVATION EDUCATION.] The state department of education with the cooperation of the department of conservation shall prepare an interdisciplinary program of instruction for elementary and secondary schools in the field of environmental conservation education. The program shall provide integrated approaches to environmental management consistent with socio-ecological principles. the production of appropriate curriculum materials and implementation in the public schools in the state.

Enacted Spring, 1969