

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2001

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SENATE BILL 1014  
Corrected Copy 4/9/01  
Agriculture/Environment/Natural Resources Committee Substitute Adopted  
4/16/01  
Fourth Edition Engrossed 4/25/01  
House Committee Substitute Favorable 6/18/01

Short Title: Strengthen Littering Laws.

(Public)

Sponsors:

Referred to:

April 5, 2001

1 A BILL TO BE ENTITLED

2 AN ACT TO STRENGTHEN THE LITTERING LAWS.

3 The General Assembly of North Carolina enacts:

4 SECTION 1. G.S. 14-399 reads as rewritten:

5 "§ 14-399. Littering.

6 (a) No person, including ~~but not limited to,~~ any firm, organization, private  
7 corporation, or governing body, agents or employees of any municipal corporation shall  
8 intentionally or recklessly throw, scatter, spill or place or intentionally or recklessly  
9 cause to be blown, scattered, spilled, thrown or placed or otherwise dispose of any litter  
10 upon any public property or private property not owned by ~~him~~ the person within this  
11 State or in the waters of this State ~~including, but not limited to,~~ including any public  
12 highway, public park, lake, river, ocean, beach, campground, ~~forest land,~~ forestland,  
13 recreational area, trailer park, highway, road, street or alley except:

14 (1) When ~~such~~ the property is designated by the State or political  
15 subdivision thereof for the disposal of garbage and refuse, and ~~such~~ the  
16 person is authorized to use ~~such~~ the property for ~~such~~ this purpose; or

17 (2) Into a litter receptacle in ~~such~~ a manner that the litter will be prevented  
18 from being carried away or deposited by the elements upon any part of  
19 ~~such~~ the private or public property or waters.

20 (a1) No person, including any firm, organization, private corporation, or  
21 governing body, agents, or employees of any municipal corporation shall scatter, spill,  
22 or place or cause to be blown, scattered, spilled, or placed or otherwise dispose of any  
23 litter upon any public property or private property not owned by the person within this  
24 State or in the waters of this State including any public highway, public park, lake,

1 river, ocean, beach, campground, forestland, recreational area, trailer park, highway,  
2 road, street, or alley except:

3 (1) When the property is designated by the State or political subdivision  
4 thereof for the disposal of garbage and refuse, and the person is  
5 authorized to use the property for this purpose; or

6 (2) Into a litter receptacle in a manner that the litter will be prevented from  
7 being carried away or deposited by the elements upon any part of the  
8 private or public property or waters.

9 (a2) Subsection (a1) of this section does not apply to the accidental blowing,  
10 scattering, or spilling of an insignificant amount of municipal solid waste, as defined in  
11 G.S. 130A-290(18a), during the automated loading of a vehicle designed and  
12 constructed to transport municipal solid waste if the vehicle is operated in a reasonable  
13 manner and according to manufacturer specifications.

14 (b) When litter is blown, scattered, spilled, thrown or placed from a vehicle or  
15 watercraft, the operator thereof shall be presumed to have committed ~~such the~~ offense.  
16 This presumption, however, does not apply to a vehicle transporting ~~agricultural~~  
17 ~~products or supplies when the litter from that vehicle is a nontoxic, biodegradable~~  
18 ~~agricultural product or supply.~~ nontoxic and biodegradable agricultural or garden  
19 products or supplies, including mulch, tree bark, wood chips, and raw logs.

20 (c) Any person who violates subsection (a) of this section in an amount not  
21 exceeding 15 pounds and not for commercial purposes is guilty of a Class 3  
22 misdemeanor punishable by a fine of not less than two hundred fifty dollars (\$250.00)  
23 nor more than one thousand dollars (\$1,000) for the first offense. In addition, the court  
24 may require the violator to perform community service of not less than eight hours nor  
25 more than 24 hours. The community service required shall be to pick up litter if  
26 feasible, and if not feasible, to perform other labor commensurate with the offense  
27 committed. Any second or subsequent offense-violation of subsection (a) of this section  
28 in an amount not exceeding 15 pounds and not for commercial purposes within three  
29 years after the date of a prior offense-violation is guilty of a Class 3 misdemeanor  
30 punishable by a fine of not less than five hundred dollars (\$500.00) nor more than two  
31 thousand dollars (\$2,000). In addition, the court may require the violator to perform  
32 community service of not less than 16 hours nor more than 50 hours. The community  
33 service required shall be to pick up litter if feasible, and if not feasible, to perform other  
34 labor commensurate with the offense committed.

35 (c1) Any person who violates subsection (a1) of this section in an amount not  
36 exceeding 15 pounds is guilty of an infraction punishable by a fine of not more than one  
37 hundred dollars (\$100.00). In addition, the court may require the violator to perform  
38 community service of not less than four hours nor more than 12 hours. The community  
39 service required shall be to pick up litter if feasible, and if not feasible, to perform other  
40 labor commensurate with the offense committed. Any second or subsequent violation of  
41 subsection (a1) of this section in an amount not exceeding 15 pounds within three years  
42 after the date of a prior violation is an infraction punishable by a fine of not more than

1 two hundred dollars (\$200.00). In addition, the court may require the violator to perform  
2 community service of not less than eight hours nor more than 24 hours. The community  
3 service required shall be to pick up litter if feasible, and if not feasible, to perform other  
4 labor commensurate with the offense committed. For purposes of this subsection, the  
5 term "litter" shall not include nontoxic and biodegradable agricultural or garden  
6 products or supplies, including mulch, tree bark, and wood chips.

7 (d) Any person who violates subsection (a) of this section in an amount  
8 exceeding 15 pounds but not exceeding 500 pounds and not for commercial purposes is  
9 guilty of a Class 3 misdemeanor punishable by a fine of not less than five hundred  
10 dollars (\$500.00) nor more than two thousand dollars (\$2,000). In addition, the court  
11 shall require the violator to perform community service of not less than 24 hours nor  
12 more than 100 hours. The community service required shall be to pick up litter if  
13 feasible, and if not feasible, to perform other community service commensurate with the  
14 offense committed.

15 (d1) Any person who violates subsection (a1) of this section in an amount  
16 exceeding 15 pounds but not exceeding 500 pounds is guilty of an infraction punishable  
17 by a fine of not more than two hundred dollars (\$200.00). In addition, the court may  
18 require the violator to perform community service of not less than eight hours nor more  
19 than 24 hours. The community service required shall be to pick up litter if feasible, and  
20 if not feasible, to perform other labor commensurate with the offense committed.

21 (e) Any person who violates subsection (a) of this section in an amount  
22 exceeding 500 pounds or in any quantity for commercial purposes, or who discards litter  
23 that is a hazardous waste as defined in G.S. 130A-290 is guilty of a Class I felony. In  
24 addition, the court shall order the violator to:

- 25 (1) Remove, or render harmless, the litter that he discarded in violation of  
26 this section;
- 27 (2) Repair or restore property damaged by, or pay damages for any  
28 damage arising out of, his discarding litter in violation of this section;  
29 or
- 30 (3) Perform community public service relating to the removal of litter  
31 discarded in violation of this section or to the restoration of an area  
32 polluted by litter discarded in violation of this section.

33 (e1) Any person who violates subsection (a1) of this section in an amount  
34 exceeding 500 pounds is guilty of an infraction punishable by a fine of not more than  
35 three hundred dollars (\$300.00). In addition, the court may require the violator to  
36 perform community service of not less than 16 hours nor more than 50 hours. The  
37 community service required shall be to pick up litter if feasible, and if not feasible, to  
38 perform other labor commensurate with the offense committed.

39 (f) A court may enjoin a violation of this section.

40 (f1) If a violation of subsection (a) of this section involves the operation of a  
41 motor vehicle, upon a finding of guilt, the court shall forward a record of the finding to  
42 the Department of Transportation, Division of Motor Vehicles, which shall record a

1 penalty of one point on the violator's drivers license pursuant to the point system  
2 established by G.S. 20-16. There shall be no insurance premium surcharge or  
3 assessment of points under the classification plan adopted under G.S. 58-36-65 for a  
4 finding of guilt under this section.

5 (g) A motor vehicle, vessel, aircraft, container, crane, winch, or machine  
6 involved in the disposal of more than 500 pounds of litter in violation of subsection (a)  
7 of this section is declared contraband and is subject to seizure and summary forfeiture to  
8 the State.

9 (h) If a person sustains damages arising out of a violation of subsection (a) of this  
10 section that is punishable as a felony, a court, in a civil action for ~~such~~the damages,  
11 shall order the person to pay the injured party threefold the actual damages or two  
12 hundred dollars (\$200.00), whichever amount is greater. In addition, the court shall  
13 order the person to pay the injured party's court costs and attorney's fees.

14 (i) For the purpose of the section, unless the context requires otherwise:

15 (1) "Aircraft" means a motor vehicle or other vehicle that is used or  
16 designed to fly, but does not include a parachute or any other device  
17 used primarily as safety equipment.

18 (2) Repealed by Session Laws 1999-454, s. 1.

19 (2a) "Commercial purposes" means litter discarded by a business,  
20 corporation, association, partnership, sole proprietorship, or any other  
21 entity conducting business for economic gain, or by an employee or  
22 agent of ~~such~~the entity.

23 (3) "~~Law enforcement officer~~" means any ~~officer of the North Carolina~~  
24 ~~Highway Patrol, the State Bureau of Investigation, the Division of~~  
25 ~~Motor Vehicles of the Department of Transportation, a county sheriff's~~  
26 ~~department, a municipal law enforcement department, a law~~  
27 ~~enforcement department of any other political subdivision, the~~  
28 ~~Department, or the North Carolina Wildlife Resources Commission.~~  
29 law enforcement officer sworn and certified pursuant to Chapter 17C  
30 or 17E of the General Statutes, except company police officers as  
31 defined in G.S. 74E-6(b)(3). In addition, and solely for the purposes of  
32 this section, "law enforcement officer" means any employee of a  
33 county or municipality designated by the county or municipality as a  
34 litter enforcement officer. ~~officer; or wildlife protectors as defined in~~  
35 ~~G.S. 113-128(9);~~

36 (4) "Litter" means any garbage, rubbish, trash, refuse, can, bottle, box,  
37 container, wrapper, paper, paper product, tire, appliance, mechanical  
38 equipment or part, building or construction material, tool, machinery,  
39 wood, motor vehicle or motor vehicle part, vessel, aircraft, farm  
40 machinery or equipment, sludge from a waste treatment facility, water  
41 supply treatment plant, or air pollution control facility, dead animal, or  
42 discarded material in any form resulting from domestic, industrial,

1 commercial, mining, agricultural, or governmental operations. "Litter"  
2 While being used for or distributed in accordance with their intended  
3 uses, "litter" does not include political pamphlets, handbills, religious  
4 tracts, newspapers, and other ~~such~~ similar printed materials the  
5 unsolicited distribution of which is protected by the Constitution of the  
6 United States or the Constitution of North Carolina.

7 (5) "Vehicle" has the same meaning as in ~~G.S. 20-4.01(49);~~ G.S. 20-  
8 4.01(49). ~~and~~

9 (6) "Watercraft" means any boat or vessel used for transportation across  
10 the water.

11 (j) It shall be the duty of all law enforcement officers to enforce the provisions of  
12 this section.

13 (k) This section does not limit the authority of any State or local agency to  
14 enforce other laws, rules or ordinances relating to litter or solid waste management."

15 **SECTION 2.** G.S. 20-116(g) reads as rewritten:

16 "(g) (1) No vehicle shall be driven or moved on any highway unless ~~such~~ the  
17 vehicle is so constructed ~~or~~ and loaded as to prevent any of its load  
18 from falling, blowing, dropping, sifting, leaking, or otherwise escaping  
19 therefrom, ~~except that~~ and the vehicle shall not contain any holes,  
20 cracks, or openings through which any of its load may escape.

21 However, sand may be dropped for the purpose of securing traction, or  
22 water or other substance may be ~~sprinkled~~ sprinkled, dumped, or  
23 spread on a roadway in cleaning or maintaining ~~such~~ the roadway. For  
24 purposes of this subsection, load does not include water accumulated  
25 from precipitation.

26 (2) Trucks, ~~trailers~~ trailers, or other vehicles when loaded with rock,  
27 gravel, ~~stone~~ stone, or any other similar substances ~~which~~ substance  
28 that could fall, blow, leak, ~~sift~~ sift, or drop shall not be driven or  
29 moved on any highway unless the height of the load against all four  
30 walls does not extend above a horizontal line six inches below their  
31 tops when loaded at the loading ~~point,~~ or if not so loaded, unless point  
32 and the load shall be securely covered by tarpaulin or some other  
33 suitable ~~covering,~~ or unless it is otherwise constructed so as covering  
34 to prevent any of its load from falling, dropping, sifting, leaking,  
35 blowing, or otherwise escaping therefrom. This subdivision does not  
36 apply to a vehicle licensed for 7,500 pounds or less gross vehicle  
37 weight.

38 (3) ~~Provided this~~ This section shall not be applicable to or in any manner  
39 restrict the transportation of seed cotton, ~~of poultry~~ poultry, or  
40 livestock or silage or other feed grain used in the feeding of poultry or  
41 livestock."

42 **SECTION 3.** G.S. 115C-12 is amended by adding a new subdivision to read:

1           "(29) Duty to Study the Inclusion of Litter Prevention in the State's Standard  
2           Course of Study. – The State Board of Education shall study ways to  
3           include the topic of litter prevention in the State's Standard Course of  
4           Study."

5           **SECTION 4.** Article 2 of Chapter 136 of the General Statutes is amended by  
6 adding a new section to read:

7           "**§ 136-28.11. Litter removal coordinated with mowing of highway rights-of-way**  
8           **and maintenance of highways.**

9           The Department of Transportation shall coordinate the removal of debris, trash, and  
10 litter from highways and highway rights-of-way with the mowing of highway rights-of-  
11 way and the maintenance of highways. The Department of Transportation shall include  
12 as a term of any contract that it enters into for the mowing of a highway right-of-way or  
13 the maintenance of a highway that the contracting party must coordinate the removal of  
14 debris, trash, and litter from the highway and highway right-of-way with the mowing of  
15 the highway right-of-way or the maintenance of the highway."

16           **SECTION 5.** Article 2 of Chapter 136 of the General Statutes is amended by  
17 adding a new section to read:

18           "**§ 136-32.3. Litter enforcement signs.**

19           The Department of Transportation shall place signs on the Interstate Highway  
20 System notifying motorists of the penalties for littering. The signs shall include the  
21 amount of the maximum penalty for littering. The Department of Transportation shall  
22 determine the locations of and distance between the signs."

23           **SECTION 6.** G.S. 153A-136 reads as rewritten:

24           "**§ 153A-136. Regulation of solid wastes.**

25           (a) A county may by ordinance regulate the storage, collection, transportation,  
26 use, disposal, and other disposition of solid wastes. Such an ordinance may:

- 27           (1) Regulate the activities of persons, firms, and corporations, both public  
28           and private.
- 29           (2) Require each person wishing to commercially collect or dispose of  
30           solid wastes to secure a license from the county and prohibit any  
31           person from commercially collecting or disposing of solid wastes  
32           without a license. A fee may be charged for a license.
- 33           (3) Grant a franchise to one or more persons for the exclusive right to  
34           commercially collect or dispose of solid wastes within all or a defined  
35           portion of the county and prohibit any other person from commercially  
36           collecting or disposing of solid wastes in that area. The board of  
37           commissioners may set the terms of any franchise, except that no  
38           franchise may be granted for a period exceeding 30 years, nor may any  
39           franchise by its terms impair the authority of the board of  
40           commissioners to regulate fees as authorized by this section.
- 41           (4) Regulate the fees, if any, that may be charged by licensed or  
42           franchised persons for collecting or disposing of solid wastes.

- 1 (5) Require the source separation of materials prior to collection of solid  
2 waste for disposal.
- 3 (6) Require participation in a recycling program by requiring separation of  
4 designated materials by the owner or occupant of the property prior to  
5 disposal. An owner of recovered materials as defined by G.S.  
6 130A-290(a)(24) retains ownership of the recovered materials until the  
7 owner conveys, sells, donates, or otherwise transfers the recovered  
8 materials to a person, firm, company, corporation, or unit of local  
9 government. A county may not require an owner to convey, sell,  
10 donate, or otherwise transfer recovered materials to the county or its  
11 designee. If an owner places recovered materials in receptacles or  
12 delivers recovered materials to specific locations, receptacles, and  
13 facilities that are owned or operated by the county or its designee, then  
14 ownership of these materials is transferred to the county or its  
15 designee.
- 16 (6a) Regulate the illegal disposal of solid waste, including littering on  
17 public and private property, provide for enforcement by civil penalties  
18 as well as other remedies, and provide that such regulations may be  
19 enforced by specially appointed environmental enforcement officers.
- 20 (7) Include any other proper matter.
- 21 (b) Any ordinance adopted pursuant to this section shall be consistent with and  
22 supplementary to any rules adopted by the Commission for Health Services or the  
23 Department of Environment and Natural Resources.
- 24 (c) The board of commissioners of a county shall consider alternative sites and  
25 socioeconomic and demographic data and shall hold a public hearing prior to selecting  
26 or approving a site for a new sanitary landfill that receives residential solid waste that is  
27 located within one mile of an existing sanitary landfill within the State. The distance  
28 between an existing and a proposed site shall be determined by measurement between  
29 the closest points on the outer boundary of each site. The definitions set out in G.S.  
30 130A-290 apply to this subsection. As used in this subsection:
- 31 (1) "Approving a site" refers to prior approval of a site under G.S.  
32 130A-294(a)(4).
- 33 (2) "Existing sanitary landfill" means a sanitary landfill that is in operation  
34 or that has been in operation within the five-year period immediately  
35 prior to the date on which an application for a permit is submitted.
- 36 (3) "New sanitary landfill" means a sanitary landfill that includes areas not  
37 within the legal description of an existing sanitary landfill as set out in  
38 the permit for the existing sanitary landfill.
- 39 (4) "Socioeconomic and demographic data" means the most recent  
40 socioeconomic and demographic data compiled by the United States  
41 Bureau of the Census and any additional socioeconomic and  
42 demographic data submitted at the public hearing.

1 (d) As used in this section, "solid waste" means nonhazardous solid waste, that is,  
2 solid waste as defined in G.S. 130A-290 but not including hazardous waste."

3 **SECTION 7.** G.S. 160A-185 reads as rewritten:

4 "**§ 160A-185. Emission of pollutants or contaminants.**

5 A city may by ordinance regulate, restrict, or prohibit the emission or disposal of  
6 substances or effluents that tend to pollute or contaminate land, water, or air, rendering  
7 or tending to render it injurious to human health or welfare, to animal or plant life or to  
8 property, or interfering or tending to interfere with the enjoyment of life or property. A  
9 city may by ordinance regulate the illegal disposal of solid waste, including littering on  
10 public and private property, provide for enforcement by civil penalties as well as other  
11 remedies, and provide that such regulations may be enforced by specially appointed  
12 environmental enforcement officers. Any such ordinance shall be consistent with and  
13 supplementary to State and federal laws and regulations."

14 **SECTION 8.** Article 3 of Chapter 163 of the General Statutes is amended by  
15 adding a new section to read:

16 "**§ 163-22.3. Littering notification and pledge.**

17 At the time an individual files with the State Board of Elections a notice of  
18 candidacy pursuant to G.S. 163-106, 163-112, 163-291, 163-294.2, or 163-323, is  
19 certified to the State Board of Elections by a political party executive committee to fill a  
20 nomination vacancy pursuant to G.S. 163-114, is certified to the State Board of  
21 Elections by a new political party as that party's nominee pursuant to G.S. 163-98,  
22 qualifies with the State Board of Elections as an unaffiliated or write-in candidate  
23 pursuant to Article 11 of this Chapter, or formally initiates a candidacy with the State  
24 Board of Elections pursuant to any statute or local act, the State Board of Elections shall  
25 do both of the following:

- 26 (1) Notify the candidate of the provisions concerning campaign signs in  
27 G.S. 136-32 and G.S. 14-156, and the rules adopted by the Department  
28 of Transportation pursuant to G.S. 136-18.  
29 (2) Require that the candidate sign a pledge to comply with those statutes  
30 and rules. The State Board of Elections shall prepare a form for the  
31 pledge."

32 **SECTION 9.** Article 4 of Chapter 163 of the General Statutes is amended by  
33 adding a new section to read:

34 "**§ 163-33.3. Littering notification and pledge.**

35 At the time an individual files with a county board of elections a notice of candidacy  
36 pursuant to G.S. 163-106, 163-112, 163-291, or 163-294.2, is certified to a county board  
37 of elections by a political party executive committee to fill a nomination vacancy  
38 pursuant to G.S. 163-114, qualifies with a county board of elections as an unaffiliated or  
39 write-in candidate pursuant to Article 11 of this Chapter, or formally initiates with a  
40 county board of elections a candidacy pursuant to any statute or local act, that county  
41 board of elections shall do both of the following:



1           (1) Notify the candidate of the provisions concerning campaign signs in  
2           G.S. 136-32 and G.S. 14-156 and the rules adopted by the Department  
3           of Transportation pursuant to G.S. 136-18.

4           (2) Require that the candidate sign a pledge to comply with those statutes  
5           and rules. The State Board of Elections shall prepare a form for the  
6           pledge."

7           **SECTION 10.** The text of G.S. 147-12 is designated as subsection (a) of that  
8 section, and G.S. 147-12 is further amended by adding a new subsection to read:

9           "**(b)** The Division of Motor Vehicles of the Department of Transportation, the  
10 State Highway Patrol, the Wildlife Resources Commission, the Division of Parks and  
11 Recreation in the Department of Environment and Natural Resources, and the Division  
12 of Marine Fisheries in the Department of Environment and Natural Resources shall  
13 deliver to the Governor by February 1 and August 1 of each year detailed information  
14 on the agency's litter enforcement, litter prevention, and litter removal efforts. The  
15 Administrative Office of the Courts shall deliver to the Governor by February 1 and  
16 August 1 of each year detailed information on the enforcement of the littering laws of  
17 the State, including the number of citations issued and arrests conducted pursuant to the  
18 littering laws of the State and the conviction rate associated with the specific offenses.  
19 The Governor shall gather the information submitted by the respective agencies and  
20 deliver a consolidated semiannual report on or before March 1 and September 1 of each  
21 year to the Environmental Review Commission, the Joint Legislative Transportation  
22 Oversight Committee, and the House of Representatives and the Senate Appropriations  
23 Subcommittees on Natural and Economic Resources."

24           **SECTION 11.** The first reports required to be delivered by the Division of  
25 Motor Vehicles of the Department of Transportation, the State Highway Patrol, the  
26 Wildlife Resources Commission, the Division of Parks and Recreation in the  
27 Department of Environment and Natural Resources, the Division of Marine Fisheries in  
28 the Department of Environment and Natural Resources, and the Administrative Office  
29 of the Courts to the Governor under G.S. 147-12(b), as enacted by Section 10 of this act,  
30 shall be due February 1, 2002. The first report required to be delivered by the Governor  
31 to the Environmental Review Commission, the Joint Legislative Transportation  
32 Oversight Committee, and the House of Representatives and the Senate Appropriations  
33 Subcommittees on Natural and Economic Resources under G.S. 147-12(b), as enacted  
34 by Section 10 of this act, shall be due March 1, 2002.

35           **SECTION 12.** Article 11 of Chapter 143B of the General Statutes is  
36 amended by adding a new section to read:

37 **§ 143B-476.1. Community Service Work Program report.**

38 The Department of Crime Control and Public Safety shall report to the  
39 Environmental Review Commission on or before September 1 of each year on the litter  
40 removal efforts of the Community Service Work Program. This report shall include the  
41 amount of litter removed and the number of community service hours committed to the  
42 removal of litter."

1           **SECTION 13.** The first report required to be delivered by the Department of  
2 Crime Control and Public Safety to the Environmental Review Commission pursuant to  
3 G.S. 143B-476.1, as enacted by Section 12 of this act, shall be due September 1, 2001.

4           **SECTION 14.** The General Assembly of North Carolina acknowledges the  
5 establishment of North Carolina First in the North Carolina Division of Tourism, Film  
6 and Sports Development in the Department of Commerce and shall encourage and  
7 facilitate its litter prevention efforts.

8           **SECTION 15.** G.S. 130A-309.14 is amended by adding new subsections to  
9 read:

10        "**(k)** The Department of Transportation shall provide and maintain recycling bins  
11 at each rest area located in this State on a highway in the Interstate Highway System or  
12 in the State highway system for the collection of all of the following recyclable  
13 materials for which recycling is feasible:

- 14           (1) Aluminum.
- 15           (2) Newspaper.
- 16           (3) Sorted office paper.
- 17           (4) Mixed office paper.
- 18           (5) Recyclable glass.
- 19           (6) Plastic bottles.

20        **(l)** As used in this section, the following definitions apply:

- 21           (1) Mixed office paper. – Nearly all waste paper generated in offices that  
22 is not sorted office paper and includes colored paper, fax paper,  
23 computer paper, junk mail, notepads, manila and bleached file folders,  
24 envelopes without plastic windows, magazines, and corrugated  
25 cardboard. Mixed office paper does not include glossy paper, tape, and  
26 envelopes with plastic windows.
- 27           (2) Sorted office paper. – Paper used in offices that is of a high quality for  
28 purposes of recycling and includes copier paper, computer paper,  
29 letterhead, ledger, white envelopes, and bond paper."

30        **SECTION 16.** G.S. 130A-309.14(a)(1) reads as rewritten:

31        "(1) Establish a program in cooperation with the Department and the  
32 Department of Administration, for the collection on each floor of each  
33 building occupied by a State agency of all of the following recyclable  
34 aluminum and wastepaper materials generated in State offices  
35 throughout the State, including, at a minimum, high grade office paper  
36 and corrugated paper. State:

- 37           a. Aluminum.
- 38           b. Newspaper.
- 39           c. Sorted office paper.
- 40           d. Recyclable glass.
- 41           e. Plastic bottles."

1           **SECTION 17.** This act shall not be construed to obligate the General  
2 Assembly to appropriate any funds to implement the provisions of this act. Every  
3 agency to which this act applies shall implement the provisions of this act from funds  
4 otherwise appropriated or available to the agency.

5           **SECTION 18.** Sections 1 and 2 of this act become effective December 1,  
6 2001, and apply to offenses committed on or after that date. Sections 3, 6, 7, 10, 11, 12,  
7 13, 14, 17, and 18 of this act are effective when it becomes law. Sections 4, 5, 8, and 9  
8 of this act become effective December 1, 2001. Sections 15 and 16 of this act become  
9 effective January 1, 2002.