

1 IN THE SENATE

BY GROH

2 SENATE BILL NO. 130

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to litter control; and providing for
7 an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 * Section 1. AS 41.20.020 is amended by adding a new paragraph to read:

10 (12) administer and enforce the Alaska Litter Control Act.

11 * Sec. 2. AS 41.20 is amended by adding new sections to read:

12 ARTICLE 9. LITTER CONTROL.

13 Sec. 41.20.500. PURPOSE AND INTENT. It is the legislative
14 purpose to accomplish litter control throughout the state by delegating
15 to a single state agency with effective enforcement power the authority
16 to conduct a permanent and continuous program to control and remove
17 litter from the state to the maximum extent possible. The division
18 of parks and recreation, Department of Natural Resources is delegated
19 the power, authority and duty to carry out the provisions of secs. 500 -
20 630 of this chapter to carry out this legislative purpose. Other
21 departments of the state and all local governmental units and agencies
22 of the state shall cooperate with the division of parks and recreation
23 in the administration and enforcement of the provisions of secs. 500 -
24 630 of this chapter. The legislative intent is to add to and to
25 coordinate existing litter control and removal efforts and not to
26 terminate or supplant existing efforts and statutes relating to litter
27 control.

28 Sec. 41.20.510. REGULATIONS. The director shall promulgate
29 regulations under the Administrative Procedure Act (AS 44.62)

1 necessary to carry out the provisions of secs. 500 - 630 of this
2 chapter.

3 Sec. 41.20.520. LITTER PATROL. (a) The director shall establish
4 and administer a state litter patrol to patrol the parks, beaches,
5 campgrounds, trailer parks, and other public places of this state.
6 The litter patrol shall consist of 40 full-time patrolmen in the
7 classified service and additional part-time patrolmen as the director
8 considers necessary to supplement the permanent staff during the
9 tourist season.

10 (b) In enforcing the provisions of secs. 500 - 630 of this
11 chapter the litter patrol shall be aided by all peace officers in the
12 state as well as fish and game enforcement officers and state park
13 and forest rangers. The persons named in this section have the author-
14 ity to issue citations and to arrest, without warrant, persons violating
15 provisions of secs. 500 - 630 of this chapter or lawful regulations
16 promulgated under this chapter. The persons named in this section
17 may serve and execute warrants, citations, and other process issued
18 by the courts of this state in enforcing the provisions of secs. 500 -
19 630 of this chapter. Mailing by registered mail to the last known
20 address of the person sought to be issued a warrant, citation or other
21 process is personal service on the person charged.

22 Sec. 41.20.530. PROHIBITED ACTS. (a) A person may not throw,
23 drop, deposit, discard, or otherwise dispose of litter on public or
24 private property in the state or in waters in the state except

25 (1) when the property is designated by the state or an
26 agency or political subdivision of the state as property to be used
27 for the disposal of garbage or refuse and the person is authorized to
28 use the property for that purpose;

29 (2) into a litter receptacle so that the litter will be

1 prevented from being carried away or deposited by the elements upon
2 public or private property or waters in the state.

3 (b) A person violating a provision of this section is guilty of
4 a misdemeanor and upon conviction is punishable by a fine of not more
5 than \$500, or by imprisonment for not more than 30 days, or by both.
6 In the discretion of the court issuing sentence under the provisions
7 of this section the court may require that the person found guilty of
8 violating a provision of this section engage, for a time designated
9 and over an area designated, in gathering and properly disposing of
10 all litter in the area designated by the court.

11 Sec. 41.20.540. NOTICE TO PUBLIC. The director shall by posting
12 pertinent provisions of secs. 500 - 630 of this chapter in appropriate
13 places make known the content and penalty provisions of secs. 500 -
14 630 of this chapter.

15 Sec. 41.20.550. LITTER RECEPTACLES. (a) The director shall
16 design one or more types of litter receptacles which are uniform as
17 to size, shape, capacity and color for wide and extensive distribution
18 throughout the public places of the state. Each receptacle shall bear
19 an antilitter symbol or logo designated and adopted by the division,
20 as well as a statement of the penalties which may be levied for
21 littering in the state. In addition, all receptacles shall have heavy
22 lids constructed of a suitable and durable material which is so
23 designed as to attract attention and encourage the depositing of litter.

24 (b) Litter receptacles provided for in (a) of this section shall
25 be placed in all parks, campgrounds, trailer parks, drive-in restaurants,
26 gasoline service stations, tavern parking lots, shopping centers and
27 parking lots of major industrial firms, marinas, boat launching areas,
28 boat moorage and fueling stations, public and private piers, beaches
29 and bathing areas, and other places within the state that the director

1 considers appropriate.

2 (c) A person operating a business of the type described in (b)
3 of this section, who fails to place the receptacles provided for in
4 this section in the areas and in the numbers required by the director
5 is guilty of littering and is punishable in the same manner as provided
6 for in sec. 530 of this chapter.

7 Sec. 41.20.560. LITTER BAGS. The division shall design and
8 produce a litter bag bearing the state antilitter symbol or logo and
9 a statement of the penalties for littering in the state. The division
10 shall make available to the Department of Revenue a number of these
11 bags so that each person upon renewing his motor vehicle registration
12 may be given one along with his license plates. The Department of
13 Revenue shall distribute one litter bag for each set of license plates
14 issued. The division shall make litter bags available to all water-
15 craft owners and persons entering the state by automobile. The director
16 shall pick key distribution points so that the broadest possible
17 distribution is made to persons entering the state by automobile or
18 watercraft. No charge is to be made for the litter bags distributed
19 under this section.

20 Sec. 41.20.570. REMOVAL OF LITTER. Responsibility for the
21 removal of litter from litter receptacles placed in parks, beaches,
22 campgrounds, trailer parks, and other publicly-owned places shall re-
23 main upon those state and local agencies performing litter removal.
24 The removal of litter from receptacles placed on privately-owned public
25 places shall remain the responsibility of the owner of the premises.

26 Sec. 41.20.580. TAX ON MANUFACTURER, WHOLESALER AND RETAILER.

27 (a) There is levied a tax of one-twentieth of one per cent on gross
28 receipts of all persons engaged in manufacturing, wholesaling or
29 retailing within the state. This tax shall be collected by the

1 Department of Revenue under procedures of the Department of Revenue
2 and the proceeds of the tax shall be deposited in the general fund of
3 the state.

4 (b) The gross receipts tax provided for in (a) of this section
5 applies only to the following manufactured, wholesaled, or retailed
6 items:

- 7 (1) food for human or pet consumption when containerized
8 or packaged in any way,
- 9 (2) cigarettes and tobacco products,
- 10 (3) soft drinks and carbonated waters,
- 11 (4) beer and other malt beverages,
- 12 (5) wine,
- 13 (6) newspapers and magazines,
- 14 (7) household paper and paper products,
- 15 (8) glass containers or any product sold in glass containers,
- 16 (9) metal containers or any product sold in metal containers,
- 17 (10) plastic or fiber containers made of synthetic material
18 or any product sold in plastic or fiber containers,
- 19 (11) cleaning agents and toiletries,
- 20 (12) nonprescriptioned patented or nonpatented medicines
21 and remedies.

22 Sec. 41.20.590. REGULATIONS. The Department of Revenue shall
23 adopt appropriate regulations implementing sec. 580 of this chapter
24 under the Administrative Procedure Act (AS 44.62).

25 Sec. 41.20.600. TAX EXEMPTIONS. The activity of growing food
26 products or raising animals for food products is exempt from the gross
27 receipts tax provided for in sec. 580 of this chapter unless these
28 products are packaged or containerized in disposable packing or
29 containers before their initial sale.

1 Sec. 41.20.610. ADDITIONAL DUTIES OF DIVISION. The division
2 shall

3 (1) serve as the coordinating agency between the various
4 industry organizations seeking to aid in litter control;

5 (2) recommend to the governing bodies of all local govern-
6 ments that they adopt ordinances similar to the provisions of secs.
7 500 - 630 of this chapter;

8 (3) cooperate with all local governments to accomplish
9 coordination of local litter control efforts;

10 (4) encourage, organize and coordinate voluntary local
11 litter control campaigns seeking to focus the attention of the public
12 on the programs of this state to control and remove litter;

13 (5) investigate the availability of, and apply for and
14 disperse funds available from any private or public source to be used
15 in litter control programs.

16 Sec. 41.20.620. DEFINITIONS. In secs. 500 - 630 of this chapter

17 (1) "department" means the Department of Natural Resources;

18 (2) "director" means the director of the division of parks
19 and recreation, Department of Natural Resources;

20 (3) "division" means the division of parks and recreation,
21 Department of Natural Resources.

22 Sec. 41.20.630. SHORT TITLE. Secs. 500 - 630 of this chapter
23 may be cited as the Alaska Litter Control Act.

24 * Sec. 3. This Act takes effect on the day after its passage and approv-
25 al or on the day it becomes law without approval.