

Introduced: 3/30/77
Referred: State Affairs and
Finance

1 IN THE SENATE

BY COLLETTA

2 SENATE BILL NO. 296

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH 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 pur-
14 pose 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 of
18 parks, Department of Natural Resources, is vested with the power,
19 authority and duty to carry out the provisions of secs. 500 - 590 of
20 this chapter to carry out this legislative purpose. Other departments
21 of the state and all local governmental units and agencies of the state
22 shall cooperate with the division of parks in the administration and
23 enforcement of the provisions of secs. 500 - 590 of this chapter. The
24 legislative intent is to add to and to coordinate existing litter con-
25 trol and removal efforts.

26 Sec. 41.20.510. REGULATIONS. The director shall promulgate regu-
27 lations under the Administrative Procedure Act (AS 44.62) necessary to
28 carry out the provisions of secs. 500 - 590 of this chapter.

29 Sec. 41.20.520. LITTER PATROL. (a) The director shall establish

1 and administer a state litter patrol to patrol the parks, beaches,
2 campgrounds, trailer parks, and other public places of the state. The
3 litter patrol shall consist of 40 full-time patrolmen in the classified
4 service and additional part-time patrolmen as the director considers
5 necessary to supplement the permanent staff during the tourist season.

6 (b) In enforcing the provisions of secs. 500 - 590 of this chapter
7 the litter patrol shall be aided by all peace officers in the state as
8 well as fish and game enforcement officers and state park employees.
9 The persons named in this section have the authority to issue citations
10 and to arrest, without warrant, persons violating provisions of secs.
11 500 - 590 of this chapter or regulations adopted under this chapter.
12 The persons named in this section may serve and execute warrants, cita-
13 tions, and other process issued by the courts of this state in enforcing
14 the provisions of secs. 500 - 590 of this chapter. Mailing by registered
15 mail to the last known address of the person sought to be issued a
16 warrant, citation or other process is personal service on the person
17 charged.

18 Sec. 41.20.530. PROHIBITED ACTS. (a) A person may not throw,
19 drop, deposit, discard, or otherwise dispose of litter on public or
20 private property in the state or in waters in the state or under state
21 jurisdiction except

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

26 (2) into a litter receptacle so that the litter will be pre-
27 vented from being carried away or deposited by the elements upon public
28 or private property or waters in the state or under state jurisdiction.

29 (b) A person violating a provision of this section is guilty of a

1 misdemeanor and upon conviction is punishable by a fine of not more than
2 \$500, or by imprisonment for not more than 30 days, or by both. In the
3 discretion of the court issuing sentence under the provisions of this
4 section the court may require that the person found guilty of violating
5 a provision of this section engage, for a time designated and over an
6 area designated, in gathering and properly disposing of all litter in
7 the area designated by the court.

8 Sec. 41.20.540. NOTICE TO PUBLIC. The director shall, by posting
9 pertinent provisions of secs. 500 - 590 of this chapter in appropriate
10 places, make known the content and penalty provisions of secs. 500 -
11 590 of this chapter.

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

21 (b) Litter receptacles provided for in (a) of this section shall
22 be placed in all public facilities of the state. Receptacles shall be
23 made available for placement on private property open for public access
24 at the option of the owner.

25 (c) A person owning private property that is open for public
26 access, who fails to place receptacles for the collection of litter
27 upon his property, is guilty of littering and is punishable in the same
28 manner as provided for in sec. 530 of this chapter.

29 Sec. 41.20.560. LITTER BAGS. The division shall design and

1 produce a litter bag bearing the state antilitter symbol or logo and a
2 statement of the penalties for littering in the state. The division
3 shall make available to the Department of Revenue a number of these bags
4 so that each person upon renewing his motor vehicle registration may be
5 given one along with his license plates. The division of motor vehicles
6 shall distribute one litter bag for each set of license plates issued.
7 The division shall make litter bags available to all watercraft owners
8 and persons entering the state by automobile. The director shall pick
9 key distribution points so that the broadest possible distribution is
10 made to persons entering the state by automobile or watercraft. No
11 charge is to be made for the litter bags distributed under this section.

12 Sec. 41.20.570. REMOVAL OF LITTER. Responsibility for the removal
13 of litter from litter receptacles placed in parks, beaches, campgrounds,
14 trailer parks, and other publicly owned places shall remain upon those
15 state and local agencies performing litter removal. The removal of
16 litter from receptacles placed on privately owned public places shall
17 remain the responsibility of the owner of the premises.

18 Sec. 41.20.580. ADDITIONAL DUTIES OF DIVISION. The division shall

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

21 (2) recommend to the governing bodies of all general law or
22 home rule municipalities that they adopt ordinances similar to the
23 provisions of secs. 500 - 590 of this chapter;

24 (3) cooperate with all municipalities to accomplish coordina-
25 tion of local litter control efforts;

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

29 (5) investigate the availability of, and apply for and

1 disperse funds available from any private or public source to be used in
2 litter control programs.

3 Sec. 41.20.590. DEFINITIONS. In secs. 500 - 590 of this chapter

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

5 (2) "director" means the director of the division of parks,
6 Department of Natural Resources;

7 (3) "division" means the division of parks, Department of
8 Natural Resources.

9 * Sec. 3. AS 43 is amended by adding a new chapter to read:

10 CHAPTER 71. LITTER CONTROL TAX.

11 Sec. 43.71.010. TAX ON MANUFACTURER, WHOLESALER AND RETAILER. (a)

12 There is levied a tax of one-twentieth of one per cent on gross receipts
13 of all sales of retailers engaged in business in the state and all sales
14 of products by manufacturers and wholesalers for use or consumption in
15 the state. This tax shall be collected by the Department of Revenue
16 under procedures of the Department of Revenue, and the proceeds of the
17 tax shall be deposited in the general fund of the state.

18 (b) The tax provided for in (a) of this section applies only to
19 the value of or the gross receipts of sales of the following manufac-
20 tured, wholesaled, or retailed items:

21 (1) food for human or pet consumption when containerized or
22 packaged in any way;

23 (2) cigarettes and tobacco products;

24 (3) soft drinks and carbonated waters;

25 (4) beer and other malt beverages;

26 (5) wine;

27 (6) newspapers and magazines;

28 (7) household paper and paper products;

29 (8) glass containers or any product sold in glass containers;

- 1 (9) metal containers or any product sold in metal containers;
2 (10) plastic or fiber containers made of synthetic material or
3 any product sold in plastic or fiber containers;
4 (11) cleaning agents and toiletries;
5 (12) nonprescriptioned patented or nonpatented medicines and
6 remedies.

7 Sec. 43.71.020. REGULATIONS. The Department of Revenue shall
8 adopt appropriate regulations implementing sec. 10 of this chapter under
9 the Administrative Procedure Act (AS 44.62).

10 Sec. 43.71.030. TAX EXEMPTIONS. The activity of growing food
11 products or raising animals for food products is exempt from the gross
12 receipts tax provided for in sec. 10 of this chapter unless these pro-
13 ducts are packaged or containerized in disposable packing or containers
14 before their initial sale.

15 * Sec. 4. AS 11.20.590(b) and (e) are repealed.

16 * Sec. 5. This Act takes effect July 1, 1977.