

REFERENCE TITLE: littering; trust lands; civil penalty

State of Arizona
House of Representatives
Forty-eighth Legislature
Second Regular Session
2008

HB 2460

Introduced by
Representatives Campbell CH, Ableser, Ulmer: Adams, Burns J, Driggs,
Lujan, McGuire, Meza, Thrasher, Senator Aboud

AN ACT

AMENDING TITLE 37, CHAPTER 1, ARTICLE 1, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-111; AMENDING TITLE 37, CHAPTER 2, ARTICLE 12, ARIZONA REVISED STATUTES, BY ADDING SECTION 37-504; RELATING TO LITTERING.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 37, chapter 1, article 1, Arizona Revised Statutes,
3 is amended by adding section 37-111, to read:

4 37-111. State trust land remediation fund; exemption

5 A. THE STATE TRUST LAND REMEDIATION FUND IS ESTABLISHED CONSISTING OF
6 CIVIL PENALTIES COLLECTED PURSUANT TO SECTION 37-504, LEGISLATIVE
7 APPROPRIATIONS, GIFTS, GRANTS AND DONATIONS. MONIES IN THE FUND ARE
8 CONTINUOUSLY APPROPRIATED.

9 B. THE COMMISSIONER SHALL ADMINISTER THE FUND AND SPEND MONIES IN THE
10 FUND TO PAY THE DEPARTMENT'S COSTS FOR REMOVING LITTER FROM STATE TRUST LAND,
11 PUBLIC SIGNAGE AND PREVENTION MEASURES, INCLUDING FENCES AND BARRIERS, THAT
12 ARE CONSISTENT WITH THE REQUIREMENTS OF THE ENABLING ACT.

13 C. MONIES IN THE FUND ARE EXEMPT FROM THE PROVISIONS OF SECTION 35-190
14 RELATING TO THE LAPSING OF APPROPRIATIONS.

15 Sec. 2. Title 37, chapter 2, article 12, Arizona revised Statutes, is
16 amended by adding section 37-504, to read:

17 37-504. Littering or polluting on state trust land; civil
18 penalty

19 A. IN ADDITION TO ANY OTHER PENALTY PRESCRIBED BY LAW, A PERSON WHO
20 WITHOUT LAWFUL AUTHORITY DOES ANY OF THE FOLLOWING ON STATE TRUST LAND IS
21 SUBJECT TO A CIVIL PENALTY OF AT LEAST FIVE HUNDRED DOLLARS BUT NOT MORE THAN
22 ONE THOUSAND FIVE HUNDRED DOLLARS:

23 1. THROWS, PLACES, DROPS OR PERMITS TO BE DROPPED ANY LITTER OR
24 DESTRUCTIVE OR INJURIOUS MATERIAL THAT THE PERSON DOES NOT IMMEDIATELY
25 REMOVE.

26 2. DISCHARGES OR PERMITS TO BE DISCHARGED ANY SEWAGE, OIL PRODUCTS OR
27 OTHER HARMFUL SUBSTANCES INTO ANY WATERS OR ONTO ANY SHORELINES.

28 3. DUMPS ANY EARTH, SOIL, STONES, ORES OR MINERALS.

29 B. CIVIL PENALTIES COLLECTED PURSUANT TO THIS SECTION SHALL BE
30 DEPOSITED IN THE STATE TRUST LAND REMEDIATION FUND ESTABLISHED BY SECTION
31 37-111.