

Original sponsors: Davis, Koponen  
and Pourchot

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 59 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL

6 For an Act entitled: "An Act relating to the recycling and reduction of  
7 litter; and providing for an effective date."

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

9 \* Section 1. AS 12.25.190(c) is amended to read:

10 (c) The person cited for the crime shall give a written promise  
11 to appear in court by signing at least one copy of the written cita-  
12 tion prepared by the peace officer and the officer shall deliver a  
13 copy of the citation to the person. The written promise requirement  
14 of this subsection does not apply to motor vehicle and traffic cita-  
15 tions under AS 28.05.151, fish and game citations for which a bail  
16 schedule has been established under AS 16.05.165, citations issued  
17 under AS 18.35.341, [AND] citations issued in state park and recre-  
18 ational facilities under AS 41.21.960, and littering citations issued  
19 under AS 46.06.080.

20 \* Sec. 2. AS 46.06.010 is repealed and reenacted to read:

21 Sec. 46.06.010. POWERS OF THE DEPARTMENT. The department shall  
22 (1) serve as the coordinating agency among public and  
23 private organizations in the state that are involved in the control,  
24 reduction, and recycling of litter;  
25 (2) assist local governments in the adoption and amendment  
26 of ordinances relating to the control, reduction, and recycling of  
27 litter;  
28 (3) promote voluntary local programs and information cam-  
29 paigns that encourage the public to refrain from littering and to

1 participate in efforts to clean up and recycle litter;

2 (4) inform the public of, and encourage the public to  
3 comply with, the provisions of this chapter and regulations adopted  
4 under this chapter;

5 (5) encourage federal, state, and local agencies to assist  
6 programs for the recycling of litter by allowing the use of publicly  
7 owned land, buildings, or equipment for those programs whenever possi-  
8 ble;

9 (6) apply for, receive, and expend grants, loans, and other  
10 monetary and nonmonetary assistance for use in programs established  
11 under this chapter;

12 (7) determine the types of materials or energy that may be  
13 profitably recovered from litter, and adopt regulations under the  
14 Administrative Procedure Act (AS 44.62) that require the recovery of  
15 the materials or energy;

16 (8) adopt other regulations under the Administrative Proce-  
17 dure Act (AS 44.62) necessary to implement this chapter.

18 \* Sec. 3. AS 46.06.060 is amended to read:

19 Sec. 46.06.060. LITTER BAGS. The department may [SHALL] design  
20 and have produced a litter bag bearing the state anti-litter symbol  
21 and a statement of the penalties for littering in the state. The  
22 department may [SHALL] make litter bags available to the division of  
23 motor vehicles in the Department of Public Safety for this purpose.  
24 The [TO THE GREATEST EXTENT PRACTICABLE, THE] division of motor  
25 vehicles may [SHALL] distribute one litter bag to each person who  
26 applies for registration or reregistration of a motor vehicle and  
27 shall notify the person of the person's responsibilities under the  
28 law: The department may [SHALL] make litter bags available to all  
29 vehicle and vessel operators entering the state. The commissioner

1 shall designate distribution points for the broadest possible dis-  
2 tribution of litter bags to persons entering the state by vehicle or  
3 vessel.

4 \* Sec. 4. AS 46.06.080(c) is amended to read:

5 (c) A person who violates this section is guilty of a violation  
6 [CLASS B MISDEMEANOR], and may be sentenced to pay a fine of not more  
7 than \$1,000. In [IN] addition [TO THE PUNISHMENT IMPOSED BY AS 12.-  
8 55.035(b)(4) AND 12.55.135(b)], the court may order the person to  
9 gather and dispose of litter in an area and for a length of time  
10 determined by the court.

11 \* Sec. 5. AS 46.06.080 is amended by adding new subsections to read:

12 (d) A peace officer shall issue a citation as provided in  
13 AS 12.25.180 to a person who violates this section. If a citation is  
14 for a minor littering violation, then the person to whom the citation  
15 is issued may, within 15 days, mail or personally deliver to the clerk  
16 of the court in which the citation is filed

17 (1) a fine of \$25; and

18 (2) a copy of the citation indicating that the right to an  
19 appearance is waived and a plea of no contest is entered.

20 (e) If a \$25 fine has been paid under (d) of this section, then  
21 the court shall enter a judgment of conviction. Payment of the fine  
22 is a complete satisfaction for the violation.

23 (f) If a person cited under this section fails to pay the fine  
24 or to appear in court as required, the citation is considered a sum-  
25 mons for a failure to obey a citation under AS 12.25.230, and the  
26 court may issue a bench warrant.

27 (g) Notwithstanding other provisions of law, if a person cited  
28 for a minor littering violation under this section appears in court  
29 and is found guilty, the penalty that is imposed for the violation may

1 not exceed \$25.

2 (h) In this section "a minor littering violation" means a viola-  
3 tion of (a) or (b) of this section involving litter having an aggre-  
4 gate weight of five pounds or less.

5 \* Sec. 6. AS 46.06.020, 46.06.030, 46.06.040, and 46.06.070(b) are  
6 repealed.

7 \* Sec. 7. Section 5, ch. 149, SLA 1980, as amended by sec. 9, ch. 164,  
8 SLA 1984, is repealed.

9 \* Sec. 8. This Act takes effect immediately under AS 01.10.070(c).