

HOUSE BILL NO. 264

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-EIGHTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ISAACSON

Introduced: 1/21/14

Referred: Community and Regional Affairs, Resources

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to solid fuel burning heating devices."**

2 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

3 * **Section 1.** AS 29.35.055 is amended to read:

4 **Sec. 29.35.055. Local air quality control program.** A municipality may
5 establish a local air quality control program as provided in AS 46.14.400 **and limited**
6 **by AS 46.14.900** only if the municipality has obtained the consent of its governing
7 body through an ordinance authorizing the participation. This section applies to home
8 rule and general law municipalities.

9 * **Sec. 2.** AS 44.99.040(a) is amended to read:

10 (a) A state or municipal agency may not use or authorize the use of an asset to
11 implement or aid in the implementation of a requirement of

12 (1) an order of the President of the United States, a federal regulation,
13 or a law enacted by the United States Congress that is applied to

14 (A) infringe on a person's right, under the Second Amendment
15 to the Constitution of the United States, to keep and bear arms;

1 (B) deny a person a right to due process, or a protection of due
 2 process, that would otherwise be available to the person under the Constitution
 3 of the State of Alaska or the Constitution of the United States;

4 **(C) prohibit the use of a solid fuel burning heating device;**

5 or

6 (2) P.L. 109-13, Division B (REAL ID Act of 2005).

7 * **Sec. 3.** AS 44.99.040(b) is amended by adding a new paragraph to read:

8 (3) "solid fuel burning heating device" means a device designed or
 9 operated for wood or coal combustion that provides usable heat for the interior of a
 10 building and does not include a device that is primarily part of an industrial process
 11 and incidentally provides usable heat for the interior of a building.

12 * **Sec. 4.** AS 46.14.900 is amended by adding a new subsection to read:

13 (b) A department of the state or a municipality may not prohibit the use of a
 14 solid fuel burning heating device. This subsection does not apply to

15 (1) actions taken under AS 46.14.540;

16 (2) a municipality that has passed an ordinance allowing a prohibition
 17 on the use of a solid fuel burning heating device.

18 * **Sec. 5.** AS 46.14.990 is amended by adding a new paragraph to read:

19 (29) "solid fuel burning heating device" means a device designed or
 20 operated for wood or coal combustion that provides usable heat for the interior of a
 21 building and does not include a device that is primarily part of an industrial process
 22 and incidentally provides usable heat for the interior of a building.

23 * **Sec. 6.** AS 46.14.900(b) is repealed on the earlier of

24 (1) December 31, 2023; or

25 (2) when the legislature determines, by law, that sufficient alternative fuel
 26 sources to replace wood and coal are available and affordable and that the availability and
 27 affordability of those alternative fuel sources sufficiently incentivizes homeowners to replace
 28 wood- or coal-burning home heating systems with systems using the alternative fuel sources.