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Introduced: 1/11/82
Referred: State Affairs and
Judiciary

1 IN THE SENATE

BY PARR

2 SENATE BILL NO. 626

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to smoking in public places."

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

8 * Section 1. AS 18.35.300 is amended by adding a new paragraph to read:

9 (7) a room in which a jury is meeting.

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PARR - DEC REGULATIONS / EXCEPTIONS TO 18.35.310

PRAY - SIGNATURES NOTICE OF JURY

LESTER REBER - DICKS - SUPPORTS BILL IN TOTAL

BERRY THOMAS JOE CALDWELL - SUPPORTS BILL IN TOTAL

THE MAYOR - LIKE 106600 - NOT IN 1982



Alaska State Legislature

Senate

Judiciary Committee

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

MARCH 3, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SJR 6 - Proposing an amendment to the Constitution of the State of Alaska relating to sessions of the legislature.

SB 811 - "An Act relating to compilation of the jury list."

SB 626 - "An Act relating to smoking in public places."

SB 741 - "An Act relating to child support enforcement."

The meeting of the Senate Judiciary Committee was called to order by Chairman Rodey at 1:30 P.M. Committee members present were: Senators Rodey, Ray, Bennett, Parr, and Anderson.

Chairman Rodey brought the first order of business before the committee, SB 811.

After a brief discussion, Senator Ray motioned to move SB 811 from committee with individual recommendations. There was no objection. Senators Rodey, Ray, and Bennett signed do pass. Senators Parr and Anderson signed no recommendation.

Chairman Rodey next brought SB 741 before the committee.

Senator Eliason testified in favor of SB 741 and distributed an amendment to the committee which would direct interest on delinquent payments to the obligee, and directs the penalty to the Child Enforcement Agency.

Dan Copeland, Director, Child Support Enforcement, Division of Department of Revenue, testified in opposition of SB 741, stating that it would place an extra administrative burden on the Agency for handling the cost of the enforcement. He did not think that the interest and penalty fee would add any incentive to the obligor and that it may actually decrease the amount of payments since it will add a financial cost to people who make the payments, some of whom don't want to make them anyway. The Federal Government has a law that allows them to charge a fee (10%), however, it is not enforced for the same reason. It

will require more administrative help, and they are concerned it may actually reduce the payments they currently receive.

Senator Rodey discussed the fiscal note. How much federally funded? What about non-ADFC?

Senator Parr brought to the committee's attention an incident where a man who had requested a certified copy of his check was not given one. He hired an attorney to obtain the copies and the attorney also had problems in getting the copy. Senator Parr was not aware of whether the agency ignored the request, lost it, or was giving the man the run-around, but that was how it was presented to him. Senator Parr expressed that copies should be made available of the payment upon written request.

Senator Ray stated that the number of copies should be limited so the agency isn't inundated with request. Limit it to one copy per year.

Senator Eliason stated that child support is a legal debt and we need to be able to enforce payments.

Mr. Copeland discussed the collection of fees and how it would offset the expenses of administering. He thinks it would cost considerable man hours and would not be cost effective. He compared it to the Court System that used to charge 3% to obtain a copy of the payment. They have discontinued it because it was not worth their time and administrative expense of providing the service.

Senator Rodey suggested that they lay the bill on the table and do more work with Senator Eliason. Senator Ray said that he will help work up a compromise.

Fred Jenkins, Men's Support Network and Alaska Domestic Violence Network, testified, stating that he agrees that the obligor should recognize payment. State will need more clerical work to administer. Should address penalty and interest and assign a specific amount. Look at the \$182,000 figure for clerical help and make sure it is reasonable.

The next item on the agenda was SB 626.

Senator Parr discussed the law passed in 1975/76 dealing with smoking in public places. He stated that the Department of Environmental Conservation should change their definition regarding public places.

Karla Forsythe, General Counsel for the Alaska Court System, testified stating that the Court System does not have an official position on the bill. As the statute presently exists, smoking can occur in jury rooms. If rooms are adequately ventilated, smoking is allowed so needs of smokers and non-smokers can both be accomplished. It is a balancing situation to serve everyone's interest. Doesn't seem to interfere with allowing it in jury rooms.

Senator Parr raised the question as to whether or not there is adequate ventilation in jury rooms? All jury rooms?

Ms. Forsythe stated that again, it is a matter of balancing. Our Court Administrator believes the jury rooms are adequately ventilated.

Dr. E.S. Rabeau, stood up and indicated he had left a brief message expressing his thoughts. He asked Senator Rodey to read it or relay it to the other members of the Committee.

Senator Rodey said that basically the message is that non-smokers can risk lung cancer by being exposed to smokers.

Walt McPherson testified stating that his wife is allergic to smoking. She served on a jury and tried to get out of jury duty, but was not allowed. She was informed there would not be smoking; however, smoking did occur. She was sick for a week. He supports amendment and discussed problems in public places such as airports, restaurants, waiting areas, ferries, etc.

Senator Parr commented he also feels the problems occur in other public areas i.e. supermarkets, airports, etc., but feels jury rooms should be addressed since people don't have a choice of serving. It is unfair to expose them to the problem when they aren't there as a matter of choice.

The committee decided to hold the bill for further review. Senator Rodey adjourned the meeting at 2:40 P.M.

Since the prime sponsor of SJR 6, Senator Kelly, did not attend the meeting, that bill was not taken up.



Official Business

Alaska State Legislature

Senate

Committee on Judiciary

Pouch V
State Capitol
Juneau, Alaska 99811

MINUTES OF THE SENATE JUDICIARY COMMITTEE

OF

FEBRUARY 10, 1982

Butrovich Committee Room, State Capitol Juneau, Alaska

Legislation Before Committee:

SB 610 - "An Act relating to smoking in public places."

HB 406 - "An Act relating to sales of alcoholic beverages to and by licensed wholesalers."

SB 626 - "An Act relating to certificates of birth."

The meeting of the Senate Judiciary Committee was called to order by acting Chairman Ray at 1:40 P.M. Committee members present were: Senators Ray, Bennett, and Parr. Senator Rodey was absent.

Acting Chairman Ray first brought before the committee SB 610. Joseph Geldhof, representing the Tobacco Institute, testified against the bill.

Dr. Rabeau, Department of Health & Social Services, addressed the committee on the health ramifications to nonsmokers when smoking is permitted in crowded public places.

After brief discussion, Senator Parr suggested moving the bill from committee with individual commendations. This action failed; Senators Parr and Bennett voting to move the bill, Senator Ray voting against moving the bill.

Acting Chairman Ray next brought HB 406 before the committee. Doug Metz, Wine and Spirits Wholesaler of America, Inc., and Russel Shannon, Distilled Spirits Council of the U.S. Inc., testified in favor of this bill.

Mr. Hanford, representing Odom Corporation, offered amendments to HB 406 without testimony.

Next, Joe Donohue, Department of Revenue, addressed the committee and offered his assistance to the committee on any questions which he could help answer. The Department had no recommendation on the bill.

Acting Chairman Ray next called Mr. King, representing the Juneau Retail Dealers Assoc., to testify. Mr. King expressed the local retailers

opposition to HB 406, stating that it would only cause an increase in prices to the consumer. Mr. Thibideau and Mr. Tallman, both local retailers, joined Mr. King and stated their opposition to this legislation.

Maurice Druhe, representing DISCUS, testified in favor of HB 406.

After discussion, acting Chairman Ray asked if any member of the committee wished to suggest action on the bill. There was no motion.

SB 626 was not addressed by the committee today.

Acting Chairman Ray adjourned the meeting at 2:50 P.M.

SENATOR,
PATRICK M. RODEY
3271 MONTCLAIFE COURT
ANCHORAGE, AK 99503



SENATE MAJORITY LEADER
CHAIRMAN
SENATE JUDICIARY COMMITTEE
CHAIRMAN
SENATE SPECIAL COMMITTEE
ON BANKING

ALASKA STATE LEGISLATURE
POUCH V
JUNEAU, ALASKA 99811
(907) 465-3717

March 10, 1982

Ms. Barbara Tabbert
SR Box 20106
Fairbanks, AK 99701

Dear Ms. Tabbert:

Thank you for your letter regarding SB 626, relating to smoking in jury rooms.

As you are probably well aware, SB 626 is currently in the Judiciary Committee. The Committee did have a hearing on this bill February 10 and March 3, but no action was taken. It is pending further action.

Being a non-smoker myself, I can understand your position. In an enclosed area, such as a jury room, it is very uncomfortable for a non-smoker to spend many hours breathing smoke filled air. As I am sure that other members of the Committee will be interested in your views, I am enclosing a copy of your letter in their files for their information.

Again, thank you for contacting me with your concerns.

Kindest regards,

A handwritten signature in cursive script that reads "Pat".

Patrick M. Rodey
Senator

PMR/ds

ALASKA LUNG ASSOCIATION, Inc.

March 4, 1982

Leo C. Kaye, *Executive Director*

The Honorable Charles Farr
Alaska State Senate
Pouch "V" State Capitol Building
Juneau, Alaska 99811

Dear Senator Farr:

The Alaska Lung Association was pleased to learn that you have introduced Senate Bill No. 626, "An Act Relating to Smoking in Public Places," with special attention to "a room in which a jury is meeting."

From personal experience, I found that several individuals who served on a jury with me could not tolerate "second-hand smoke". We finally made a decision to move the smokers close to an open window. One person became ill and this delayed deliberations.

Thank you for placing this public health nuisance on your priority list.

Respectfully,



Leo C. Kaye
Executive Director

/f

cc: Patricia A. Book, Ph. D.
Donald Allan

PAT Radey

LUNG CANCER AND INVOLUNTARY TO SMOKING

The DHHS report states that 3 epidemiologic studies examined involuntary or passive smoking and lung cancer in nonsmokers this past year. Two studies found a statistically significant correlation between involuntary smoking and lung-cancer risk in nonsmoking wives of men who smoked. The third noted a positive, but not statistically significant, association. While the nature of this association is unresolved, it does raise the concern that involuntary smoking may pose a carcinogenic risk to the nonsmoker.

Reference

1. Office on Smoking and Health. The health consequences of smoking: Cancer. A report of the Surgeon General. Rockville, MD: Public Health Service, U.S. Department of Health and Human Services, 1982.

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

8 * Section 1. AS 18.35.300 is amended by adding a new paragraph to read:

9 (7) a room in which a jury is meeting. → NO SMOKING IN

10 People Against this Bill THE JURY ROOM

11	12 NAME	13 ADDRESS	14 PHONE #
12	JIM O'Donnell	1020 Glacier Highway	789 7400
13	Burt L. Bryan	PO Box 2798	
14		9131 Glacier Highway suite 2.	789-3233
15	Rene Mayer	2911 Linda Ave	789-3772
16	JH Smith	9300 S. Vanier Hwy	789-2740
17	Keith Mayer	2911 Linda Ave	789-3772
18	JAMES L HEDDON	3335 TOAGAY	789-2010
19	Thomas E. Clayton	2985-83 Kodzoff II	789-3632
20	Jeff Pugh	12020 Glacier Hwy #4	789-3226
21	Thomas Smith	9500 Glacier Hwy #1	789-3958
22	Randy Taylor	Glacier View trailers etc	# 789-4215
23	Bruce Rainick	455 S. Franklin	586-2050
24	David Holte	437 W. 11th St. Juneau, 99801	789-3632
25	Donald Parsons	8265 GARNET ST JUN.	789-3893
26	Julie Mangold	Box 2771 Juneau	789-3933
27	NICHOLAS SMITH	17895 PT. STEPHENS RD JUNEAU	789-0550
28	Melody G. Smith	" " " "	" "
29	Melba Henderson	901612 GILMORE AVE JUNEAU	364-2282

SB 626

364-2282

INFORMATION SHEET

A number of people have expressed concern that cigarette smoke endangers non-smokers. Here is what two major opponents of smoking said on this subject:

* United States Surgeon General. "Healthy non-smokers exposed to cigarette smoke have little or no physiologic response to the smoke, and what response does occur may be due to psychological factors". Derived from the most recent Surgeon General's report on this subject.

* The American Cancer Society stated in a report covering 17 years and some 200,000 people that: "Second-hand" smoke has insignificant effect on the lung-cancer rates in non-smokers". Derived from a report published by the Statistical Director of the ACS in June, 1981.

Additionally, a number of questions have been raised on whether public smoking laws are necessary. Officials who have to enforce public smoking laws had the following to say concerning public smoking laws:

* A police officers association in Arlington, Virginia, told city officials that a proposed public smoking law was "virtually unenforceable.... well-intended, but frivolous, " a measure that "will only cause greater animosity".

* In New York, James Hargrove, Chairman of the National Black Police Association, told the state's Senate that a public smoking proposal would be "a waste of law enforcement time." Mr. Hargrove said, "the limited amount of personnel we do have could better spend their time in making our neighborhoods safe."

The Tobacco Institute.

POSITION PAPER / Department of Health and Social Services

POSITION PAPER

SENATE BILL NO. 626

"An Act relating to smoking in public places."

SB No. 626 adds to the "smoking in public places" statute an additional area that will be declared off limits to smoking.

Smoking is the single most important preventable cause of disease and is responsible for approximately 320,000 deaths annually in the U.S. It is associated with heart and blood vessel disease; chronic bronchitis and emphysema; cancers of the lung, larynx and other problems such as respiratory infections and stomach ulcers. The Department of Health and Social Services knowing this, and that even the involuntary or passive inhalation of cigarette smoke can precipitate or exacerbate symptoms of existing disease status such as asthma, cardiovascular and respiratory disease has mandated, and requires, strict enforcement of a policy that, pursuant to AS 18.35.300 - AS 18.35.330, prohibits smoking in elevators; meeting or public assembly rooms while a meeting or public assembly is in process; waiting rooms, restrooms, lobbies or hallways of health centers, health clinics, or laboratories; any room to which the public has access with respect to DHSS services when occupied by a member of the public.

The effect of this bill would be to further the Department's policy of health promotion and disease prevention through placing greater emphasis on environmental and occupational hazards. The bill is consistent with the program objectives of the department and should be enacted.

Recommended by: E. S. Rabeau
E. S. Rabeau, M.D., Director
Division of Public Health

Date: 1-22-82

Approved by: Helen D. Beirne
Helen D. Beirne, Commissioner
Department of Health and
Social Services

Date: 1-25-82

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill No. 626
 Title "An Act relating to smoking in public places."
 Requested by Commissioner's Office Date 1-14-82

II. FISCAL DETAIL

Agency Affected Department of Health and Social Services
 Program Category Affected Health/Public Health
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

IV. DATE 1-14-82 PREPARED BY David Bruce
 AGENCY Health and Social Services
 Original: Legislative Finance PHONE 465-3090
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

CHARLIE PARR

ALASKA LEGISLATURE

S.R. Box 50599
Fairbanks, Alaska 99701
(907) 456-5029

Fairbanks Interim Office
5 Third Avenue, Suite D
Fairbanks, Alaska 99701
(907) 456-8925

Pouch V
Juneau, Alaska 99811
(907) 465-4907

November 16, 1981

Ernst W. Mueller, Commissioner
Alaska Department of Environmental Conservation
Pouch O
Juneau, Alaska 99811

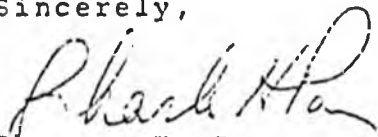
Dear Commissioner:

Constituents have pointed out to me the seemingly illogical provisions of 18 AAC 55.900 (b) defining "public meetings". This portion seems to have been taken over intact from the public meeting statutes.

The purpose of the statute on smoking in public places was entirely different from that of the one guaranteeing the public's right to know what public bodies are doing. Looked at this way some of the exceptions should be different, e.g. juries.

Please have your staff review the regulation in this light.

Sincerely,



Charles H. Parr

CHP:dm

cc: Mr. Grant Carlin
S. R. Box 20784
Fairbanks, Alaska 99701

STATE OF ALASKA

JAY S. HAMMOND, GOVERNOR

DEPT. OF ENVIRONMENTAL CONSERVATION

465-2600

POUCH D - JUNEAU 99811

November 30, 1981

Honorable Charles H. Parr
Alaska Legislature
Fairbanks Interim Office
545 Third Avenue, Suite D
Fairbanks, AK 99701

Dear Senator Parr:

Thank you for your November 17, 1981, letter concerning the definition of a public meeting in the regulations on smoking in public places. In that letter, you emphasize that the purpose of the statutes on smoking is different from the purpose of statutes on public meetings; i.e., guaranteeing the public's right of information.

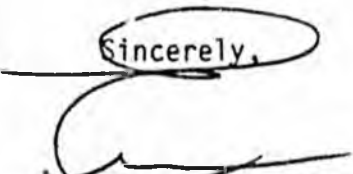
Unfortunately, AS 18.35.300-340 does not contain a definition of what the Legislature intended to be a "... place of meeting or public assembly ...". It, therefore, was necessary for us to search other statutes and regulations to find an applicable definition. The state of Oregon defines a public meeting in its similar statute as "Any regular or special public meeting or hearing of a public body to exercise or advise in the exercise of any power of government in buildings or rooms rented, leased, or owned by the state of Oregon or by any county, city, or other political subdivision of the state regardless whether a quorum is present or required" (ORS 192.710(a)). The only useful definition we could find in the statutes was the one we adopted.

Certainly, the purposes of public meetings differ, but the definition of what constitutes a public meeting can be valid in all cases, including the exceptions noted. For example, a jury room is not a public place of meeting or assembly, nor are the deliberations of a jury open to the public.

I would have preferred the Legislature define "public meetings" so that the applicability of the statute was clear. As the Legislature did not do so, it was likely that the courts might do so in the event of litigation. To order to prevent such potential arbitrary action, we chose to promulgate a definition by regulation.

Again, thank you for your letter and concern with these regulations. If you desire to seek amendment to the statutes, my staff has many comments and recommendations from the public hearings that you may want to consider.

Sincerely,


Ernst W. Mueller
Commissioner