

COMMITTEE REPORT  
SENATE

FURTHER:

2/29/84

Date 3/20/84

Mr. President

The Committee on FINANCE considered CSHB 34(Fin)  
smoking in public places and vehicles

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends do pass
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
[Signature]  
\_\_\_\_\_

Chairman

Chairman recommendation

Bill/Resolution No.: CS for HB 84 (Jud)  
 Title: An Act relating to Smoking in public places  
 Sponsor: Fritz, M.M. Miller et al  
 Requestor: Hein

FISCAL DETAIL  
 Agency Affected: ADEC  
 Program Category Affected: Public Info. Office  
 BRU, Program of Subprogram(s) Affected:  
 EQM - Environmental Sanitation

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES	0	10.0	0	0		
200 TRAVEL		2.0				
300 CONTRACTUAL		3.0	7.0	7.0		
400 COMMODITIES		5.0	3.0	3.0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		20.0	10.0	10.0		
CAPITAL		-	-	-		
REVENUE		-	-	-		

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	10.0		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME		.25	-	-		
PART-TIME		-	-	-		
TEMPORARY		-	-	-		

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in the legislation

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Joe Cladouhos  
 Division: Environmental Quality Mgmt. Phone: 465-2640  
 Date: 4/18/83  
 Approved by Commissioner: Richard A. Neuf  
 Department: ENVIRONMENTAL Conservation Date: 4/22/83

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)  
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3/8/83

*These notes were attached  
 to bill when it came into  
 and were reported out of  
 committee.*


ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POSITION PAPER

CS for HB 84

April 22, 1983

The Department of Environmental Conservation supports this proposed legislation because it extends and clarifies the existing statute. If HB 84 is enacted, the Department would amend 18 AAC 55, Smoking In Public Places. We would also take appropriate measures to inform the public of the new law.

  
Richard A. Neve  
Commissioner

Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING	0	0	0	0	0	0
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LANDS & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
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FUNDING: (Thousands of Dollars)

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

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. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Dean Tirador *CTA* Phone: 465-2113  
Division: Public Health Date: 4-13-83

Approved by Commissioner: Robert Landon Smith, Ph.D. Date: 4/18/83  
Department: Health and Social Services

Distribution:

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3/8/83

Bill/Resolution No.: CSHB 84 (Third)  
 Title: "...smoking in public places..."  
 Sponsor: Repr. Fritz  
 Requestor: House Judiciary Committee

Agency Affected: Department of Law  
 Program Category Affected: General Govt.  
 BRU, Program of Subprogram(s) Affected: Legal Services

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
<b>OPERATING</b>						
100 PERSONAL SERVICES		32.7	41.6	44.1	46.7	49.2
200 TRAVEL		2.5	3.2	3.4	3.6	3.8
300 CONTRACTUAL		4.5	4.8	5.1	5.4	5.7
400 COMMODITIES		3.6	1.5	1.6	1.7	1.8
500 EQUIPMENT		5.1				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<b>TOTAL OPERATING</b>	-0-	48.4	51.1	54.2	57.4	60.5
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	48.4	51.1	54.2	57.4	60.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME		2	2	2	2	2
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues Director Phone: 465-3672  
 Division: Administrative Services Division Date: April 13, 1983  
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: April 13, 1983  
 Department: Department of Law

Distribution:

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This bill extends the state's current mandatory prohibition of smoking in public places to include public meetings of municipalities and most places of business such as retail stores, restaurants, banks, offices, factories, warehouses, and other places of employment. Under existing statute, this extended prohibition is at the option of the person having control of such places of employment. The bill would also make the existing mandatory requirement to provide reasonable smoking areas, in most prohibited areas, optional. Because of the very broad changes to the existing law, requiring mandatory compliance by nearly every place of business in the state, except for cocktail lounges, taverns and tobacco shops, it is anticipated that the department will have to devote additional resources of one part-time attorney and a part-time secretary to provide the civil enforcement actions required by the bill in the Superior Court.

Consequently, the only costs shown are those that will occur in the department's civil division as result of filing and handling civil complaints on behalf of the Commissioner of the Department of Environmental Conservation. Work drafts of the committee substitute, dated 4/12/83, have added an entirely new section that provides criminal citations and penalties. So that there will be no misunderstanding, the department intends to handle these citations in the same manner as minor traffic offenses are handled. Traffic offenses are heard in magistrate court and only the arresting officer, civilian witnesses and the defendant appear before the magistrate. Prosecutors only attend these proceedings in those rare instances when defendants appear with counsel. If for any reason, it is expected that state prosecutors are to regularly prosecute violations of the proposed AS 18.35.300 or AS 18.35.330, then substantial additional funding will be required. A preliminary estimate is that 2 full-time and 1 part-time prosecutors and 1 legal secretary would be needed at an initial annual cost of \$220.0.

The impact of HB 84 is expected to result in the addition of one-half the time of an Attorney IV and one-quarter of the time of a Legal Secretary I on a statewide basis. Actual placement of cumulative positions and costs can only be determined after the Legislature has acted and we know what bills and fiscal notes have been approved. For purposes of the analysis, salary schedule A has been used.

The first year of the analysis is FY 84 and costs have been calculated on a 10 month basis to account for the time required to establish new positions and the time it takes to get a new program underway. The costs after FY 84 are on a 12 month basis and include a 6% annual inflation factor.

1st Year (10 months)

	<u>Atty IV (PPT)</u>	<u>L/SI (½ equiv.)</u>	<u>Total</u>
Personal Services	26.9	5.8	32.7
Travel	2.5	-	2.5
Contractual	4.0	.5	4.5
Commod. - ongoing	.8	.4	1.2
Commod. - single time	2.0	.4	2.4
Equipment - single time	1.5	3.6	5.1
			<hr/> 48.4

2nd Year (12 months + 6% annual inflation)

Personal Services	34.1	7.5	41.6
Travel	3.2	-	3.2
Contractual	4.3	.5	4.8
Commodities	1.0	.5	1.5
Equipment	-	-	-
			<hr/> 51.1

Bill/Resolution No. HB 84  
 Title "An Act relating to smoking in public places and vehicles."  
 Requested by House State Affairs Committee Date 2/8/83

II. FISCAL DETAIL

Agency Affected Department of Law  
 Program Category Affected Legal Services  
 BRU, Program, Or Subprogram(s) Affected Legal Services  
 (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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		48.4	51.1	54.2		

FUNDING (Thousands of Dollars)

GENERAL FUND		48.4	51.1	54.2		
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)  
 This bill extends the state's current mandatory prohibition of smoking in public places to include public meetings of municipalities and most places of business such as retail stores, restaurants, banks, offices, factories, warehouses, and other places of employment. Under existing statute, this extended prohibition is at the option of the person having control of such places of employment. The bill would also make the existing mandatory requirement to provide reasonable smoking areas, in most prohibited areas, optional. Because of the very broad changes to the existing law, requiring mandatory compliance by nearly every place of business in the state, except for cocktail lounges, taverns and tobacco shops, it is anticipated that the department will have to devote additional resources to provide the enforcement actions required by the bill such as seeking injunctions and the collection of fines and penalties.

IV. DATE February 9, 1983 PREPARED BY Richard I. Pegues, Dir. Adm. Svcs.  
 AGENCY Department of Law  
 Original: Legislative Finance PHONE 465-3672  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

HB 84

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 84 Date on Bill: 2/8/83  
Title: "An Act relating to smoking in public places and vehicles."  
Sponsor: Representative Fritz  
Requestor: House State Affairs Committee

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital				
Operating		48.4	51.1	54.2
Total		48.4	51.1	54.2

b. Revenues:

Revenue				
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2. Source of funds to offset fiscal impact of bill:

No information provided.

3. Assumptions:

This bill extends the state's current mandatory prohibition of smoking in public places to include public meetings of municipalities and most places of business such as retail stores, restaurants, banks, offices, factories, warehouses, and other places of employment. Under existing statute, this extended prohibition is at the option of the person having control of such places of employment. The bill would also make the existing mandatory requirement to provide reasonable smoking areas, in most prohibited areas, optional. Because of the very broad changes to the existing law, requiring mandatory compliance by

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2/9/83  
 Approved by Commissioner: Norman C. Gorsuch, Attorney General Date: 3/2/83  
 Department: Department of Law

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

Assumptions

HB 84

Page 2

nearly every place of business in the state, except for cocktail lounges, taverns and tobacco shops, it is anticipated that the department will have to devote additional resources to provide the enforcement actions required by the bill such as seeking injunctions and the collection of fines and penalties.

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: HB 84 No. 1 Date on Bill: January 20, 1983  
 Title: "An Act relating to smoking in public places and vehicles"  
 Sponsor: Fritz et al  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-		
Operating		\$10,000.00		
Total		\$10,000.00		

b. Revenues:

Revenue		-0-		
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2. Source of funds to offset fiscal impact of bill:

Funding information not included on bill.

3. Assumptions:

18 AAC 55, "Smoking in Public Places" will be amended if this legislation passes. It would necessitate printing new regulations and public education to inform affected public facility operators and the general public of their rights and responsibilities under the new law.

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It therefore does not represent the final estimate of fiscal impact.

Prepared By: Joe Cladouhos Phone: 465-2640  
 Division: Environmental Quality Management Date: 2-14-83

Approved by Commissioner: Richard A. Neve Date: 2-22-83  
 Department: Environmental Conservation

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor
- Copy to Requestor

2/15/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

Bill No: House Bill No. 84 Date on Bill: 1/20/83  
Title: "An Act relating to smoking in public places and vehicles"  
Sponsor: Rep. Fritz, et al.  
Requestor: HESS

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital	0	0	0	0
Operating	0	0	0	0
Total	0	0	0	0

b. Revenues:

Revenue				

2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

4. Disclaimer:

This statement has not been reviewed by the OMB in the Office of the Governor. It does not represent the policy of the Sheffield Administration or the final estimate of fiscal impact.

Prepared By: Dean Tirador Phone: 465-3090  
Division: Public Health Date: 2/10/83

Approved by Commissioner: [Signature] Date: 2/17/83  
Department: Health and Social Services

5. Distribution:

- Original to Legislative Finance
- Copy to OMB
- Copy to Sponsor

House Bill No. 84

"An Act Related to Smoking in Public Places and Vehicles"

BACKGROUND INFORMATION:

First, there is mounting evidence in the medical literature that passive smoking by children, particularly young children, and adults with heart or lung ailments cause them to suffer physiological and eventually anatomic consequences that adversely affect their health status. Second, there is a mounting public awareness of the annoyance caused by persons smoking indoors in public areas. Third, and this is the fact of greatest significance, in 1981, there were 92 deaths in Alaska due to cancer of the respiratory system and 145 premature deaths due to coronary disease. Smoking undoubtedly contributed heavily to these numbers.

WHAT THE BILL DOES:

This bill strengthens the rights of persons who choose not to damage their lungs and cardiovascular systems by smoking - either active or passive smoking. It recognizes several features of indoor air quality that are not adequately recognized by the present statute.

SUGGESTION FOR IMPROVEMENT:

On page 3 line 13: Due to the difficulty of defining a "smoker" this line could be more effectively stated; "(4) a place of employment if all the employees consent to the designation in entirety,".

On page 3, line 27: Addition of "per Alaska statute 18.35.300" would make the sign more effective.

On page 4, Section 6 would add a potential case load to already overcrowded district and superior courts. The personal injury sustained by a violation, or even a brief series of violations, of this statute would be minimal and difficult to prove. The remedies contained in Sections 7 and 8 of this bill set forth adequate avenues for correction of violations.

DEPARTMENT POSITION:

This bill is an enlightened public health policy statement and is strongly endorsed by this department.

RECOMMENDED BY:

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

DATE:

Feb 10, 1983

APPROVED BY:

Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner  
Department of Health and  
Social Services

DATE:

2/14/83

APPROVED BY:

Emil Notti  
Emil Notti  
Legislative Assistant to  
the Governor

DATE:

\_\_\_\_\_

Bill No: HB 84 Date on Bill: January 20, 1983  
 Title: "An Act relating to smoking in public places and vehicles."  
 Sponsor: Fritz et al  
 Requestor: \_\_\_\_\_

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86
Capital		-0-		
Operating		\$10,000.00		
Total		\$10,000.00		

b. Revenues:

Revenue		-0-		
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2. Source of funds to offset fiscal impact of bill:

3. Assumptions:

18 AAC 55, "Smoking In Public Places" will be amended if this legislation passes. It would necessitate printing new regulations and public education to inform affected public facility operators and the general public of their rights and responsibilities under the new law.

4. This statement has been reviewed by the OMB in the Office of the Governor. It may be considered to represent the policy of the Sheffield Administration and the final estimate of fiscal impact.

Prepared By: Joe Cladouhos Phone: 465-2640  
 Division: Environmental Quality Management Date: 2-14-83  
 Approved by Commissioner: Clair Halpin for R. G. Newell Date: 2/14/83  
 Department: Environmental Cooperation  
 Reviewed by OMB: \_\_\_\_\_ Date: \_\_\_\_\_  
 Phone: \_\_\_\_\_

5. Distribution:

- Original to Legislative Finance
- Copy to Department
- Copy to Sponsor
- Copy to Requestor

2/8/83

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS HB 84 (FINANCE)  
 Title Smoking in Public Places  
 Requested by House Finance Committee Date 5/19/83

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		0				

FUNDING (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL TIME						
PART TIME						
TEMPORARY						

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

It is the opinion of the House Finance Committee that no funding is necessary to implement this legislation during the next fiscal year. If necessary, agencies should request any needed funding through the FY 85 budget process.

IV. DATE 5/19/83 PREPARED BY Al Adams, Chair  
 AGENCY House Finance Committee  
 Original: Legislative Finance PHONE 465-3706  
 cc: Budget and Management

Prime Sponsor (First Legislator Named)

COMMITTEE LETTER OF INTENT  
SCS for CSHB 84

February 5, 1984

Dear Mr. President:

The Committee on Health, Education and Social Services, to which was referred CSHB 84, relating to smoking, unanimously recommends that the bill be replaced by the Committee Substitute of the Committee on Health, Education and Social Services, and that this Committee Substitute do pass.

Under this measure, smoking would be prohibited in vehicles providing public transportation; waiting or boarding areas used by passengers traveling on public transportation; elevators; state and municipally owned or leased offices and buildings; schools; courtrooms and jury rooms; hospitals, clinics, and medical laboratories; places where public meetings are in progress; restaurants having seating capacity in excess of 50 persons; grocery stores\*; and any place of employment whose owner, manager or proprietor elects (as under existing law) to post a sign stating that smoking is prohibited by law.

Such places where smoking would be prohibited, however, can have smoking areas set aside for the use of smokers, if reasonable accommodations are made also for the needs of non-smokers as well, except that no smoking area or section may be designated for the use of students of any elementary or secondary school.

Enforcement authority is given to the Department of Environmental Conservation, but a specific provision would prevent the Department from requiring that any existing structure be modified, or that any new equipment be purchased by any person subject to the measure.

Penalty provisions included by the House of Representatives are essentially the same under the Committee Substitute.

The Committee believes that the Committee Substitute will advance the public health without unnecessary intrusions into the private sector -- intrusions which would be troublesome without necessarily being enforceable.

The Committee wishes to make two specific observations as part of this Letter of Intent. First, while smoking would be prohibited in grocery stores having at least four check-out

counters, registers or lanes, it is the intent of the Committee that employers be permitted (notwithstanding this prohibition) to provide employee smoking areas if such areas are places where the general public are not permitted to be.

Second, the bill calls for "No Smoking" signs to be provided by the Department of Environmental Conservation on request of those required to post such signs. Your Committee believes that the manufacture of such signs would be an appropriate activity for state inmates within the corrections system, and calls on the Department, and corrections officials, to develop an agreement to that end.

Respectfully submitted,

COMMITTEE ON HEALTH, EDUCATION  
& SOCIAL SERVICES

By: Joe P. Josephson  
Joe P. Josephson, Chair

\* Small grocery stores with less than four check-out counters, registers or lanes would not be affected.

Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. FINDINGS. The legislature finds that:

10 (1) numerous studies have shown second-hand smoke to be a sig-  
11 nificant health hazard;

12 (2) recent court decisions recognize an emerging right of em-  
13 ployees to work in a smoke-free environment; and

14 (3) smoking results in increased costs to employers and the  
15 public in the form of more frequent absenteeism by employees who smoke and  
16 higher costs for health insurance, fire insurance, life insurance, and  
17 workers' compensation.

18 \* Sec. 2. AS 18.35.300 is repealed and reenacted to read:

19 Sec. 18.35.300. SMOKING IN CERTAIN VEHICLES AND INDOOR PLACES  
20 PROHIBITED. Smoking in any form is a nuisance and a public health  
21 hazard and is prohibited in the following vehicles and indoor places,  
22 except as otherwise provided by this chapter:

23 (1) a vehicle of public transportation and a waiting or  
24 boarding area for a vehicle of public transportation, including a bus,  
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-  
26 state aircraft flight when consistent with federal law;

27 (2) an elevator;

28 (3) a place of employment, a building or other structure,  
29 or a portion of them, owned, leased, or operated by the state or a

1 political subdivision of the state, including an office, library,  
2 museum, theater, concert hall, convention hall, gymnasium, swimming  
3 pool, or other place of entertainment or recreation;

4 (4) a public or private school, pre-school, or day care  
5 facility;

6 (5) a courtroom or jury deliberation room;

7 (6) a room, chamber, or other place under the control of  
8 the state or a political subdivision of the state while a public  
9 meeting or public assembly is in progress;

10 (7) a patients' or visitors' waiting room or restroom of a  
11 public or private laboratory or office associated with dental care,  
12 health care, or the healing arts, and a waiting room, restroom, lobby,  
13 or hallway of a public or private hospital, nursing home, rest home,  
14 or other health care institution or facility;

15 (8) a food service establishment that has a seating capac-  
16 ity of at least 50 persons;

17 (9) a grocery store or other store maintained for the  
18 retail sale of food products; and

19 (10) a place of employment in which the owner, manager,  
20 proprietor, or other person who has control of the premises posts a  
21 sign stating that smoking is prohibited by law.

22 \* Sec. 3. AS 18.35.310 is repealed and reenacted to read:

23 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
24 35.300 does not apply to

25 (1) a portion of a place or vehicle that is designated as a  
26 smoking section under AS 18.35.320;

27 (2) a limousine for hire or taxicab, if the driver consents  
28 and the driver ascertains that all passengers consent to smoking in  
29 the vehicle;

029502

1 (3) smoking by performers on the stage as part of a theat-  
2 rical or entertainment production.

3 \* Sec. 4. AS 18.35.320 is repealed and reenacted to read:

4 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
5 in charge of an indoor place or vehicle of public transportation  
6 described in AS 18.35.300 may designate portions of the place or vehi-  
7 cle as smoking sections. For purposes of this section, "vehicle of  
8 public transportation" does not include a taxicab or limousine for  
9 hire, and "indoor place" does not include an elevator.

10 (b) The person who chairs the Rules Committee in a house of the  
11 legislature is responsible for the designation of smoking sections  
12 under this section in the legislative offices, committee rooms, and  
13 other places under the control of that house. The authority to desig-  
14 nate a smoking section may not be used to impede the work of a confer-  
15 ence committee.

16 (c) A person who designates a smoking section under this section  
17 shall make reasonable accommodations for the needs of the smokers and  
18 nonsmokers who use the place or vehicle.

19 (d) Notwithstanding any other provision in AS 18.35, a smoking  
20 section may not be designated under this section for students on the  
21 grounds of or in an elementary or secondary school, indoors or out-  
22 doors.

23 \* Sec. 5. AS 18.35.330 is repealed and reenacted to read:

24 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
25 person in charge of a place or vehicle described in AS 18.35.300,  
26 except a limousine for hire or taxicab, shall conspicuously display in  
27 the place or vehicle a sign that reads "Smoking Prohibited by Law -  
28 Maximum Fine \$50" and that includes the international symbol for no  
29 smoking.

1 (b) In a place or vehicle in which a smoking section has been  
2 designated under AS 18.35.320, the person in charge of the place or  
3 vehicle shall conspicuously display signs that specify the portions of  
4 the place or vehicle in which smoking is allowed by law and in which  
5 smoking is prohibited by law.

6 (c) A sign required by this section must be at least 18 inches  
7 wide and six inches high, with lettering at least 1.25 inches high.

8 (d) The department shall furnish signs required under this  
9 section to a person who requests them with the intention of displaying  
10 them.

11 \* Sec. 6. AS 18.35.340 is repealed and reenacted to read:

12 Sec. 18.35.340. CIVIL COMPLAINTS; PENALTIES. (a) The commis-  
13 sioner shall develop and maintain a procedure for processing reports  
14 of violations of AS 18.35.300 and 18.35.330 or of a regulation adopted  
15 under AS 18.35.360.

16 (b) If, after investigating a report made under this section,  
17 the commissioner determines that a violation has occurred, (1) the  
18 commissioner may file a civil complaint in the district court to  
19 enforce the provisions of AS 18.35.300 - 18.35.365 or of a regulation  
20 adopted under AS 18.35.360; or (2) an employee of the department  
21 designated by the commissioner to enforce the provisions of  
22 AS 18.35.300 - 18.35.365 may issue a citation under AS 18.35.341(b).  
23 If an employee of the department issues a citation, the violation  
24 shall be processed and disposed of under AS 18.35.341.

25 (c) A person who violates AS 18.35.300 and against whom the  
26 commissioner has filed a civil complaint under this section is  
27 punishable by a civil fine of not less than \$10 nor more than \$50. A  
28 person who violates AS 18.35.330 and against whom the commissioner has  
29 filed a civil complaint under this section is punishable by a civil

1 fine of not less than \$20 nor more than \$300.

2 (d) The department may provide for the payment of civil fines  
3 under this section by mail.

4 \* Sec. 7. AS 18.35 is amended by adding new sections to read:

5 Sec. 18.35.341. CITATIONS; PENALTY. (a) A peace officer may  
6 issue a citation for a violation of AS 18.35.300 committed in the  
7 officer's presence or for a violation of AS 18.35.330. The provisions  
8 of AS 12.25.180(b) and 12.25.190 - 12.25.230 apply to the issuance of  
9 a citation under this subsection.

10 (b) An employee of the department designated by the commissioner  
11 to enforce the provisions of AS 18.35.300 - 18.35.365 may issue a  
12 citation for a violation of AS 18.35.300 or 18.35.330 regardless of  
13 whether the violation was committed in the employee's presence. A  
14 citation issued under this subsection shall be in the same form and  
15 shall be processed in the same manner as a citation issued by a peace  
16 officer under (a) of this section. An employee of the department may  
17 not arrest a person for a violation of AS 18.35.300 or 18.35.330.

18 (c) A person who violates AS 18.35.300 or 18.35.330 is guilty of  
19 a violation as defined in AS 11.81.900(b)(56) and upon conviction is  
20 punishable by a fine of not less than \$10 nor more than \$50 for a  
21 violation of AS 18.35.300 and by a fine of not less than \$20 nor more  
22 than \$300 for a violation of AS 18.35.330.

23 (d) The supreme court shall establish a schedule of bail amounts  
24 for violations of AS 18.35.300 and 18.35.330, but in no event may the  
25 bail amount exceed the maximum fine that may be imposed for the viola-  
26 tion under (c) of this section. The bail amount for a violation shall  
27 appear on the citation.

28 (e) A person cited for a violation under this section may,  
29 within 15 days after the date of the citation, mail or personally

1 deliver to the clerk of the court in which the citation is filed by  
2 the peace officer

3 (1) the amount of bail indicated on the citation for that  
4 violation; and

5 (2) a copy of the citation indicating that the right to an  
6 appearance is waived, a plea of no contest is entered and the bail is  
7 forfeited.

8 (f) When bail has been forfeited under (e) of this section, a  
9 judgment of conviction shall be entered. Forfeiture of bail is a  
10 complete satisfaction for the violation. The clerk of the court  
11 accepting the bail shall provide the violator with a receipt stating  
12 that fact.

13 (g) If the person cited fails to pay the bail amount established  
14 under (d) of this section or to appear in court as required, the  
15 citation is considered a summons for a violation.

16 Sec. 18.35.342. MULTIPLE FINES PROHIBITED. A person may not be  
17 fined more than once for each violation of AS 18.35.300 or 18.35.330.

18 Sec. 18.35.343. INJUNCTIONS. The commissioner or any affected  
19 party may institute an action in the superior court to enjoin repeated  
20 violations of AS 18.35.300 or 18.35.330 or of a regulation adopted  
21 under AS 18.35.360.

22 \* Sec. 8. AS 18.35.350 is amended to read:

23 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF  
24 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is  
25 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365  
26 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
27 35.360. This section does not limit the authority of peace officers.

28 \* Sec. 9. AS 18.35 is amended by adding a new section to read:

29 Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take

1 appropriate measures to inform the public of the provisions of AS 18.-  
2 35.300 - 18.35.365.

3 \* Sec. 10. AS 18.35.360 is amended to read:

4 Sec. 18.35.360. REGULATIONS. The department [DEPARTMENT OF  
5 ENVIRONMENTAL CONSERVATION] may adopt regulations to implement the  
6 provisions of AS 18.35.300 - 18.35.365 but the department may not  
7 require the modification of an existing structure or the purchase of  
8 new equipment by a person subject to the provisions of this chapter  
9 [AS 18.35.300 - 18.35.350].

10 \* Sec. 11. AS 18.35 is amended by adding a new section to read:

11 Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

12 (1) "commissioner" means commissioner of environmental  
13 conservation;

14 (2) "department" means the Department of Environmental  
15 Conservation.

16 \* Sec. 12. AS 12.25.190(c) is amended to read:

17 (c) The person cited for the crime shall give a [HIS] written  
18 promise to appear in court by signing at least one copy of the written  
19 citation prepared by the peace officer and the officer shall deliver a  
20 copy of the citation to the person. The written promise requirement  
21 of this subsection does not apply to motor vehicle and traffic cita-  
22 tions under AS 28.05.151 or a citation issued under AS 18.35.341.

23 \* Sec. 13. 18 AAC 55.060 is annulled.  
24  
25  
26  
27  
28  
29

3/20/84

These fiscal notes not acted upon in committee. See packet of FN's attached to committee report.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/14/84

REQUEST SCS CSHB 84 (Finance)

FISCAL DETAIL

Bill/Resolution No.:

Agency Affected: ADFC

Title: Smoking in Public Place

Program Category Affected: Pub. Info. Office

Sponsor: Finance Committee

BRU, Program or Subprogram(s) Affected:

Requestor:

Division of Environmental Quality Management

Date of Request:

Division of Environmental Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	0	10.0	0	0		
200 TRAVEL		2.0				
300 CONTRACTUAL		3.0	7.0	8.0		
400 SUPPLIES		5.0	3.0	3.0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		20.0	10.0	11.0		
<b>CAPITAL</b>		-	-	-		
<b>REVENUE</b>		-	-	-		

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	11.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME			-	-		
PART-TIME		-	-	-		
TEMPORARY		-	-	-		

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in the Legislation

ANALYSIS: Attach a separate page for analysis

Prepared By: Joe Cladouhos

Phone: 465-2640

Division: Environmental Quality Management

Date: 3/14/84

Approved by Commissioner: Richard A. Neve

Date: 3/14/84

Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SCSCS HB 84 (FIN)  
Title: "...Smoking in public places and vehicles"  
Sponsor: Fritz et al  
Requestor: \_\_\_\_\_  
Date of Request: 3/13/84

FISCAL DETAIL

Agency Affected: Public Safety  
Program Category Affected: Administration of Justice  
BRU, Program or Subprogram(s) Affected: Alaska State Troopers

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-
<b>CAPITAL</b>						
<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

Prepared By: Marcia Lynn McKenzie Phone: 465-4349  
Division: Administrative Services Date: 3/13/84

Approved by Commissioner: [Signature] Date: 3/13/84  
Agency: Public Safety

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

COURT

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: HB 84  
Title: Smoking in Public Places  
Sponsor: Fritz  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
Program Category Affected: Administration of Justice  
CRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES		40.0	42.0	44.0	46.0	48.0
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT		4.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		44.0	42.0	44.0	46.0	48.0
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		44.0	42.0	44.0	46.0	48.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME		1	1	1	1	1
PART-TIME		1	1	1	1	1
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard Barrier Phone: 264-0545  
Division: Alaska Court System Date: 2-21-84  
Approved by Commissioner: [Signature] Date: 2-21-84  
Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

ANALYSIS OF FISCAL IMPACT

HB 84

HB 84 establishes a procedure for the issuance of citations to persons violating AS 18.35.300 or AS 18.35.330. These citations will be handled similarly to traffic citations, with a mail-in bail schedule. At this time it is impossible to predict the additional caseload that this bill will generate. However, it is assumed that in the larger courts the impact will be sufficient to justify additional clerical support to process the paperwork associated with the cases. The estimated costs are listed below:

PERSONNEL:

<u>POSITION</u>	<u>SALARY</u>	<u>BENEFITS</u>	<u>TOTAL COST</u>
ONE COURT CLERK (RANGE 8B--ANCHORAGE)	\$19,284	\$6,983	\$26,267
1/2 COURT CLERK (RANGE 8B--FAIRBANKS)	10,248	3,520	<u>13,768</u>
	TOTAL PERSONNEL COSTS:		\$40,035
 EQUIPMENT			<u>4,034</u>
	TOTAL FY 85 COST:		<u><u>\$44,069</u></u>

FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST  
 Bill/Resolution No.: SCSCSHE 84 (HESS)  
 Title: "...smoking in public places..."  
 Sponsor: Repr. Fritz  
 Requestor: Senate HESS  
 Date of Request: 2/3/84

FISCAL DETAIL  
 Agency Affected: Department of Law  
 Program Category Affected: Gen. Govt. Admin. of Justice  
 BRU, Program or Subprogram(s) Affected: Prosecution, Legal Services Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>	<b>-0-</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: 2-8-84  
 Approved by Commissioner: Richard I. Pegues/for Norman C. Gorsuch Date: 2-8-84  
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Fiscal Note  
Analysis  
SCSCSHB 84 (HESS)

February 8, 1984

The Senate HESS Committee substitute for CSHB 84 removes many of the privately owned places of business from the provisions of the bill except for health care facilities, transportation vehicles and facilities, retail food stores having at least four check-out lanes, and food service establishments that have a seating capacity of at least 50 persons. Establishments retained are places of employment owned, leased or operated by the state or a political subdivision of the state, including schools, court rooms and jury deliberation rooms, and rooms, chambers or other places while a public meeting or public assembly is in progress. The Senate version is a major change from earlier versions, which would have prohibited smoking in almost every place of business.

Both the civil penalties and the criminal penalties of the bill will cause some additional work for the department. The provision for a bail schedule and the provision allowing payment of bail by mail will, however, minimize this work. The Department of Law therefore estimates that the additional work caused by the bill will be somewhat less than one-half the time of one attorney. Although the department will most likely be called upon to represent the Department of Environmental Conservation when it becomes necessary to file civil complaints, the department will only attend criminal proceedings in those rare instances when defendants are represented by counsel. Consequently, the Department of Law is not requesting fiscal note funds to implement the provisions of this bill if it is enacted. The enactment of this measure, and others like it, which by themselves do not have sufficient individual fiscal impact to warrant a fiscal note addition, do have the cumulative effect of hampering the department's overall ability to prosecute and litigate more serious offenses. If for any reason it is expected that state prosecutors are to regularly prosecute violations of proposed AS 18.35.300 and AS 18.35.330, then substantial additional funding will be required. A preliminary estimate is that 2 full-time and 1 part-time prosecutors would be needed at an initial annual cost of \$250,000.



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

ENROLLED BILL REPORT

*Rec'd after  
will be reported  
out*

Department <b>Environ. Conservat.</b>	Sponsor (Principal) <b>Fritz</b>	Bill Number (Final Version) <b>SCS CSHB 84 (Fin) amS</b>
Division Director <b>Cladouhos</b>	Date <b>4/11/84</b>	Commissioner's Signature <i>[Signature]</i> <b>Deputy Commissioner</b>
		Date <b>4/11/84</b>

SUMMARY

1. Related Bills (Similar or Conflicting)

2. a) Organizations Sponsoring and Supporting Bill

**Alaska Lung Association  
and similiar organizations**

2. b) Organizations Opposing Bill

**Private business affected**

3. Program Effects of Bill

1. Furnish signs
2. Develop processing procedure
3. Enforcement
4. Public education

4. Fiscal Impact

None

Fiscal Analysis Attached

Recommended Action by Governor:

**Sign**

Comments:

Bill has some inconsistencies which will be addressed by Revisor of Statutes.

While this legislation would create fiscal impact beyond current budget requests, the legislature did not appropriate monies to carry out the directives of the legislation.

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 4/11/84

REQUEST SCS C3HB 84(Fin)am3 FISCAL DETAIL  
Bill/Resolution No.: Agency Affected: Environ. Conservation  
Title: Smoking in Public Places Program Category Affected: Pub. Inform. Office

Sponsor: Finance Committee BRU, Program or Subprogram(s) Affected:  
Requestor: Division of Environmental Quality Management  
Date of Request: Division of Environmental Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	0	10.0	0	0		
200 TRAVEL		2.0				
300 CONTRACTUAL		3.0	7.0	8.0		
400 SUPPLIES		5.0	3.0	3.0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0	20.0	10.0	11.0		
<b>CAPITAL</b>						
<b>REVENUE</b>						

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	11.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		20.0	10.0	11.0		

POSITIONS:

FULL-TIME			-	-		
PART-TIME			-	-		
TEMPORARY			-	-		

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Joe Cladouhos Phone: 465-2640  
Division: Environmental Quality Management Date: 4/11/84

Approved by Commissioner: Richard A. Neve Date: 4/11/84  
Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

*received  
5/20/84 after  
bill passed  
out*

Revision Date: 3/14/84

REQUEST SCS CSHB 84 (Finance) FISCAL DETAIL  
Bill/Resolution No.: \_\_\_\_\_ Agency Affected: ADFC  
Title: Smoking in Public Place Program Category Affected: Pub. Info. Office

Sponsor: Finance Committee BRU, Program or Subprogram(s) Affected:  
Requestor: \_\_\_\_\_ Division of Environmental Quality Management  
Date of Request: \_\_\_\_\_ Division of Environmental Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<b>OPERATING</b>						
100 PERSONAL SERVICES	0	10.0	0	0		
200 TRAVEL		2.0				
300 CONTRACTUAL		3.0	7.0	8.0		
400 SUPPLIES		5.0	3.0	3.0		
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		20.0	10.0	11.0		
<b>CAPITAL</b>		-	-	-		
<b>REVENUE</b>		-	-	-		

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	11.0		
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

POSITIONS:

FULL-TIME			-	-		
PART-TIME		-	-	-		
TEMPORARY		-	-	-		

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in the Legislation

ANALYSIS: Attach a separate page for analysis

Prepared By: Joë Cladouhos Phone: 465-2640  
Division: Environmental Quality Management Date: 3/14/84  
Approved by Commissioner: Richard A. Neve Date: 3/14/84  
Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management and Budget  
Impacted Agency(ies)

12/1/83

Fergusons  
amendment

AMENDMENT SCS CSHB 84 <sup>FIN</sup> (Bis) BY FERGUSON

PAGE: 4 LINE: <sup>25-29</sup>  
<sub>5</sub> 20 - 23

DELETE ALL MATERIAL and  
Insert:

proposed =  
}

The owner of the establishment or vehicle specified  
under AS 18.35.300 who is found in violation of this Act  
shall be fined an initial \$300.00 plus \$50.00 every day  
thereafter until compliance is satisfied.

PAGE: 5 LINE: <sup>18-22</sup>  
<sub>3</sub> - 6  
DELETE ALL MATERIAL

Insert:

The owner of the establishment or vehicle specified  
under AS 18.35.300 who is found in violation of this Act  
shall be fined an initial \$300.00 plus \$50.00 every day  
thereafter until compliance is satisfied.

STATE OF ALASKA  
THE LEGISLATURE

POUCH Y STATE CAPITOL  
JUNEAU, ALASKA 99811  
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 20, 1984

SUBJECT: Smoking in public places  
(SCS CSHB 84 (Finance)) (draft)

TO: Senator Joe Josephson

FROM: Edward H. Hein *EHA*  
Legislative Counsel

The enclosed draft Finance Committee CS makes the following changes to SCS CSHB 84 (Rules): (page and line references are to the Rules CS)

Section 5 Sec 18.35.330 is amended to exempt taxis and limousines from the requirement of posting a no smoking sign. Signs that must be posted in other places and vehicles covered under the bill must list \$50 as the maximum penalty for smoking in a no smoking area.

Section 6 Sec. 18.35.340 is amended to allow the commissioner of environmental conservation to file a civil complaint or to dispatch an employee to issue a citation in accordance with Sec. 18.35.341. Civil complaints will be filed in district court to allow for a small claims procedure.

Section 7 Sec 18.35.341 is amended to incorporate references to AS 12.25 providing for the form and processing of citations and directing peace officers to arrest persons who refuse to provide proper identification or to accept the citation. Violations of Sec 18.35.300 may be cited by a peace officer only if they occur in the officer's presence. A new subsection (b) is inserted to provide authority to designated DEC employees to issue citations. The subsection specifically prohibits DEC employees from making arrests. A new Sec. 18.35.342 is inserted to prevent a person from being charged for violating the smoking law with both a civil complaint and the issuance of a citation.

Senator Joe Josephson  
Page 2  
March 20, 1984

Section 10 The directive to the Department of Environmental Conservation to adopt regulations to implement the smoking law is changed from "shall" to "may" at page 6, line 10.

Section 11 The definition of "peace officer" is deleted at page 6, lines 22 - 26. Peace officers are defined in AS 02.10.060(6). DEC employees are not peace officers under this bill.

Section 11 This section is renumbered section 13 and a new section 12 is inserted to provide that citations issued under AS 18.35.341 need not be signed by the offender.

EHH:lmb  
L3/053

Fritz version  
3/14/84

Hein  
3/13/84  
Version 2 ✓

Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. FINDINGS. The legislature finds that:

10 (1) numerous studies have shown second-hand smoke to be a sig-  
11 nificant health hazard;

12 (2) recent court decisions recognize an emerging right of em-  
13 ployees to work in a smoke-free environment; and

14 (3) smoking results in increased costs to employers and the  
15 public in the form of more frequent absenteeism by employees who smoke and  
16 higher costs for health insurance, fire insurance, life insurance, and  
17 workers' compensation.

18 \* Sec. 2. AS 18.35.300 is repealed and reenacted to read:

19 Sec. 18.35.300. SMOKING IN CERTAIN VEHICLES AND INDOOR PLACES  
20 PROHIBITED. Smoking in any form is a nuisance and a public health  
21 hazard and is prohibited in the following vehicles and indoor places,  
22 except as otherwise provided by this chapter:

23 (1) a vehicle of public transportation and a waiting or  
24 boarding area for a vehicle of public transportation, including a bus,  
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-  
26 state aircraft flight when consistent with federal law;

27 (2) an elevator;

28 (3) a place of employment, a building or other structure,  
29 or a portion of them, owned, leased, or operated by the state or a

1 political subdivision of the state, including an office, library,  
2 museum, theater, concert hall, convention hall, gymnasium, swimming  
3 pool, or other place of entertainment or recreation;

4 (4) a public or private school, pre-school, or day care  
5 facility;

6 (5) a courtroom or jury deliberation room;

7 (6) a room, chamber, or other place under the control of  
8 the state or a political subdivision of the state while a public  
9 meeting or public assembly is in progress;

10 (7) a patients' or visitors' waiting room or restroom of a  
11 public or private laboratory or office associated with dental care,  
12 health care, or the healing arts, and a waiting room, restroom, lobby,  
13 or hallway of a public or private hospital, nursing home, rest home,  
14 or other health care institution or facility;

15 (8) a food service establishment that has a seating capac-  
16 ity of at least 50 persons;

17 (9) a grocery store or other store maintained for the  
18 retail sale of food products; and

19 (10) a place of employment in which the owner, manager,  
20 proprietor, or other person who has control of the premises posts a  
21 sign stating that smoking is prohibited by law.

22 \* Sec. 3. AS 18.35.310 is repealed and reenacted to read:

23 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
24 35.300 does not apply to

25 (1) a portion of a place or vehicle that is designated as a  
26 smoking section under AS 18.35.320;

27 (2) a limousine for hire or taxicab, if the driver consents  
28 and the driver ascertains that all passengers consent to smoking in  
29 the vehicle;

1 (3) smoking by performers on the stage as part of a theat-  
2 rical or entertainment production.

3 \* Sec. 4. AS 18.35.320 is repealed and reenacted to read:

4 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
5 in charge of an indoor place or vehicle of public transportation  
6 described in AS 18.35.300 may designate portions of the place or vehi-  
7 cle as smoking sections. For purposes of this section, "vehicle of  
8 public transportation" does not include a taxicab or limousine for  
9 hire, and "indoor place" does not include an elevator.

10 (b) The person who chairs the Rules Committee in a house of the  
11 legislature is responsible for the designation of smoking sections  
12 under this section in the legislative offices, committee rooms, and  
13 other places under the control of that house. The authority to desig-  
14 nate a smoking section may not be used to impede the work of a confer-  
15 ence committee.

16 (c) A person who designates a smoking section under this section  
17 shall make reasonable accommodations for the needs of the smokers and  
18 nonsmokers who use the place or vehicle.

19 (d) Notwithstanding any other provision in AS 18.35, a smoking  
20 section may not be designated under this section for students on the  
21 grounds of or in an elementary or secondary school, indoors or out-  
22 doors.

23 \* Sec. 5. AS 18.35.330 is repealed and reenacted to read:

24 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
25 person in charge of a place or vehicle described in AS 18.35.300,  
26 ~~except a limousine for hire or taxicab,~~ shall conspicuously display in  
27 the place or vehicle a sign that reads "Smoking Prohibited by Law -  
28 Maximum Fine \$50" and that includes the international symbol for no  
29 smoking.

(b) In a place or vehicle in which a smoking section has been designated under AS 18.35.320, the person in charge of the place or vehicle shall conspicuously display signs that specify the portions of the place or vehicle in which smoking is allowed by law and in which smoking is prohibited by law.

(c) A sign required by this section must be at least 18 inches wide and six inches high, with lettering at least 1.25 inches high.

(d) The department shall furnish signs required under this section to a person who requests them with the intention of displaying them.

Sec. 6. AS 18.35.340 is repealed and reenacted to read:

Sec. 18.35.340. REPORTS OF VIOLATIONS. (a) The commissioner shall develop and maintain a procedure for processing reports of violations of AS 18.35.300 and 18.35.330 or of a regulation adopted under AS 18.35.360.

(b) If, after investigating a report made under this section, a peace officer employed by the department determines that a violation has occurred, the peace officer shall issue a citation under AS 18.35.341.

\* Sec. 7. AS 18.35 is amended by adding new sections to read:

Sec. 18.35.341. CITATIONS; PENALTY. (a) A peace officer may issue a citation for a violation of AS 18.35.300 or 18.35.330. ~~The provisions of AS 12.25.180(b) and 12.25.190 apply to the issuance of a citation under this section.~~

(b) A person who violates AS 18.35.300 or 18.35.330 is guilty of a violation ~~as defined in AS 11.81.900(b)(56)~~ and upon conviction is punishable by a fine of not ~~less than \$10 nor more than \$50 for a violation of AS 18.35.300~~ and by a fine of not less than \$20 nor more than \$300 for a violation of AS 18.35.330.

1 (c) The supreme court shall establish a schedule of bail amounts  
2 for violations of AS 18.35.300 and 18.35.330, but in no event may the  
3 bail amount exceed ~~the maximum fine that may be imposed for the~~  
4 ~~violation under (b) of this section.~~ The bail amount for a violation  
5 shall appear on the citation.

6 (d) A person cited for a violation under this section may,  
7 within 15 days after the date of the citation, mail or personally  
8 deliver to the clerk of the court in which the citation is filed by  
9 the peace officer

10 (1) the amount of bail indicated on the citation for that  
11 violation; and

12 (2) a copy of the citation indicating that the right to an  
13 appearance is waived, a plea of no contest is entered and the bail is  
14 forfeited.

15 (e) When bail has been forfeited under (d) of this section, a  
16 judgment of conviction shall be entered. Forfeiture of bail is a  
17 complete satisfaction for the violation. The clerk of the court  
18 accepting the bail shall provide the violator with a receipt stating  
19 that fact.

20 (f) If the person cited fails to pay the bail amount established  
21 under (c) of this section or to appear in court as required, the  
22 citation is considered a summons for a violation.

23 Sec. 18.35.342. INJUNCTIONS. The commissioner or any affected  
24 party may institute an action in the superior court to enjoin repeated  
25 violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
26 under AS 18.35.360.

27 \* Sec. 8. AS 18.35.350 is amended to read:

28 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF  
29 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is

1 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365  
2 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
3 35.360. This section does not limit the authority of peace officers.

4 \* Sec. 9. AS 18.35 is amended by adding a new section to read:

5 Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take  
6 appropriate measures to inform the public of their rights under  
7 AS 18.35.300 - 18.35.365.

8 \* Sec. 10. AS 18.35.360 is amended to read:

9 Sec. 18.35.360. REGULATIONS. The department shall [DEPARTMENT  
10 OF ENVIRONMENTAL CONSERVATION MAY] adopt regulations to implement the  
11 provisions of AS 18.35.300 - 18.35.365 but the department may not  
12 require the modification of an existing structure or the purchase of  
13 new equipment by a person subject to the provisions of this chapter  
14 [AS 18.35.300 - 18.35.350].

15 \* Sec. 11. AS 18.35 is amended by adding a new section to read:

16 Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

17 (1) "commissioner" means commissioner of environmental  
18 conservation;

19 (2) "department" means the Department of Environmental  
20 Conservation;

21 (3) "peace officer" includes an employee of the department  
22 designated by the commissioner to enforce the provisions of AS 18.35.-  
23 300 - 18.35.365.

24 \* Sec. 12. 18 AAC 55.060 is annulled.  
25  
26  
27  
28  
29

*Advised as  
working  
document  
2/14/84*

Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NC. 84 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 \* Section 1. FINDINGS. The legislature finds that:

10 (1) numerous studies have shown second-hand smoke to be a sig-  
11 nificant health hazard;

12 (2) recent court decisions recognize an emerging right of em-  
13 ployees to work in a smoke-free environment; and

14 (3) smoking results in increased costs to employers and the  
15 public in the form of more frequent absenteeism by employees who smoke and  
16 higher costs for health insurance, fire insurance, life insurance, and  
17 workers' compensation.

18 \* Sec. 2. AS 18.35.300 is repealed and reenacted to read:

19 Sec. 18.35.300. SMOKING IN CERTAIN VEHICLES AND INDOOR PLACES  
20 PROHIBITED. Smoking in any form is a nuisance and a public health  
21 hazard and is prohibited in the following vehicles and indoor places,  
22 except as otherwise provided by this chapter:

23 (1) a vehicle of public transportation and a waiting or  
24 boarding area for a vehicle of public transportation, including a bus,  
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-  
26 state aircraft flight when consistent with federal law;

27 (2) an elevator;

28 (3) a place of employment, a building or other structure,  
29 or a portion of them, owned, leased, or operated by the state or a

1 political subdivision of the state, including an office, library,  
2 museum, theater, concert hall, convention hall, gymnasium, swimming  
3 pool, or other place of entertainment or recreation;

4 (4) a public or private school, pre-school, or day care  
5 facility;

6 (5) a courtroom or jury deliberation room;

7 (6) a room, chamber, or other place under the control of  
8 the state or a political subdivision of the state while a public  
9 meeting or public assembly is in progress;

10 (7) a patients' or visitors' waiting room or restroom of a  
11 public or private laboratory or office associated with dental care,  
12 health care, or the healing arts, and a waiting room, restroom, lobby,  
13 or hallway of a public or private hospital, nursing home, rest home,  
14 or other health care institution or facility;

15 (8) a food service establishment that has a seating capac-  
16 ity of at least 50 persons;

17 (9) a grocery store or other store maintained for the  
18 retail sale of food products; and

19 (10) a place of employment in which the owner, manager,  
20 proprietor, or other person who has control of the premises posts a  
21 sign stating that smoking is prohibited by law.

22 \* Sec. 3. AS 18.35.310 is repealed and reenacted to read:

23 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
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25 (1) a portion of a place or vehicle that is designated as a  
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8 public transportation" does not include a taxicab or limousine for  
9 hire, and "indoor place" does not include an elevator.

10 (b) The person who chairs the Rules Committee in a house of the  
11 legislature is responsible for the designation of smoking sections  
12 under this section in the legislative offices, committee rooms, and  
13 other places under the control of that house. The authority to  
14 designate a smoking section may not be used to impede the work of a  
15 conference committee.

16 (c) A person who designates a smoking section under this section  
17 shall make reasonable accommodations for the needs of the smokers and  
18 nonsmokers who use the place or vehicle.

19 (d) Notwithstanding any other provision in AS 18.35, a smoking  
20 section may not be designated under this section for students on the  
21 grounds of or in an elementary or secondary school, indoors or out-  
22 doors.

23 \* Sec. 5. AS 18.35.330 is repealed and reenacted to read:

24 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
25 person in charge of a place or vehicle described in AS 18.35.300 shall  
26 conspicuously display in the place or vehicle a sign that reads "Smok-  
27 ing Prohibited by Law - Maximum Fine \$300" and that includes the  
28 international symbol for no smoking.

29 (b) In a place or vehicle in which a smoking section has been

1 designated under AS 18.35.320, the person in charge of the place or  
2 vehicle shall conspicuously display signs that specify the portions of  
3 the place or vehicle in which smoking is allowed by law and in which  
4 smoking is prohibited by law.

5 (c) A sign required by this section must be at least 18 inches  
6 wide and six inches high, with lettering at least 1.25 inches high.

7 (d) The Department of Environmental Conservation shall furnish  
8 signs required under this section to a person who requests them with  
9 the intention of displaying them.

10 \* Sec. 6. AS 18.35.340 is repealed and reenacted to read:

11 Sec. 18.35.340. CIVIL COMPLAINTS; PENALTIES. (a) The commis-  
12 sioner shall develop and maintain a procedure for processing reports  
13 of violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
14 under AS 18.35.360.

15 (b) If, after investigating a report made under this section,  
16 the commissioner determines that a violation has occurred, the commis-  
17 sioner may file a civil complaint in the superior court to enforce the  
18 requirements of AS 18.35.300 - 18.35.365 or of a regulation adopted  
19 under AS 18.35.360.

20 (c) A person who violates AS 18.35.300 is punishable under this  
21 section by a civil fine of not less than \$10 nor more than \$50. A  
22 person who violates AS 18.35.330 is punishable under this section by a  
23 civil fine of not less than \$20 nor more than \$300.

24 (d) The department may provide for the payment of fines under  
25 this section by mail.

26 \* Sec. 7. AS 18.35 is amended by adding new sections to read:

27 Sec. 18.35.341. CITATIONS; PENALTY. (a) A peace officer may  
28 issue a citation for a violation of AS 18.35.300 or 18.35.330.

29 (b) A person who violates AS 18.35.300 or 18.35.330 is guilty of

1 a violation and upon conviction is punishable by a fine of not more  
2 than \$300.

3 (c) The supreme court shall establish a schedule of bail amounts  
4 for violations of AS 18.35.300 and 18.35.330, but in no event may the  
5 bail amount exceed \$300. The bail amount for a violation shall appear  
6 on the citation.

7 (d) A person cited for a violation under this section may,  
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12 violation; and

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14 appearance is waived, a plea of no contest is entered and the bail is  
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17 judgment of conviction shall be entered. Forfeiture of bail is a  
18 complete satisfaction for the violation. The clerk of the court  
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SCS CSHB 84(R1s)

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3 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
4 35.360. This section does not limit the authority of peace officers.

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6 Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take  
7 appropriate measures to inform the public of their rights under  
8 AS 18.35.300 - 18.35.365.

9 \* Sec. 10. AS 18.35.360 is amended to read:

10 Sec. 18.35.360. REGULATIONS. The department shall [DEPARTMENT  
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12 provisions of AS 18.35.300 - 18.35.365 but the department may not  
13 require the modification of an existing structure or the purchase of  
14 new equipment by a person subject to the provisions of this chapter  
15 [AS 18.35.300 - 18.35.350].

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17 Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

18 (1) "commissioner" means commissioner of environmental  
19 conservation;

20 (2) "department" means the Department of Environmental  
21 Conservation;

22 (3) "peace officer" means any officer of the state troop-  
23 ers, members of the police force of any incorporated city or borough,  
24 United States marshals and their deputies, and other officers whose  
25 duty it is to enforce and preserve the public peace, including a  
26 village public safety officer.

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28  
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Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE

BY THE RULES COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (Rules)

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4 THIRTEENTH LEGISLATURE - SECOND SESSION

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6 (5) a courtroom or jury deliberation room;

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22 (3) "peace officer" means any officer of the state troop-  
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Original sponsors: Fritz, M.M. Miller,  
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2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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9 hire, and "indoor place" does not include an elevator.

10 (b) The person who chairs the Rules Committee in a house of the  
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12 under this section in the legislative offices, committee rooms, and  
13 other places under the control of that house. The authority to  
14 designate a smoking section may not be used to impede the work of a  
15 conference committee.

16 (c) A person who designates a smoking section under this section  
17 shall make reasonable accommodations for the needs of the smokers and  
18 nonsmokers who use the place or vehicle.

19 (d) Notwithstanding any other provision in AS 18.35, a smoking  
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21 grounds of or in an elementary or secondary school, indoors or out-  
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27 ing Prohibited by Law - Maximum Fine \$300" and that includes the  
28 international symbol for no smoking.

29 (b) In a place or vehicle in which a smoking section has been

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4 smoking is prohibited by law.

5 (c) A sign required by this section must be at least 18 inches  
6 wide and six inches high, with lettering at least 1.25 inches high.

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24 (d) The department may provide for the payment of fines under  
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1 a violation and upon conviction is punishable by a fine of not more  
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SCS CSHB 84(R1s)

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2 than \$300.

3 (c) The supreme court shall establish a schedule of bail amounts  
4 for violations of AS 18.35.300 and 18.35.330, but in no event may the  
5 bail amount exceed \$300. The bail amount for a violation shall appear  
6 on the citation.

7 (d) A person cited for a violation under this section may,  
8 within 15 days after the date of the citation, mail or personally  
9 deliver to the clerk of the court in which the citation is filed by  
10 the peace officer

11 (1) the amount of bail indicated on the citation for that  
12 violation; and

13 (2) a copy of the citation indicating that the right to an  
14 appearance is waived, a plea of no contest is entered and the bail is  
15 forfeited.

16 (e) When bail has been forfeited under (d) of this section, a  
17 judgment of conviction shall be entered. Forfeiture of bail is a  
18 complete satisfaction for the violation. The clerk of the court  
19 accepting the bail shall provide the violator with a receipt stating  
20 that fact.

21 (f) If the person cited fails to pay the bail amount established  
22 under (c) of this section or to appear in court as required, the  
23 citation is considered a summons for a violation.

24 Sec. 18.35.342. INJUNCTIONS. The commissioner or any affected  
25 party may institute an action in the superior court to enjoin repeated  
26 violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
27 under AS 18.35.360.

28 \* Sec. 8. AS 18.35.350 is amended to read:

29 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF

1 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is  
2 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365  
3 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
4 35.360. This section does not limit the authority of peace officers.

5 \* Sec. 9. AS 18.35 is amended by adding a new section to read:

6 Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take  
7 appropriate measures to inform the public of their rights under  
8 AS 18.35.300 - 18.35.365.

9 \* Sec. 10. AS 18.35.360 is amended to read:

10 Sec. 18.35.360. REGULATIONS. The department shall [DEPARTMENT  
11 OF ENVIRONMENTAL CONSERVATION MAY] adopt regulations to implement the  
12 provisions of AS 18.35.300 - 18.35.365 but the department may not  
13 require the modification of an existing structure or the purchase of  
14 new equipment by a person subject to the provisions of this chapter  
15 [AS 18.35.300 - 18.35.350].

16 \* Sec. 11. AS 18.35 is amended by adding a new section to read:

17 Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

18 (1) "commiassioner" means commissioner of environmental  
19 conservation;

20 (2) "department" means the Department of Environmental  
21 Conservation;

22 (3) "peace officer" means any officer of the state troop-  
23 ers, members of the police force of any incorporated city or borough,  
24 United States marshals and their deputies, and other officers whose  
25 duty it is to enforce and preserve the public peace, including a  
26 village public safety officer.

27 \* Sec. 12. 18 AAC 55.060 is annulled.  
28  
29

Offered: 5/20/83  
Referred: Rules

Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE BY THE FINANCE COMMITTEE  
2 CS FOR HOUSE BILL NO. 84 (Finance)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to smoking in public places and  
7 vehicles."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. FINDINGS. The legislature finds that:  
10 (1) numerous studies have shown second-hand smoke to be a sig-  
11 nificant health hazard;  
12 (2) recent court decisions recognize an emerging right of em-  
13 ployees to work in a smoke-free environment; and  
14 (3) smoking results in increased costs to employers and the  
15 public in the form of more frequent absenteeism by employees who smoke and  
16 higher costs for health insurance, fire insurance, life insurance, and  
17 workers' compensation.  
18 \* Sec. 2. AS 18.35.300 is amended to read:  
19 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.  
20 Smoking in any form is is [MAY CONSTITUTE] a nuisance and a public health  
21 hazard and is prohibited in vehicles and indoor [THE FOLLOWING] areas  
22 that are open to the public, unless otherwise exempted by this chap-  
23 ter, including:  
24 (1) a vehicle of public transportation, including a train,  
25 limousine for hire, taxicab, bus, [STATE-OPERATED] ferry vessel,  
26 scheduled intrastate aircraft flights when consistent with federal law  
27 or regulation, or elevator, or an indoor waiting area or boarding area  
28 for aircraft or other vehicles of public transportation;  
29 (2) a library, [INDOOR] theater, museum, lecture or concert

1 hall, gymnasium, or swimming pool or other indoor [PUBLICLY OWNED AND  
2 OPERATED] place of entertainment or recreation;

3 (3) a [PUBLIC] school; a jury deliberation room except  
4 where allowed by order of the presiding judge; or in a room, chamber,  
5 place of meeting or public assembly under the control of the state, or  
6 a department or agency of the state, or a municipality, while a public  
7 meeting held under the auspices of the state, or a department or  
8 agency of the state, or a municipality, is in progress;

9 (4) the public waiting room or restroom of laboratories or  
10 offices associated with dental care, health care or the healing arts;

11 (5) the waiting room, restroom, lobby or hallway of a  
12 hospital, nursing home, rest home or other health care institution or  
13 facility; [OR]

14 (6) a place of business, including a retail store, restau-  
15 rant, or bank; and [IN WHICH THE OWNER, MANAGER, PROPRIETOR, OR OTHER  
16 PERSON WHO HAS CONTROL OF THE PREMISES POSTS A SIGN CONVEYING THE  
17 MESSAGE THAT SMOKING IS PROHIBITED BY LAW.]

18 (7) an office, factory, warehouse, or other place of em-  
19 ployment.

20 \* Sec. 3. AS 18.35.310 is repealed and reenacted to read:

21 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
22 35.300 does not apply to

23 (1) a portion of an area or vehicle that is designated as a  
24 smoking section under AS 18.35.320;

25 (2) a limousine for hire or taxicab, if the driver consents  
26 and the driver ascertains that all passengers consent to smoking in  
27 the vehicle;

28 (3) smoking by performers on the stage as part of a theat-  
29 rical production.

1 \* Sec. 4. AS 18.35.320 is repealed and reenacted to read:

2           Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
3 in charge of an indoor area described in AS 18.35.300, or of a vehicle  
4 of public transportation, may designate portions of the area or vehi-  
5 cle as smoking sections. For purposes of this section, "vehicle of  
6 public transportation" does not include a taxicab or limousine for  
7 hire.

8           (b) Only the following areas and vehicles may be designated in  
9 their entirety as smoking sections under (a) of this section:

10                   (1) a cocktail lounge or tavern, if the designation is  
11 posted conspicuously at all entrances normally used by the public;

12                   (2) a retail business primarily engaged in the sale of  
13 tobacco or tobacco products;

14                   (3) an area or vehicle while used for a private social  
15 function;

16                   (4) a place of employment if all the employees are smokers,  
17 but this exception does not include reception areas, waiting areas,  
18 lobbies, and restrooms open to the public.

19           (c) Except as provided in (b) of this section, a smoking section  
20 designated under (a) of this section may not be larger than necessary  
21 to accommodate the needs of the smokers who use the area or vehicle.

22           (d) A smoking section may not be designated under (a) of this  
23 section in an area or vehicle unless the area or vehicle meets the  
24 minimum ventilation and air quality standards adopted by the depart-  
25 ment.

26 \* Sec. 5. AS 18.35.330 is repealed and reenacted to read:

27           Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
28 person in charge of an area or vehicle described in AS 18.35.300 shall  
29 conspicuously display in the area or vehicle a sign reading "Smoking

1 Prohibited by Law - Maximum Fine \$300".

2 (b) In an area or vehicle in which a smoking section has been  
3 designated under AS 18.35.320, the person in charge of the area or  
4 vehicle shall conspicuously display signs that specify the portions of  
5 the area or vehicle in which smoking is allowed by law and in which  
6 smoking is prohibited by law.

7 (c) A sign required by this section may not be smaller than 18  
8 inches wide and six inches high, with lettering not less than 1.25  
9 inches high.

10 \* Sec. 6. AS 18.35.340 is repealed and reenacted to read:

11 Sec. 18.35.340. CIVIL COMPLAINTS; PENALTIES. (a) The commis-  
12 sioner shall develop and maintain a procedure for processing reports  
13 of violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
14 under AS 18.35.360.

15 (b) If, after investigating a report made under this section,  
16 the commissioner determines that a violation has occurred, the commis-  
17 sioner may file a civil complaint in the superior court to enforce the  
18 requirements of AS 18.35.300 - 18.35.365 or of a regulation adopted  
19 under AS 18.35.360.

20 (c) A person who violates AS 18.35.300 is punishable under this  
21 section by a civil fine of not less than \$10 nor more than \$50. A  
22 person who violates AS 18.35.330 is punishable under this section by a  
23 civil fine of not less than \$20 nor more than \$300.

24 (d) The department may provide for the payment of fines under  
25 this section by mail.

26 \* Sec. 7. AS 18.35 is amended by adding new sections to read:

27 Sec. 18.35.341. CITATIONS; PENALTY. (a) A peace officer may  
28 issue a citation for a violation of AS 18.35.300 or AS 18.35.330.

29 (b) A person who violates AS 18.35.300 or AS 18.35.330 is guilty

1 of a violation and upon conviction is punishable by a fine of not more  
2 than \$300.

3 (c) The supreme court shall establish a schedule of bail amounts  
4 for violations of AS 18.35.300 and AS 18.35.330, but in no event may  
5 the bail amount exceed \$300. The bail amount for a violation shall  
6 appear on the citation.

7 (d) A person cited for a violation under this section may,  
8 within 15 days after the date of the citation, mail or personally  
9 deliver to the clerk of the court in which the citation is filed by  
10 the peace officer

11 (1) the amount of bail indicated on the citation for that  
12 violation; and

13 (2) a copy of the citation indicating that the right to an  
14 appearance is waived, a plea of no contest is entered and the bail is  
15 forfeited.

16 (e) When bail has been forfeited under (d) of this section, a  
17 judgment of conviction shall be entered. Forfeiture of bail is a  
18 complete satisfaction for the violation. The clerk of the court  
19 accepting the bail shall provide the violator with a receipt stating  
20 that fact.

21 (f) If the person cited fails to pay the bail amount established  
22 under (c) of this section or to appear in court as required, the  
23 citation is considered a summons for a violation.

24 Sec. 18.35.342. INJUNCTIONS. The commissioner or any affected  
25 party may institute an action in the superior court to enjoin repeated  
26 violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
27 under AS 18.35.360.

28 \* Sec. 8. AS 18.35.350 is amended to read:

29 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF

1 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is  
2 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365  
3 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
4 35.360. This section does not limit the authority of peace officers.

5 \* Sec. 9. AS 18.35 is amended by adding a new section to read:

6 Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take  
7 appropriate measures to inform the public of their rights under  
8 AS 18.35.300 - 18.35.365.

9 \* Sec. 10. AS 18.35.360 is amended to read:

10 Sec. 18.35.360. REGULATIONS. The department shall [THE DEPART-  
11 MENT OF ENVIRONMENTAL CONSERVATION MAY] adopt regulations to implement  
12 the provisions of AS 18.35.300 - 18.35.365 [AS 18.35.300 - 18.35.350].

13 \* Sec. 11. AS 18.35 is amended by adding a new section to read:

14 Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

15 (1) "commissioner" means commissioner of environmental  
16 conservation;

17 (2) "department" means the Department of Environmental  
18 Conservation;

19 (3) "peace officer" means any officer of the state troop-  
20 ers, members of the police force of any incorporated city or borough,  
21 United States marshals and their deputies, and other officers whose  
22 duty it is to enforce and preserve the public peace, including a  
23 village public safety officer.

24 \* Sec. 12. 18 AAC 55.060 is annulled.

Offered: 2/6/84  
Referred: Rules

Original sponsors: Fritz, M.M. Miller,  
Bussell, et al

1 IN THE HOUSE  
2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (HESS)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - - SECOND SESSION  
5 A BILL  
6 For an Act entitled: "An Act relating to smoking in public places and  
7 vehicles."  
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:  
9 \* Section 1. FINDINGS. The legislature finds that:  
10 (1) numerous studies have shown second-hand smoke to be a sig-  
11 nificant health hazard;  
12 (2) recent court decisions recognize an emerging right of em-  
13 ployees to work in a smoke-free environment; and  
14 (3) smoking results in increased costs to employers and the  
15 public in the form of more frequent absenteeism by employees who smoke and  
16 higher costs for health insurance, fire insurance, life insurance, and  
17 workers' compensation.  
18 \* Sec. 2. AS 18.35.300 is repealed and reenacted to read:  
19 Sec. 18.35.300. SMOKING IN CERTAIN VEHICLES AND INDOOR PLACES  
20 PROHIBITED. Smoking in any form is a nuisance and a public health  
21 hazard and is prohibited in the following vehicles and indoor places,  
22 except as otherwise provided by this chapter:  
23 (1) a vehicle of public transportation and a waiting or  
24 boarding area for a vehicle of public transportation, including a bus,  
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-  
26 state aircraft flight when consistent with federal law;  
27 (2) an elevator;  
28 (3) a place of employment, a building or other structure,  
29 or a portion of them, owned, leased, or operated by the state or a

1 political subdivision of the state, including an office, library,  
2 museum, theater, concert hall, convention hall, gymnasium, swimming  
3 pool, or other place of entertainment or recreation;

4 (4) a public or private school, pre-school, or day care  
5 facility;

6 (5) a courtroom or jury deliberation room;

7 (6) a room, chamber, or other place under the control of  
8 the state or a political subdivision of the state while a public  
9 meeting or public assembly is in progress;

10 (7) a patients' or visitors' waiting room or restroom of a  
11 public or private laboratory or office associated with dental care,  
12 health care, or the healing arts, and a waiting room, restroom, lobby,  
13 or hallway of a public or private hospital, nursing home, rest home,  
14 or other health care institution or facility;

15 (8) a food service establishment that has a seating  
16 capacity of at least 50 persons;

17 (9) a grocery store or other store maintained for the  
18 retail sale of food products exclusively to the public and having at  
19 least four check-out counters, registers, or lanes; and

20 (10) a place of employment in which the owner, manager,  
21 proprietor, or other person who has control of the premises posts a  
22 sign stating that smoking is prohibited by law.

23 \* Sec. 3. AS 18.35.310 is repealed and reenacted to read:

24 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
25 35.300 does not apply to

26 (1) a portion of a place or vehicle that is designated as a  
27 smoking section under AS 18.35.320;

28 (2) a limousine for hire or taxicab, if the driver consents  
29 and the driver ascertains that all passengers consent to smoking in

1 the vehicle;

2 (3) smoking by performers on the stage as part of a theat-  
3 rical or entertainment production.

4 \* Sec. 4. AS 18.35.320 is repealed and reenacted to read:

5 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
6 in charge of an indoor place or vehicle of public transportation  
7 described in AS 18.35.300 may designate portions of the place or vehi-  
8 cle as smoking sections. For purposes of this section, "vehicle of  
9 public transportation" does not include a taxicab or limousine for  
10 hire, and "indoor place" does not include an elevator.

11 (b) A smoking section designated under this section shall make  
12 reasonable accommodations for the needs of the smokers and nonsmokers  
13 who use the place or vehicle.

14 (c) Notwithstanding any other provision in AS 18.35, a smoking  
15 section may not be designated under this section for students on the  
16 grounds of or in an elementary or secondary school, indoors or out-  
17 doors.

18 \* Sec. 5. AS 18.35.330 is repealed and reenacted to read:

19 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
20 person in charge of an place or vehicle described in AS 18.35.300  
21 shall conspicuously display in the place or vehicle a sign that reads  
22 "Smoking Prohibited by Law - Maximum Fine \$300" and that includes the  
23 international symbol for no smoking.

24 (b) In an place or vehicle in which a smoking section has been  
25 designated under AS 18.35.320, the person in charge of the place or  
26 vehicle shall conspicuously display signs that specify the portions of  
27 the place or vehicle in which smoking is allowed by law and in which  
28 smoking is prohibited by law.

29 (c) A sign required by this section must be at least 18 inches

1 wide and six inches high, with lettering at least 1.25 inches high.

2 (d) The Department of Environmental Conservation shall furnish  
3 signs required under this section to a person who requests them with  
4 the intention of displaying them.

5 \* Sec. 6. AS 18.35.340 is repealed and reenacted to read:

6 Sec. 18.35.340. CIVIL COMPLAINTS; PENALTIES. (a) The commis-  
7 sioner shall develop and maintain a procedure for processing reports  
8 of violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
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10 (b) If, after investigating a report made under this section,  
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12 sioner may file a civil complaint in the superior court to enforce the  
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15 (c) A person who violates AS 18.35.300 is punishable under this  
16 section by a civil fine of not less than \$10 nor more than \$50. A  
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28 for violations of AS 18.35.300 and 18.35.330, but in no event may the  
29 bail amount exceed \$300. The bail amount for a violation shall appear

1 on the citation.

2 (d) A person cited for a violation under this section may,  
3 within 15 days after the date of the citation, mail or personally  
4 deliver to the clerk of the court in which the citation is filed by  
5 the peace officer

6 (1) the amount of bail indicated on the citation for that  
7 violation; and

8 (2) a copy of the citation indicating that the right to an  
9 appearance is waived, a plea of no contest is entered and the bail is  
10 forfeited.

11 (e) When bail has been forfeited under (d) of this section, a  
12 judgment of conviction shall be entered. Forfeiture of bail is a  
13 complete satisfaction for the violation. The clerk of the court  
14 accepting the bail shall provide the violator with a receipt stating  
15 that fact.

16 (f) If the person cited fails to pay the bail amount established  
17 under (c) of this section or to appear in court as required, the  
18 citation is considered a summons for a violation.

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20 party may institute an action in the superior court to enjoin repeated  
21 violations of AS 18.35.300 - 18.35.365 or of a regulation adopted  
22 under AS 18.35.360.

23 \* Sec. 8. AS 18.35.350 is amended to read:

24 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF  
25 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is  
26 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365  
27 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-  
28 35.360. This section does not limit the authority of peace officers.

29 \* Sec. 9. AS 18.35 is amended by adding a new section to read:

1           Sec. 18.35.355. PUBLIC EDUCATION. The commissioner shall take  
2 appropriate measures to inform the public of their rights under  
3 AS 18.35.300 - 18.35.365.

4 \* Sec. 10. AS 18.35.360 is amended to read:

5           Sec. 18.35.360. REGULATIONS. The department shall [DEPARTMENT  
6 OF ENVIRONMENTAL CONSERVATION MAY] adopt regulations to implement the  
7 provisions of AS 18.35.300 - 18.35.365 but the department may not  
8 require the modification of an existing structure or the purchase of  
9 new equipment by a person subject to the provisions of this chapter  
10 [AS 18.35.300 - 18.35.350].

11 \* Sec. 11. AS 18.35 is amended by adding a new section to read:

12           Sec. 18.35.365. DEFINITIONS. In AS 18.35.300 - 18.35.365,

13           (1) "commissioner" means commissioner of environmental  
14 conservation;

15           (2) "department" means the Department of Environmental  
16 Conservation;

17           (3) "peace officer" means any officer of the state troop-  
18 ers, members of the police force of any incorporated city or borough,  
19 United States marshals and their deputies, and other officers whose  
20 duty it is to enforce and preserve the public peace, including a  
21 village public safety officer.

22 \* Sec. 12. 18 AAC 55.060 is annulled.

COMMITTEE REPORT  
SENATE

26/83

*Wanted*

FURTHER: State Affairs

Date: Feb 3, 1984

Mr. President:

The Committee on HESS has had CS HB 84 (Fin)  
Relating to smoking in public places and vehicles.

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with SCS for CS HB 84 (~~CS HB 84~~) *HESS*  same title  
 new title
- and recommends do pass
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_

\_\_\_\_\_

*Joe Josephson*

*Paul Frink*

\_\_\_\_\_

*Raymond Mar*

*Rick Heford*

\_\_\_\_\_

*V. Vischer*

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\_\_\_\_\_

*Joe Josephson*

CHAIRMAN

COMMITTEE REPORT  
SENATE

FURTHER:

1984

Date \_\_\_\_\_

Mr. President

The Committee on STATE AFFAIRS considered CSHB 84 (Fin)  
relating to smoking in public places and vehicles.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title \_\_\_\_\_
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

COMMITTEE REPORT  
SENATE RULES COMMITTEE

2/6/84

*referred back to House*

Date \_\_\_\_\_

Mr. President:

The Committee on Rules has had CSHB 84(Fin)  
smoking in public places and vehicles

under consideration and recommends it be placed on the  
\_\_\_\_\_ Calendar.

- ( ) with attached amendment(s).
- ( ) replace with CS for \_\_\_\_\_ ( ) same title  
( ) new title
- ( ) and attaches a "Letter of Intent"
- ( ) new fiscal note

MEMBERS SIGNING FOR PLACEMENT  
ON THE CALENDAR

*Kelly*  
\_\_\_\_\_  
*Bill Ray*  
\_\_\_\_\_  
*Ferguson*  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING OTHER  
RECOMMENDATIONS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
CHAIRMAN

# Alaska State Legislature

OFFICE OF THE MINORITY



POUCH V  
JUNEAU, ALASKA 99811

## House of Representatives

MEMORANDUM

March 14, 1984

TO: Senator Don Bennett, Senator John Sackett  
Co-Chair, Senate Finance Committee

FROM: Rep. Mike Miller *LM*  
by Denise Zachary, A.A.

SUBJECT: HB 84/ Smoking in Public Places

---

Some concern was raised at the Senate Finance Committee meeting this date regarding the enforcement provisions in this legislation.

Alaska is not the first state to pass smoking legislation. The purpose of this memorandum is to provide you with information on how other states have enforced their Clean Indoor Air Acts. Penalties and enforcement procedures, much the same as in HB 84, have not filled the jails and have not "clogged" the courts of other states with similar legislation.

MINNESOTA: (legislation in effect since August 1, 1975)  
Two Types of Smoking Violations:

1. Violation for smoking in prohibited places  
Penalty: petty misdemeanor; \$10 citation; paid by mail  
FINE up to \$100; tried in County Court
2. Violations for not posting smoking signs and other violations  
Court Injunction by State Health Department; tried in court

Issued By: Violations are reported by public to State Department of Health

Total Convictions: 0 injunctions by State Health Department  
approximately 200 threats by Dept. have resulted in compliance of law

Number of \$10 citations issued? No figure available

The only place citations have been issued is the Univ. of Minnesota sports arena; all violations were paid, no court appearances resulted

Note: Since, Fire Marshall has mandated arena in total a non-smoking area

NEBRASKA: (June 4, 1980)

Violations for Smokers Only

no penalties against the owner or proprietors of establishments for not complying with law

1. Smoking Violation

Penalty: Class 5 Misdemeanor - Maximum Fine of \$100

Issued By: State Department of Health, Local Board of Health, or any affected party may institute action in court

Total Convictions: 1 citizen attempt through county attorney; courts threw case out

OREGON: (July 1, 1983)

Violation for Not Posting Sign in Business

imposes no fines for smoking violations

1. Sign Violation

Penalty: \$100 Fine every 30 days that business is out of compliance

Issued By: Public contacts program coordinator of Health Department by phone or letter if they feel a violation is taking place; complaint is investigated and sent to County Health; sanitarian is assigned and goes to business to check compliance with law

Total Convictions: 0 Violations to date  
approximately 2500 complaints on file; only 1 state funded position to handle investigations; state intent is to encourage business to advise customers

UTAH: (1979)

Two Offenses (include smoking violations and posting of signs)

1. First Offense Bail = \$25

2. Second Offense Bail = \$50

Issued By: Public contact by phone or letter to the Health Department results in investigation and fill out of investigation sheet

Total Convictions: 0 individual citations to date;  
Approx. six citations/ year to businesses not posting signs;

None of these have gone to trial; all have pled guilty and paid bail amount  
Note: state is lenient on first violations; do routine investigations on food serving establishments

WASHINGTON: (1975, amended 1981)

No enforcement clause.

State depends on proprietors of establishments to enforce. Enforcement and effectiveness are primarily educational; based on courtesy and willingness of smokers to abide by and non-smokers request to abide by

State Legislature considered enforcement procedures this past session.

CALIFORNIA: (March 1, 1984)

San Francisco City Ordinance  
Smoking in "Office Workplace"

1. Violations for Smoking

Penalty: Fine of up to \$500.

Issued By: Public complaint results in Health Department inspection; if workplace found in violation a 15 day notice is given; if no compliance within 15 days, administrative hearing is scheduled with the Borough of Environmental Health; if employer is adamantly against compliance, a hearing is scheduled with a city attorney

Total Convictions: 11 complaints filed;

2 offices have been brought into compliance,

9 still under notice

City will give employer opportunity to comply, does not plan to use courts

STATE	Any Public Bldg. Postr As No Smoki	Elevators	Public Transportation	Educational Facilities	Cultural Facilities	Health Care Facilities	Govt. Owned Bldg./Publ Meetings	Food Stores	Retail Store	Restaurant	Work Place
Alabama											
Alaska	X	X	X	X	X	X	X				
Arizona		X	X	X	X	X					
Arkansas						X					
California			X	X**	X*	X	X	X		X*	
Colorado	X	X	X	X	X	X	X				
Connecticut		X	X	X		X	X	X			
Delaware			X								
Dist. of Col		X	X	X		X	X		X		
Florida		X				X*	X				
Georgia	X	X	X								
Hawaii							X				
Idaho							X				
Illinois											
Indiana											
Iowa		X	X		X	X	X				
Kansas		X	X		X	X	X				
Kentucky				X							
Louisiana											
Maine	X						X				
Maryland		X	X			X					
Massachusetts		X	X		X	X		X			
Michigan		X				X		X		X	
Minnesota	X	X	X	X	X	X	X	X	X	X	X
Mississippi			X								
Missouri											
Montana	X	X	X	X	X	X	X	X	X	X	X
Nebraska	X	X	X	X	X	X	X	X	X	X	X
Nevada		X	X		X	X	X				
New Hampshire	X	X	X	X	X	X	X		X		
New Jersey	X	X	X	X		X					
New Mexico											
New York			X		X						
North Carolina											
North Dakota	X	X	X	X	X	X	X			X	
Ohio		X	X	X	X	X	X				
Oklahoma		X	X		X						
Oregon	X	X		X	X	X	X	X	X	X	
Pennsylvania									X**		
Rhode Island		X	X	X	X	X		X		X	
South Carolina											
South Dakota		X	X	X	X	X					
Tennessee											
Texas		X	X	X	X	X					
Utah	X	X	X	X	X	X	X	X	X	X	X
Vermont	X										
Virginia											
Washington		X	X	X	X	X	X	X	X	X	
West Virginia											
Wisconsin											
Wyoming											
	13	27	28	20	22	28	22	11	9	11	6

THE TOBACCO INSTITUTE  
 SMOKING RESTRICTION LAWS  
 IN THE FIFTY STATES  
 AND THE DISTRICT OF COLUMBIA

PLACES WHERE SMOKING  
 IS PROHIBITED, RESTRICTED,  
 OR CONFINED TO CERTAIN  
 AREAS.

1 DOES NOT INCLUDE FIRE PRE-  
 VENTION RELATED STATUTES  
 \* IN GOVERNMENT OWNED OR  
 LEASED FACILITIES  
 \*\* EMPOWERING STATUTE

§ 12.25.180

2 C.J.S. Criminal

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§ 12.25.190

CODE OF CRIMINAL PROCEDURE

§ 12.25.210

**Sec. 12.25.190. When person to be given five-day notice to appear in court.** (a) When a person is contacted by a peace officer and the peace officer exercises the option provided for in AS 12.25.180, the officer shall prepare a written citation and issue it to the person.

(b) The time specified in the notice to appear shall be at least five days after the alleged violation or the issuance of the citation, whichever is later, unless the person cited requests an earlier hearing.

(c) The person cited for the crime shall give his written promise to appear in court by signing at least one copy of the written citation prepared by the peace officer and the officer shall deliver a copy of the citation to the person. The written promise requirement of this subsection does not apply to motor vehicle and traffic citations under AS 28.05.151. (§ 1 ch 31 SLA 1973; am § 20 ch 127 SLA 1974; am § 4 ch 144 SLA 1977; am § 20 ch 178 SLA 1978)

**Effect of amendments.** — The 1977 amendment added the second sentence of subsection (c).

The 1978 amendment substituted "AS 28.05.151" for "AS 28.05.080" at the end of subsection (c).

**Legislative history report.** — For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657.

Applied in Ahmaogak v. State, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).

**Sec. 12.25.200. Form for citations.** The chief administrative officer of each law enforcement agency in the state is responsible for the issuance of books containing appropriate citations, and shall maintain a record of each book and each citation contained in it and shall require and retain a receipt for every book issued to a peace officer. (§ 1 ch 31 SLA 1973)

**Sec. 12.25.210. Disposition and records of citations.** (a) A peace officer, upon issuing a citation to an alleged violator under AS 12.25.180, shall deposit the original or a copy of the citation with a court having jurisdiction over the alleged offense.

(b) Upon the deposit of the original or a copy of the citation with a court having jurisdiction over the alleged offense, the original or copy of the citation may be disposed of only by trial in the court or other official action by a magistrate or judge of the court.

(c) It is unlawful and official misconduct for a peace officer or other officer or public employee to dispose of a citation or copies of it or of the record of the issuance of the citation in a manner other than as required in this section.

(d) The chief administrative officer of each law enforcement agency shall require the return to him of a copy of every citation issued by an officer under his supervision to an alleged violator of a law or ordinance and of all copies of every citation which has been spoiled or upon which any entry has been made and not issued to an alleged violator.

(e) The chief administrative officer shall also maintain in connection with every citation issued by an officer under his supervision a record

Applied in *Eben v. State*, Sup. Ct. Op. No. 1920 (File No. 3525), 599 P.2d 700 (1979).

C.J.S. reference. — 22 C.J.S. Criminal Law §§ 331 to 346.

**Sec. 12.25.160. Arrest defined.** Arrest is the taking of a person into custody in order that he may be held to answer for the commission of a crime. (§ 2.01 ch 34 SLA 1962)

Applied in *Goos v. State*, Sup. Ct. Op. No. 193 (File No. 235), 390 P.2d 220, cert. denied, 379 U.S. 859, 85 S. Ct. 118, 13

L. Ed. 2d 62 (1964); *Aldridge v. State*, Sup. Ct. Op. No. 1971 (File No. 3413), 602 P.2d 798 (1979).

**Sec. 12.25.180. When peace officer has option to take person before judge or magistrate.** (a) When a person is stopped or contacted by a peace officer for the commission of a misdemeanor or the violation of a municipal ordinance, he may, in the discretion of the contacting peace officer, be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity;
- (2) the contacting officer has reasonable and probable cause to believe the person is a danger to himself or others;
- (3) the crime for which the person is contacted is one involving violence or harm to another person or to property; or
- (4) the person asks to be taken before a judge or magistrate under AS 12.25.150.

(b) When a person is stopped or contacted by a peace officer for the commission of an infraction or a violation, he shall be issued a citation instead of being taken before a judge or magistrate under AS 12.25.150, unless

- (1) the person does not furnish satisfactory evidence of identity; or
- (2) the person refuses to accept the citation or to give his written promise to appear as provided for under AS 12.25.190(c). (§ 1 ch 31 SLA 1973; am § 19 ch 127 SLA 1974; am § 3 ch 144 SLA 1977; am § 34 ch 102 SLA 1980)

**Effect of amendments.** — The 1977 amendment, in present subsection (a), inserted "or an infraction" in the introductory paragraph and deleted "or the contacting officer has reasonable and probable cause to believe the person will disregard a written promise to appear in court" from the end of paragraph (1).

The 1980 amendment designated the provisions of this section as subsection (a), deleted "or an infraction" following "of a misdemeanor" near the beginning of subsection (a), and added subsection (b).

**Legislative history reports.** — For report on ch. 31, SLA 1973 (SB 25), see 1973 Senate Journal Supplement No. 7, p. 2. For report on ch. 127, SLA 1974 (SCSHB 817 am S), see 1974 House Journal, p. 657. For report on ch. 102, SLA 1980 (HCS CSSB 511), see 1980 Senate Journal Supplement, No. 44 (May 29, 1980) or 1980 House Journal Supplement, No. 79 (May 29, 1980).

Applied in *Ahmaogak v. State*, Sup. Ct. Op. No. 1857 (File No. 4171), 595 P.2d 985 (1979).