HB

351

Alaska State Legislature

Please enter into the record my testimony to the House Judiciary
committee name

Committee on HB 351, dated 3-19-04
bill # / subject — public hearing date

I would like to provide my support for HB 351.

The Kenai Fire Department has responded to over 20 calls this winter for carbon monoxide problems. On at least two of the calls we had to transport family members to our local hospital for emergency treatment of CO poisoning.

The 15 members of the Kenai Fire Department support this bill and we think HB 351 will save numerous Alaskan lives in the future if passed.

Signed: James Baisden, Fire Marshal James C Baisden
Testifier

Kenai Fire Dept
Representing (optional)

105 S Willow Kenai, AK 99611
Address

283-7666
Phone number

HOUSE COMMITTEE REPOI

(7)

Date Referred to Committee: March 1, 2004 **FURTHER REFERRALS:**

Date of Committee Action: March 19, 2004

The JUDICIARY Committee considered: **HB 351**

HOUSE BILL NO. 351 **CARBON MONOXIDE DETECTION DEVICES**

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 351 (JUD)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ [X] Same Title [ ] New Title

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
L&C/HSS	1			✓
LAW	2			✓
DPS	3			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	Gara	✓			
	SAMUELS	–			
	Gruenberg	–			
Chair: Ralph A McKee	McGuire	✓			
Chair:					

HOUSE COMMITTEE REPORT

3.1.04

(7)

Date Referred to Committee: January 26, 2004

FURTHER REFERRALS:

Jud added

~~Rules~~

Date of Committee Action: 2/26/04

The STATE AFFAIRS Committee considered: **HB 351**

HOUSE BILL NO. 351 **CARBON MONOXIDE DETECTION DEVICES**

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [✓] CS for HB 351 (STA)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

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DOT
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***NEW* FISCAL NOTES**
*Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
LAW	2			✓
DPS	3			✓

***PREVIOUS* FISCAL NOTES**

List by Dept(s):	FN#	Fiscal	Indet.	Zero
L&C / HSS	1			✓

Signing with recommendations	Printed Last Name	DP (3)	DNP (1)	NR (3)	AM
	Gruenhagen	–			
Paul E Seaton	SEATON	✓			
	HOLM			✓	
	LYNN	X			
	Coghill		–		
	Berkowitz			✓	
Chair:	Weyhrauch			X	
Chair:					

D

HOUSE COMMITTEE REPORT

1-26-04

(7)

Date Referred to Committee: January 12, 2004 **FURTHER REFERRALS: State Affairs**

Date of Committee Action: Jan 21, 2004

The LABOR AND COMMERCE Committee considered: **HB 351**

HOUSE BILL NO. 351 **CARBON MONOXIDE DETECTION DEVICES**

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

Recommends it be replaced with [ ] HCS *or* [X] CS for HB 351 (L&C)

For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

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LEG
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LWF
MVA
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REV
DOT
UA

NEW FISCAL NOTES *Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero
L&C/HSS	1			X

PREVIOUS FISCAL NOTES

List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (5)	DNP	NR	AM
Harry J. Crawford Jr	CRAWFORD	X			
Bob L	LYNN	X			
	GATTO	X			
	GUTTENBERG	X			
Chair: Tom Anderson	ANDERSON	X			
Chair:					

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg

State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Terri Bannister, Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: March 20, 2004

Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1325\V, HB 351. The bill was passed out of committee on Friday with no amendments.

If you have any questions, please call me at 4990. Thank you!

23-LS1325\V
Bannister
3/18/04

CS FOR HOUSE BILL NO. 351( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO AND GRUENBERG, Gara, Meyer, Guttenberg, Kerttula

A BILL

FOR AN ACT ENTITLED

"An Act relating to the devices, including carbon monoxide detection devices, required in dwellings; and providing for an effective date."

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

*** Section 1.** AS 18.70.095(a) is amended to read:

(a) Smoke detection devices shall be installed and maintained in all dwelling units in the state**, and carbon monoxide detection devices shall be installed and maintained in all qualifying dwelling units in the state**. The **smoke detection** devices **must** [SHALL] be of a type and **shall be** installed in a manner approved by the state fire marshal. **The carbon monoxide detection devices must have an alarm and shall be installed and maintained according to manufacturers' recommendations.**

*** Sec. 2.** AS 18.70.095(b) is amended to read:

(b) In a dwelling unit occupied under the terms of a rental agreement or under a month-to-month tenancy,

(1) at the time of each occupancy, the landlord shall provide smoke detection devices **and, if the dwelling unit is a qualifying dwelling unit, carbon monoxide detection devices; the devices must be** in working condition, and, after notification **of any deficiencies** by the tenant, **the landlord** shall be responsible for **repair or** replacement; and

(2) the tenant shall keep the devices in working condition by keeping charged batteries in battery-operated devices, if possible, by testing the devices periodically, if possible, and by refraining from permanently disabling the devices.

*** Sec. 3.** AS 18.70.095(c) is amended to read:

(c) If a landlord did not know and had not been notified of the need to repair or replace a smoke detection device **or a carbon monoxide detection device**, the landlord's failure to repair or replace the device may not be considered as evidence of negligence in a subsequent civil action arising from death, property loss, or personal injury.

*** Sec. 4.** AS 18.70.095(d) is repealed and reenacted to read:

(d) In this section,

(1) "dwelling unit" has the meaning given in AS 34.03.360;

(2) "landlord" has the meaning given in AS 34.03.360;

(3) "qualifying dwelling unit" means a dwelling unit that

(A) contains or is serviced by a carbon-based-fueled appliance or device that produces by-products of combustion;

(B) has an attached garage or carport; or

(C) is adjacent to a parking space;

(4) "rental agreement" has the meaning given in AS 34.03.360;

(5) "tenant" has the meaning given in AS 34.03.360.

*** Sec. 5.** AS 18.70.100(a) is amended to read:

(a) **Except as provided in (c) of this section, a** [A] person who violates a provision of AS 18.70.010 - 18.70.100 or a regulation adopted under those sections, or who fails to comply with an order issued under AS 18.70.010 - 18.70.100, is guilty of a class B misdemeanor. When not otherwise specified, each 10 days that the violation or noncompliance continues is a separate offense.

* **Sec. 6.** AS 18.70.100 is amended by adding a new subsection to read:

(c) A person who violates AS 18.70.095, as that section relates to carbon monoxide detection devices, is guilty of a violation. In this subsection, "violation" has the meaning given in AS 11.81.900.

* **Sec. 7.** AS 34.03.100(a) is amended to read:

(a) The landlord shall

(1) make all repairs and do whatever is necessary to put and keep the premises in a fit and habitable condition;

(2) keep all common areas of the premises in a clean and safe condition;

(3) maintain in good and safe working order and condition all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances, including elevators, supplied or required to be supplied by the landlord;

(4) provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;

(5) supply running water and reasonable amounts of hot water and heat at all times, insofar as energy conditions permit, except where the building that includes the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection;

(6) if requested by the tenant, provide and maintain locks and furnish keys reasonably adequate to ensure safety to the tenant's person and property; and

(7) provide smoke detection devices **and carbon monoxide detection devices** as required under AS 18.70.095.

* **Sec. 8.** AS 34.03.120(a) is amended to read:

(a) The tenant

(1) shall keep that part of the premises occupied and used by the tenant as clean and safe as the condition of the premises permit;

(2) shall dispose all ashes, rubbish, garbage, and other waste from the

dwelling unit in a clean and safe manner;

(3) shall keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;

(4) shall use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances including elevators in the premises;

(5) may not deliberately or negligently destroy, deface, damage, impair, or remove a part of the premises or knowingly permit any person to do so;

(6) may not unreasonably disturb, or permit others on the premises with the tenant's consent to unreasonably disturb, a neighbor's peaceful enjoyment of the premises;

(7) shall maintain smoke detection devices **and carbon monoxide detection devices** as required under AS 18.70.095;

(8) may not, except in an emergency when the landlord cannot be contacted after reasonable effort to do so, change the locks on doors of the premises without first securing the written agreement of the landlord and, immediately after changing the locks, providing the landlord a set of keys to all doors for which locks have been changed; in an emergency, the tenant may change the locks and shall, within five days, provide the landlord a set of keys to all doors for which locks have been changed and written notice of the change; and

(9) may not unreasonably engage in conduct, or permit others on the premises to engage in conduct, that results in the imposition of a fee under a municipal ordinance adopted under AS 29.35.125.

* **Sec. 9.** This Act takes effect January 1, 2005.

Alaska State Legislature

House of Representatives

Representative Max Gruenberg **Representative Carl Gatto**

Date: March 1, 2004

To: Representative Lesil McGuire
Chair, Judiciary Committee

From: Representative Carl Gatto
Representative Max Gruenberg

Re: Hearing request for CSHB 351 (State Affairs)

We would respectfully request the committee schedule a hearing for CSHB 351, Carbon Monoxide Detectors, at your earliest convenience. If you have any questions, please feel free to contact Teri at x4940 or Colleen at x3743.

Thank you for your consideration.

23-LS1325\U
Bannister
3/16/04

CS FOR HOUSE BILL NO. 351( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): REPRESENTATIVES GATTO AND GRUENBERG, Gara, Meyer, Guttenberg, Kerttula

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(b) In a dwelling unit occupied under the terms of rental agreement or under a month-to-month tenancy,

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(4) provide and maintain appropriate receptacles and conveniences for the removal of ashes, garbage, rubbish, and other waste incidental to the occupancy of the dwelling unit and arrange for their removal;

(5) supply running water and reasonable amounts of hot water and heat at all times, insofar as energy conditions permit, except where the building that includes the dwelling unit is so constructed that heat or hot water is generated by an installation within the exclusive control of the tenant and supplied by a direct public utility connection;

(6) if requested by the tenant, provide and maintain locks and furnish keys reasonably adequate to ensure safety to the tenant's person and property; and

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(3) shall keep all plumbing fixtures in the dwelling unit or used by the tenant a clean as their condition permits;

(4) shall use in a reasonable manner all electrical, plumbing, sanitary, heating, ventilating, air-conditioning, kitchen, and other facilities and appliances including elevators in the premises;

(5) may not deliberately or negligently destroy, deface, damage, impair, or remove a part of the premises or knowingly permit any person to do so;

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* **Sec. 9.** This Act takes effect January 1, 2005.

Alaska State Legislature

House of Representatives

Representative Max Gruenberg **Representative Carl Gatto**

SPONSOR STATEMENT

CSHB 351 (State Affairs)
Carbon Monoxide Detection Devices

The recent deaths of all five members of an Anchorage family from carbon monoxide poisoning in their home has prompted introduction of House Bill 351 that will require carbon monoxide detectors to be installed and maintained in most Alaskan homes. This bill adds carbon monoxide detection devices to the requirement in Alaska state statute (AS 18.70.095) that homeowners install and maintain smoke detectors and adds that landlords shall install the devices to be maintained by their tenants.

According to the Journal of the American Medical Association, carbon monoxide poisoning is the leading cause of accidental poisoning in America annually, claiming the lives of 1,500-2,000 people in the United States and hospitalizing an additional 10,000. Also, continuous exposure to low levels of carbon monoxide can compromise the efficiency of young children's brains in processing information.

Carbon monoxide detectors are essential because carbon monoxide is invisible to the human senses—it is odorless, tasteless, colorless, and non-irritating. Without a carbon monoxide alarm, one doesn't know they're being poisoned.

Representatives Carl Gatto and Max Gruenberg have co-introduced this bill in order to help save Alaskan lives and to prevent long-term illnesses in children.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number:
Bill Version: HB351-DPS-FP-1-20-04
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: Public Safety
Title: Carbon Monoxide Detection Devices
RDU: Fire Prevention
Component: Fire Prev. Operations
Sponsor: Rep. Gatto
Requester: House Labor & Commerce
Component No.: 494

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type–Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time		0	0	0	0	0
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

The bill requires carbon monoxide detectors to be installed in all "qualifying" dwelling units in the state.

HB 351 will have minimal fiscal impact to the Fire Prevention program. There will be a slight increase in responsibilities for building plan review for compliance in 4-plex and larger dwelling units.

Prepared by: Gary Powell, Director — Phone 269-5491
Division: Fire Prevention — Date/Time 1/20/04 10:05 AM
Approved by: Commissioner William Tandeske — Date 1/20/2004
Agency: Department of Public Safety

(Revised 12/2003 OMB)

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: HB351-LAW-C&FB-1-20-
Bill Version: HB 351
() Publish Date:

Revision Date/Time (Note if correction):
Dept. Affected: LAW
Title "An Act relating to carbon monoxide detection devices..."
RDU Civil
Component Commercial & Fair Business
Sponsor Representatives Gatto & Gruenberg
Requester House Labor & Commerce
Component No.

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)						
1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill amends AS 18.70 by requiring that carbon monoxide detection devices be installed and maintained in all qualifying dwelling units in the state.

Passage of this legislation will not have a foreseeable fiscal impact on the Department of Law.

Prepared by: Kathryn A. Daughhetee, Director
Phone 465-3673
Division Administrative Services
Date/Time 1/20/04 5:03 PM
Approved by: Kathryn Daughhetee for Gregg D. Renkes, Attorney General
Date 1/20/2004
Agency Department of Law

(Revised 12/2003 OMB)

Alaska CO Incidents

March 27, 2003

Evacuations, Rescues, CPR, 911; Citizens Honored for Lifesaving Acts
"Jean Schulte and Ron Harper, who evacuated 3 people suffering from serious carbon monoxide poisoning from an Anchorage house in December 2002."
-Anchorage Daily News

December 17, 2002

Headlines – Anchorage - Carbon monoxide injures 3
"Three people were rushed to the hospital Monday afternoon for carbon monoxide poisoning, the second such incident in Anchorage in less than a week. The three people were discovered inside 9203 Campbell Terrace Drive around noon by an employer who had gone to the home because on of the people had not shown up to work, said Anchorage Fire Department spokesman, Tom Kempton. All 3 individuals were incoherent and disoriented, he said. A cracked heat exchanger in a furnace is believed to be the cause of the carbon monoxide leak."
-Anchorage Daily News

December 13, 2002

6 Saved From Gas Poisoning
"Six people, including 3 children, were rescued early Thursday morning after a 911 dispatcher realized a caller and her family were suffering carbon monoxide poisoning during the call, fire officials said." -Anchorage Daily News

Municipality of
Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 343-4431
Fax: (907) 343-4499
Email : www.muni.org

Mark Begich, Mayor

FOR IMMEDIATE RELEASE
December 15, 2003
2003-46

Contact: Julie Hasquet
343-7103

DONORS FUND CO DETECTORS FOR AWARENESS CAMPAIGN

$31,000 raised buys carbon monoxide detectors for low income families

Mayor Mark Begich announced today that through the support of several local companies and organizations, $31,000 has been raised to purchase 1,140 carbon monoxide detectors for distribution to low and moderate income families.

The Mayor's office launched a fundraising effort last week following the deaths of an Anchorage family poisoned by carbon monoxide. All five members of the Arts family died after the accidental poisoning in their home on Dec. 6.

"As we grieve the deaths of the Arts family, we have reached out to the community and they are responding," said Mayor Begich. "While this CO detector giveaway cannot take away our pain, we can raise awareness about this deadly gas and how we can prevent future tragedies."

The companies and organizations who have given financial donations to the awareness campaign include Allstate, BP Exploration, ConocoPhillips, Enstar, Tote, Horizon Lines, the Anchorage Homebuilders Association, the Anchorage Police Department Employees Association, and the International Association of Fire Fighters, Local 1264.

The effort has also been greatly supported by the American Red Cross of Alaska, Home Depot, which has offered the detectors at cost, and Federal Express, which is picking up the cost of flying the large order of CO detectors to Anchorage from Fresno, California.

According to the Journal of the American Medical Association, carbon monoxide poisoning claims the lives of 1,500 to 2,000 people in the United States every year. It is the leading cause of accidental poisoning deaths in America, and hospitalizes another 10,000 people annually.

Having a working carbon monoxide detector on every level of a home and in sleeping areas is considered a key part of preventing accidental poisonings.

The carbon monoxide detectors purchased through the fundraising effort will be available to families who need them through the GIFT program in Anchorage this week. Sponsored by Catholic Social Services, Lutheran Social Services, The Salvation Army and the United Way of Anchorage, GIFT is a community outreach event that provides holiday gift and food assistance to thousands of low to moderate income families.

The distribution runs December 17-19 in the ACS Garage at 650 Telephone Ave. The detectors will be available until the supply runs out. The Red Cross office at 235 E 8th Avenue will have a small supply as well.

The shipment of 1,140 carbon monoxide detectors from a Kidde distributor in Fresno is expected to arrive in Anchorage, via Federal Express, on Tuesday.

"I am overwhelmed by the generous spirit of our local companies and organizations," said Mayor Begich. "I would also like to thank our city firefighters, police officers and other emergency personnel who had to respond to this terrible tragedy."

In a separate program, the Municipality's Department of Health and Human Services Weatherization Program provides CO detectors to low income families each year. Priority is given to elderly, the disabled, and families with children under the age of six years. The program is available to both homeowners and renters, and qualifying requires meeting income eligibility guidelines and the home must be inspected.

Funding for the program is provided by The Federal Department of Energy and Alaska Housing Finance Corporation. Those who are interested in the Weatherization Program can call 343-6630 for more information.

###

CARBON MONOXIDE (CO): THE SILENT KILLER

HISTORY OF CO LEGISLATION

1992: The first U.S. city to adopt a law requiring CO alarms was Kingston, New York. The law was adopted November 10, 1992.

1994: In March of 1994, the City of Chicago became the second and largest U.S. municipality to enact a CO alarm law.

1998: In 1998, West Virginia became the first state to adopt a statewide CO alarm law.

2002: Rhode Island enacted a statewide CO law in the year 2002.

2003: New York and New Jersey enacted statewide carbon monoxide laws in the spring of 2003.

Present: Current states working to pass statewide CO legislation include Massachusetts and Pennsylvania.

CO FACTS

- Carbon monoxide is the leading cause of accidental poisoning deaths in America, claiming more than 2,100 lives per year, according to a study published in the Journal of the American Medical Association.
- CO accounts for 40,000 emergency room visits and 20,000 health-related injuries annually, according to the American Association of Poison Control Centers. **Yet according to safety industry estimates, 88 percent of homes remain unprotected because they do not have at least one CO alarm.**
- CO is known as the "Silent Killer" since it is invisible to the human senses. It is odorless, tasteless, colorless and non-irritating, so without a CO alarm's warning there is no way to know that you are being poisoned. CO mimics the flu or food poisoning and symptoms include headache, nausea, fatigue and dizziness.
- In fact, studies performed at the University of Illinois Hospital at Chicago found that five to ten percent of patients presented to the emergency room with flu-like symptoms actually had CO poisoning.
- CO is a by-product of combustion produced by common household appliances such as gas or oil furnaces, water heaters, space heaters and clothes dryers. Other potential sources include barbecue grills, fireplaces, wood-burning stoves, gas ovens and fumes entering a home from an attached garage.
- Once in the bloodstream, CO suffocates the body from the inside out, preventing life-sustaining oxygen from reaching vital organs in the body such as the brain and heart.
- The level of exposure to carbon monoxide and the amount of damage done is greater in children than adults. For example an adult breathes 12 times within a minute, while a child will take 20-30 breaths during that same time. If carbon monoxide is present, the child is metabolizing more of the deadly gas at a faster pace, resulting in a more severe poisoning.

- Children, infants and the unborn cannot articulate pain or other symptoms associated with carbon monoxide poisoning, which often prolongs their exposure and increases their risk for serious injuries and death. Effects of exposure can include brain damage, heart defects, cerebral palsy and death.

EXPERT TESTIMONIALS

Bill Webb
Executive Director, Congressional Fire Services Institute
"There's a mantra in the fire service that saving lives starts with prevention. We have seen that with smoke detectors. By installing smoke detectors we have saved thousands of lives. We can do the same if we install carbon monoxide detectors."

Assemblyman Joseph Morelle (D)
Irondequoit, New York – Sponsored a statewide CO law that went into effect in March of 2003.
"We have evidence from other places including the cities of Chicago and St. Louis, that CO laws have helped reduce fatalities in those communities. We have a great example here, as smoke alarm laws were enacted, more of these life safety devices went into homes and death rates from fire have declined. It's time now to look at carbon monoxide alarms the same way."

Steve Gladstone,
President-elect, American Society of Home Inspectors (ASHI)
"If people don't have a carbon monoxide detector in their house, at almost any point in the life of their equipment, it can fail and it can become a lethal environment. So if they don't have a carbon monoxide detector, they won't know and they could die in that environment. We're talking about a small investment, and god forbid something terrible happens, you'll never forgive yourself for the rest of your life."

Dr. Jerrold B. Leikin
Director of Medical Toxicology, Evanston Northwestern Healthcare-OMEGA
"Carbon monoxide has no odor, and is not irritating at all, and targets the brain for its poisoning capabilities, so that you can be overcome by carbon monoxide and not even know it...carbon monoxide detectors are just like seat belts and motorcycle helmets in that they save lives. And especially they save lives from traumatic accidents that can occur all of a sudden with nobody in the household knowing they've been exposed to these deadly gases."

Hal and Kathy Ketofsky
Carbon Monoxide Survivor Family, New Jersey
"I used to feel the same way most people feel about carbon monoxide – unconcerned. But I have a different opinion now. It's clear that the difference between life and death is as simple as having an alarm and not having one."

PREVENTION

The Consumer Product Safety Commission and the International Association of Fire Chiefs recommend every home have at least one carbon monoxide alarm with an audible warning signal installed near sleep areas.

For more information about carbon monoxide, contact the Our Children at Risk Task Force at 1-877-COFACTS.

Consumer Product Safety Commission

Carbon Monoxide Questions and Answers

CPSC Document #466

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1. **What is carbon monoxide (CO) and how is it produced in the home?**

   Carbon monoxide (CO) is a colorless, odorless, poisonous gas. It is produced by the incomplete burning of solid, liquid, and gaseous fuels. Appliances fueled with natural gas, liquified petroleum (LP gas), oil, kerosene, coal, or wood may produce CO. Burning charcoal produces CO. Running cars produce CO.

2. **How many people are unintentionally poisoned by CO?**

   Every year, over 200 people in the United States die from CO produced by fuel-burning appliances (furnaces, ranges, water heaters, room heaters). Others die from CO produced while burning charcoal inside a home, garage, vehicle or tent. Still others die from CO produced by cars left running in attached garages. Several thousand people go to hospital emergency rooms for treatment for CO poisoning.

3. **What are the symptoms of CO poisoning?**

   The initial symptoms of CO poisoning are similar to the flu (but without the fever). They include:

   - Headache
   - Fatigue
   - Shortness of breath
   - Nausea
   - Dizziness

   Many people with CO poisoning mistake their symptoms for the flu or are misdiagnosed by physicians, which sometimes results in tragic deaths.

4. **What should you do to prevent CO poisoning?**

   - Make sure appliances are installed according to manufacturer's instructions and local building codes. Most appliances should be installed by professionals. Have the heating system (including chimneys and vents) inspected and serviced annually. The inspector should also check chimneys and flues for blockages, corrosion, partial and complete disconnections, and loose connections.

   - Install a CO detector/alarm that meets the requirements of the current UL standard 2034 or the requirements of the IAS 6-96 standard. A carbon monoxide detector/alarm can provide added protection, but is no substitute for proper use and upkeep of appliances that can produce CO. Install a CO detector/alarm in the hallway near every separate sleeping area of the home. Make sure the detector cannot be covered up by furniture or draperies.

   - Never burn charcoal inside a home, garage, vehicle, or tent.

   - Never use portable fuel-burning camping equipment inside a home, garage, vehicle, or tent.

   - Never leave a car running in an attached garage, even with the garage door open.

   - Never service fuel-burning appliances without proper knowledge, skills, and tools. Always refer to the owner's manual when performing minor adjustments or servicing fuel-burning appliances.

   - Never use gas appliances such as ranges, ovens, or clothes dryers for heating your home.

   - Never operate unvented fuel-burning appliances in any room with closed doors or windows or in any

room where people are sleeping.

- Do not use gasoline-powered tools and engines indoors. If use is unavoidable, ensure that adequate ventilation is available and whenever possible place engine unit to exhaust outdoors.

5. **What CO level is dangerous to your health?**

   The health effects of CO depend on the level of CO and length of exposure, as well as each individual's health condition. The concentration of CO is measured in parts per million (ppm). Health effects from exposure to CO levels of approximately 1 to 70 ppm are uncertain, but most people will not experience any symptoms. Some heart patients might experience an increase in chest pain. As CO levels increase and remain above 70 ppm, symptoms may become more noticeable (headache, fatigue, nausea). As CO levels increase above 150 to 200 ppm, disorientation, unconsciousness, and death are possible.

6. **What should you do if you are experiencing symptoms of CO poisoning?**

   If you think you are experiencing any of the symptoms of CO poisoning, get fresh air immediately. Open windows and doors for more ventilation, turn off any combustion appliances, and leave the house. Call your fire department and report your symptoms. You could lose consciousness and die if you do nothing. It is also important to contact a doctor immediately for a proper diagnosis. Tell your doctor that you suspect CO poisoning is causing your problems. Prompt medical attention is important if you are experiencing any symptoms of CO poisoning when you are operating fuel-burning appliances. Before turning your fuel-burning appliances back on, make sure a qualified serviceperson checks them for malfunction.

7. **What has changed in CO detectors/alarms recently?**

   CO detectors/alarms always have been and still are designed to alarm before potentially life-threatening levels of CO are reached. The UL standard 2034 (1998 revision) has stricter requirements that the detector/alarm must meet before it can sound. As a result, the possibility of nuisance alarms is decreased.

8. **What should you do when the CO detector/alarm sounds?**

   Never ignore an alarming CO detector/alarm. If the detector/alarm sounds: Operate the reset button. Call your emergency services (fire department or 911). Immediately move to fresh air -- outdoors or by an open door/window.

9. **How should a consumer test a CO detector/alarm to make sure it is working?**

   Consumers should follow the manufacturer's instructions. Using a test button, some detectors/alarms test whether the circuitry as well as the sensor which senses CO is working, while the test button on other detectors only tests whether the circuitry is working. For those units which test the circuitry only, some manufacturers sell separate test kits to help the consumer test the CO sensor inside the alarm.

10. **What is the role of the U.S. Consumer Product Safety Commission (CPSC) in preventing CO poisoning?**

    CPSC worked closely with Underwriters Laboratories (UL) to help develop the safety standard (UL 2034) for CO detectors/alarms. CPSC helps promote carbon monoxide safety awareness to raise awareness of CO hazards and the need for regular maintenance of fuel-burning appliances. CPSC recommends that every home have a CO detector/alarm that meets the requirements of the most recent UL standard 2034 or the IAS 6-96 standard in the hallway near every separate sleeping area. CPSC also works with industry to develop voluntary and mandatory standards for fuel-burning appliances.

11. **Do some cities require that CO detectors/alarms be installed?**

    On September 15, 1993, Chicago, Illinois became one of the first cities in the nation to adopt an

ordinance requiring, effective October 1, 1994, the installation of CO detectors/alarms in all new single-family homes and in existing single-family residences that have new oil or gas furnaces. Several other cities also require CO detectors/alarms in apartment buildings and single-family dwellings.

12. **Should CO detectors/alarms be used in motor homes and other recreational vehicles?**

CO detectors/alarms are available for boats and recreational vehicles and should be used. The Recreation Vehicle Industry Association requires CO detectors/alarms in motor homes and in towable recreational vehicles that have a generator or are prepped for a generator.

Send the link for this page to a friend! Consumers can obtain this publication and additional publication information from the Publications section of CPSC's web site or by sending your publication request to info@cpsc.gov.

The U.S. Consumer Product Safety Commission is charged with protecting the public from unreasonable risks of serious injury or death from more than 15,000 types of consumer products under the agency's jurisdiction. Deaths, injuries and property damage from consumer product incidents cost the nation more than $700 billion annually. The CPSC is committed to protecting consumers and families from products that pose a fire, electrical, chemical, or mechanical hazard or can injure children. The CPSC's work to ensure the safety of consumer products - such as toys, cribs, power tools, cigarette lighters, and household chemicals - contributed significantly to the 30 percent decline in the rate of deaths and injuries associated with consumer products over the past 30 years.

To report a dangerous product or a product-related injury, call CPSC's hotline at (800) 638-2772 or CPSC's teletypewriter at (800) 638-8270, or visit CPSC's web site at www.cpsc.gov/talk.html. Consumers can obtain this release and recall information at CPSC's Web site at www.cpsc.gov.

Frequently Asked Questions About Carbon Monoxide Detectors

What is carbon monoxide (CO) and why do I need a carbon monoxide detector?

Carbon monoxide is a colorless, odorless, tasteless and toxic gas produced as a by-product of combustion. Any fuel burning appliance, vehicle, tool or other device has the potential to produce dangerous levels of carbon monoxide gas. Examples of carbon monoxide producing devices commonly in use around the home include:

- Fuel fired furnaces (non-electric)
- Gas water heaters
- Fireplaces and woodstoves
- Gas stoves
- Gas dryers
- Charcoal grills
- Lawnmowers, snowblowers and other yard equipment
- Automobiles

The Consumer Products Safety Commission (CPSC) reports that approximately 200 people per year are killed by accidental CO poisoning with an additional 5000 people injured. These deaths and injuries are typically caused by improperly used or malfunctioning equipment aggravated by improvements in building construction which limit the amount of fresh air flowing in to homes and other structures.

While regular maintenance and inspection of gas burning equipment in the home can minimize the potential for exposure to CO gas, the possibility for some type of sudden failure resulting in a potentially life threatening build up of gas always exists.

What are the medical effects of carbon monoxide and how do I recognize them?

Carbon monoxide inhibits the blood's ability to carry oxygen to body tissues including vital organs such as the heart and brain. When CO is inhaled, it combines with the oxygen carrying hemoglobin of the blood to form carboxyhemoglobin. Once combined with the hemoglobin, that hemoglobin is no longer available for transporting oxygen. How quickly the carboxyhemoglobin builds up is a factor of the concentration of the gas being inhaled (measured in parts per million or PPM) and the duration of the exposure. Compounding the effects of the exposure is the long half-life of carboxyhemoglobin in the blood. Half-life is a measure of how quickly levels return to normal. The half-life of carboxyhemoglobin is approximately 5 hours. This means that for a given exposure level, it will take about 5 hours for the level of carboxyhemoglobin in the blood to drop to half its current level after the exposure is terminated.

The following table describes the symptoms associated with a given concentration of COHb:

% COHb	*Symptoms and Medical Consequences*
10%	No symptoms. Heavy smokers can have as much as 9% COHb.
15%	Mild headache.
25%	Nausea and serious headache. Fairly quick recovery after treatment with oxygen and/or fresh air.
30%	Symptoms intensify. Potential for long term effects especially in the case of infants, children, the elderly, victims of heart disease and pregnant women.
45%	Unconsciousness.
50%+	Death.

Since one can't easily measure COHb levels outside of a medical environment, CO toxicity levels are usually expressed in airborne concentration levels (PPM) and duration of exposure. Expressed in this way, symptoms of exposure can be stated as follows:

PPM CO	*Time*	*Symptoms*
35 PPM	8 hours	Maximum exposure allowed by OSHA in the workplace over an eight hour period.
200 PPM	2-3 hours	Mild headache, fatigue, nausea and dizziness.
400 PPM	1-2 hours	Serious headache- other symptoms intensify. Life threatening after 3 hours.
800 PPM	45 minutes	Dizziness, nausea and convulsions. Unconscious within 2 hours. Death within 2-3 hours.
1600 PPM	20 minutes	Headache, dizziness and nausea. Death within 1 hour.
3200 PPM	5-10 minutes	Headache, dizziness and nausea. Death within 1 hour.
6400 PPM	1-2 minutes	Headache, dizziness and nausea. Death within 25-30 minutes.
12,800 PPM	1-3 minutes	Death.

As can be seen from the above information, the symptoms vary widely based on exposure level, duration and the general health and age on an individual. Also note the one recurrent theme that is most

significant in the recognition of carbon monoxide poisoning- headache, dizziness and nausea. These 'flu like' symptoms are often mistaken for a real case of the flu and can result in delayed or misdiagnosed treatment. When experienced in conjunction with a the sounding of a carbon monoxide these symptoms are the best indicator that a potentially serious buildup of carbon monoxide exists. This comment will be returned to later.

What are the different types of carbon monoxide detectors and how do they work?

There are a number of different types and brands of carbon monoxide detectors on the market today; They can be most easily characterized by whether they operate on household current or batteries. Underlying this, in most cases, is the type of sensor employed in the detectors operation. Detectors using household current typically employ some type of solid-state sensor which purges itself and resamples for CO on a periodic basis. This cycling of the sensor is the source of its increased power demands. Detectors powered by batteries typically use a passive sensor technology which reacts to the prolonged exposure to carbon monoxide gas.

Are some types of detectors better than others? How do I select the best detector for me?

Regardless of the type of sensor used all detectors sold on the market today should conform to minimum sensitivity and alarm characteristics. These characteristics have been defined and are verified by Underwriters Laboratory in their standard for carbon monoxide detectors UL 2034. This standard was most recently revised in June of 1995 and went into effect in October of 1995. This revision specified additional requirements regarding identification of detector type, low-level (nuisance) alarm sensitivity and alarm silencing. Under no circumstances should one purchase a detector that is not UL listed.

Each of the two types of detectors mentioned previously has applications in the home along with associated advantages and disadvantages. The proper detector for each application or installation should be chosen based on the application requirements and the products specifications. The following are the principle advantages and disadvantages of the two different type detectors:

Characteristic	*Household Current*	*Battery Operated*
Cost	$30-50	$30-50
Ease of Installation	More difficult- requires outlet near detector or 'hard wiring'.	Less difficult. Can be placed anywhere needed.
Maintenance	No maintenance required during life of product (5-10 years). Detector sensor becomes more sensitive with age.	Requires periodic replacement of battery/sensor module every 2-3 years at a cost of ~$20.
Reaction Time/Exposure	Gives continuous display	Reaction time depends

Level Display	of CO levels updated every few minutes.	on concentration level and duration of exposure. Display information is limited.
Reset Time	Will reset immediately once CO problem is corrected.	Reset time depends on exposure concentration and duration. May require removal of sensor pack. A silence button, however, is now provided/required.

How many carbon monoxide detectors should I have and where should I place them?

The Consumer Product Safety Commission recommends a detector on each floor of a residence. At a minimum, a single detector should be placed on each sleeping floor with an additional detector in the area of any major gas burning appliances such as a furnace or water heater. Installation in these areas ensures rapid detection of any potentially malfunctioning appliances and the ability to hear the alarm from all sleeping areas. In general, carbon monoxide detectors should be placed high (near the ceiling) for most effective use. Detectors should also not be placed within five feet of gas fueled appliances or near cooking or bathing areas. Consult the manufacturers installation instructions for proper placement of a detector within a given area.

What are the most common causes of carbon monoxide detector alarms?

There are many conditions which can cause a carbon monoxide detector to alarm. Most are preventable and few are actually life threatening. Ideally through proper placement of the detector and education of the users the number of preventable calls can be minimized and activation will only occur in the more serious situations.

Preventable causes of CO alarm activation and the recommended preventive action are as follows:

Cause	*Preventive Action*
Inadequate fresh air venting of the home.	Have a heating contractor install a fresh air makeup system in the home
Running gas powered equipment or automobiles in a home or garage	Gas powered equipment or vehicles should never be operated within a home or garage- even if the garage door is open. Since most homes are typically at a lower pressure relative to outside air, the gas can

	actually be drawn into the home.
Charcoal grilling in the home or garage.	Charcoal grilling is a tremendous producer of carbon monoxide gas. Charcoal grills should never be operated in the home.
Malfunctioning appliances or equipment in the home.	All fuel burning appliances or equipment in the home needs periodic inspection and preventive maintenance. While all fuel burning appliances will produce some CO gas, regular preventive maintenance can keep this to a minimum.
Malfunctioning or overly sensitive alarm.	Buy only UL Listed alarms conforming to the latest revision (June 1995) of UL standard 2034. This revision includes new requirements to minimize nuisance alarms.

While many causes can be prevented others can not and may occur unpredictably. Not only are these problems harder to predict but they also tend to be more serious in nature. Examples of these type problems are:

- Cracked furnace heat exchanger.
- Malfunctioning furnace or water heater.
- Blocked chimney.
- Other unpredictable events- vehicle left running in garage, gas powered device placed near fresh air vent to home, etc.

Minimizing preventable events allows everyone to take other less preventable and predictable events more seriously.

What should I do when my carbon monoxide detector goes off?

First and foremost, stay calm. As mentioned previously most situations resulting in activation of a carbon monoxide detector are not life threatening and do not require calling 911. To determine the need to call 911, ask the following question of everyone in the household:

> "Does anyone feel ill? Is anyone experiencing the 'flu-like' symptoms of headache, nausea or dizziness?"

If the answer to the above by anyone in the household is true, evacuate the household to a safe location and have someone call 911. Failure to evacuate immediately may result in prolonged exposure and worsening effects from possible carbon monoxide gas. The best initial treatment for carbon monoxide gas exposure is fresh air.

If the answer to the above by everyone in the household is no, the likelihood of a serious exposure is greatly diminished and one probably does not need to call 911. Instead, turn off any gas burning appliances or equipment, ventilate the area and attempt to reset the alarm. If the alarm will not reset or resounds, call a qualified heating and ventilating service contractor to inspect your system for possible problems. If at any time during this process someone begins to feel ill with the symptoms described above evacuate the household to a safe location and have someone call 911.

What can I expect to happen if I call 911?

What to expect when calling 911 is based on the polices and procedures of the public safety agencies serving your community and will vary from area to area. Most public safety agencies are, however, recognizing the dangers posed by carbon monoxide gas and are adopting similar procedures to the ones described below. These procedures are based on information developed by the International Association of Fire Chiefs (IAFC) and other national and regional associations. The objective of these procedures is to quickly determine the severity of the situation and provide the proper emergency response. The following is a summary of what one can expect to happen if the call 911 because a carbon monoxide detector is sounding:

When initially calling 911 be prepared to provide the following information:

- Your address.
- The type of detector that is sounding.
- Whether or not anyone is feeling ill with 'flu-like' symptoms as previously described.
- Whether or not everyone has evacuated the residence.
- The reading on the detector (if known or available)

The dispatcher will determine the response required based on the answers to the above- most significantly whether or not anyone is feeling ill.

If anyone is feeling ill and/or you can not or have not been able to evacuate everyone, law enforcement, medical and fire personnel will be assigned to the call on an emergency basis. Law enforcement to assist with the immediate evacuation of individuals, medical to treat any victims and fire to monitor for CO gas and assist with the other activities.

If no one is feeling ill, you may be advised to contact your local heating contractor or gas company to assist you or, more likely, fire personnel will be dispatched on a routine basis to monitor for CO gas and advise if a 'real' carbon monoxide problem exists.

As mentioned previously, response policies vary by community and you may wish to call your local fire or police non-emergency number to ask what their particular policies are. An example standard operating procedure for CO alarms is attached. This policy is based on the IAFC model procedures and has been adopted by the Hennepin County Fire Chiefs Association as their 'standard' policy for fire departments which are part of that association.

Where can I get further information concerning carbon monoxide detectors?

Several manufacturers of carbon monoxide detectors offer toll free numbers for additional information regarding their products. These numbers are as follows:

Manufacturer	*Number*
American Sensors	800-387-4219
Enzone	800-448-0535
First Alert	800-323-9005
Jameson	800-779-1719
Nighthawk	800-880-6788
Quantum	800-432-5599
Radio Shack	Contact your local store
S-Tech	800-643-5377

Additional information with product ratings is contained in the July 1995 Consumer Reports issue on home safety products. One word of note regarding the ratings in this issue- the products tested have probably since be replaced by updated models conforming to the revised UL 2034 standard which took effect in October 1995. Check with the manufacturer for current information.

This information provided as a public service by the Hamel Volunteer Fire Department.
Comments or questions concerning this document should be directed to:
H. Brandon Guest, Chief
Hamel Volunteer Fire Department
92 Hamel Road
Hamel, Minnesota 55340
(612) 723-5400
guestb@freenet.msp.mn.us
URL=http://freenet.msp.mn.us/people/guestb

Municipality of Anchorage

P.O. Box 196650
Anchorage, Alaska 99519-6650
Telephone: (907) 267-4936
Fax: (907) 267-4977
http://www.muni.org

Mark Begich, Mayor

FIRE DEPARTMENT
Administration
100 East Fourth Avenue
Anchorage, Ak 99501

The Anchorage Fire Department is in support of House Bill No.351, "An Act relating to the devices. Including carbon monoxide detection devices, required in dwelling; and providing for an effective date."

Carbon Monoxide is a colorless, odorless, invisible gas produced when fossil fuels do not burn completely, or are exposed to heat (usually fire). These fuels include wood, coal, charcoal, natural gas, gasoline, kerosene and propane. Electrical appliances typically do not produce CO.

The Anchorage Fire Department finds that a properly installed and operating Carbon Monoxide detector is an excellent means of protection from the dangers of CO poisoning because it monitors the air and sounds a loud alarm before Carbon Monoxide levels become threatening for average, healthy adults. This allows precious time to leave a dwelling and correct the problem before CO levels become life threatening. CO being invisible, odorless and tasteless is not easily detected by means other than a properly installed and operating detector.

The Anchorage Fire Department also recommends that smoke detectors as well as CO detectors should be installed on each level of a dwelling, in each bedroom of the dwelling and in hallways connecting such areas. This vital warning equipment has a limited life and do require testing for proper operation on a regular basis.

Thomas G. Kempton
Deputy Fire Chief, Information Officer
Anchorage Fire Department

COLD CLIMATE HOUSING RESEARCH CENTER

CCHRC

February 6, 2004

Representative Carl Gatto
State Capitol, Room 411

Representative Max Gruenberg
State Capitol, Room 112
Juneau, AK 99801-1182

RE: HB 351 CARBON MONOXIDE DETECTION DEVICES

Dear Representatives Gatto and Gruenberg,

At our last Board Meeting held on February 3, 2004, the Board of the Cold Climate Housing Research Center (CCHRC) discussed your above referenced bill. The Board instructed me to express our support for the idea that every residence in Alaska should have at least one CO detector. The recent deaths of the Arts family in Anchorage serve as a very sad testimony to the importance of this safety issue. CO has been called the "cold weather killer" since it is more likely to be a problem in the winter when our houses are closed up against the cold and our heating systems are working overtime. Obviously, this is of particular concern in Alaska where half the year is winter.

While it is of primary importance that our homes are designed correctly and heating and ventilation systems are installed and maintained correctly, it is crucial to have the back up protection of warning devices like CO and smoke detectors to alert us when something has failed and our families are in danger. We applaud your leadership in assuring that all families in Alaska are aware of the danger of CO poisoning and the importance of CO detectors as the last line of defense against this too often very real threat. I have enclosed some materials that we have assembled to help educate builders and homeowners about this issue. We have co-sponsored one public meeting and one builder training workshop so far this year as our part in addressing the CO threat. If there is anything that we can do to assist you in working on this bill, please let me know.

Sincerely yours,

Jack Hebert, President and CEO
Cold Climate Housing Research Center

CC: Board of Directors
Other co-sponsors of HB 351

CCHRC Internet Web Site: http://www.cchrc.org
515 7th Avenue, suite 340, Fairbanks, AK 99701 Phone: (907) 457-3454 Fax: (907) 457-3456

Our Children at Risk Task Force

December 11, 2003

Representative Max F. Gruenberg, Jr.
House of Representatives
Alaska State Legislature
Alaska State Capitol
Juneau, AK 99801-1182

Dear State Representative Gruenberg,

Recently, you and members of your staff requested information on carbon monoxide legislation from the Children At Risk Task Force based on meetings with folks at the National Conference of State Legislators. Hopefully you received the packet of information that included copies of recent state legislation, codes and/or amendments from New York and New Jersey that require carbon monoxide alarms in residential dwellings and that you found it useful.

I personally wanted to give you a heads up that there was an unfortunate carbon monoxide poisoning incident in Anchorage over the weekend in which an entire family was fatally poisoned. One person is still hospitalized from what I recall, but several family members perished, including a few children. Anchorage Mayor Mark Begich is currently conducting a fundraising campaign to solicit donations of CO alarms to donate to low-income families there with the hopes of preventing another CO tragedy. He seems to be very affected by this incident, is very passionate about this issue and may be a great supporter if you are still looking at sponsoring a bill at the state level (note that I haven't spoken with him regarding your interest on this issue). This would also be a solid example in your own backyard that might heighten awareness of the need for CO legislation in Alaska.

If you need further information, please don't hesitate to contact me.

Best regards,

Laurie Bowser-Sever
Communications Manager
Phone: 919-304-8312

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AMERICAN LUNG ASSOCIATION of Alaska

Carbon Monoxide

You can't see or smell carbon monoxide, but at high levels it can kill. Carbon monoxide (CO) is a colorless, odorless, tasteless, and toxic gas. It is produced as a by-product of all combustion processes. Any fuel-fired appliance, vehicle, tool or other device has the potential to produce dangerous levels of CO. When appliances are kept in good working condition, they produce little CO. Improperly maintained or operated appliances, however, can produce fatal CO concentrations in your home. The Consumer Products Safety Commission reports that more than 200 people in the United States die from CO poisoning every year. When carbon monoxide is inhaled, it bonds with part of the red blood cells called hemoglobin. This results in a lack of oxygen to the blood cells. The brain and the heart require large amounts of oxygen and quickly suffer from any oxygen shortage. Because carbon monoxide reduces oxygen delivery to the brain, persons with elevated levels of carbon monoxide do not think clearly and may not even recognize the warning signs. High concentrations of carbon monoxide can kill in less than five minutes. Continued exposure can cause irreversible damage to the nervous system, personality deterioration and severe memory loss.

Health Effects:

CO poisoning symptoms may mimic flu symptoms. Common symptoms include headache, fatigue, nausea, dizziness and confusion. Continued exposure can lead to vomiting, weakness and difficulty breathing. High exposure may result in loss of consciousness, convulsions and death. Presence of CO may worsen underlying heart disease by causing heart irregularity and muscle weakness. Because the symptoms mimic so many illnesses, CO poisoning is often misdiagnosed.

What to Do in an Emergency:

If you believe that you are suffering from CO poisoning:

- Open doors and windows and leave the vicinity immediately.
- Notify your fuel supplier or a competent mechanical contractor.
- Inform your primary health provider that you were exposed to CO. CO poisoning can often be diagnosed by a blood test, if done soon after the exposure.

Tips:

- Never burn charcoal inside a home, garage, vehicle, or tent.
- Never use unvented fuel-burning camping equipment inside a home, garage, vehicle, or tent.
- Never leave a vehicle running in an attached garage, and minimize the amount of time the vehicle is in the garage when you start it each morning, even with the garage door open. Move the vehicle out as soon as possible after starting.
- Have a competent contractor service your fuel-fired appliances on a regular basis (every 1 to 2 years).
- Never use gas appliances such as ranges, ovens, or clothes dryers for heating your home.
- Never operate unvented fuel-burning appliances in any room without adequate ventilation or in any room where people are sleeping.
- Do not use, or service, gasoline-powered tools and engines indoors or in attached garages.

continued on back

Tips for Clean Indoor Air is a set of guidelines for use in maintaining or renovating your existing home with the goal of improving the quality of the air you breathe indoors. This project is funded by Alaska Housing Finance Corporation. American Lung Association of Alaska and Alaska Housing Finance Corporation are not to be held liable and do not make any guarantees regarding the outcome of consumer implementation of these guidelines. Tips are not intended to be construed as medical advice or replace the consultation of a physician or specialist in any way.

Helpful websites:

- Centers for Disease Control and Prevention (CDC): http://www.cdc.gov
- Environmental Protection Agency (EPA): http://www.epa.gov/iaq
- Consumer Products Safety Commission (CPSC): http://www.cpsc.gov
- Alaska Housing Finance Corporation (AHFC): http://ahfc.state.ak.us

American Lung Association of Alaska

500 W. International Airport Road, #A
Anchorage, AK 99518

(907) 276-LUNG
1-800-LUNGUSA

www.aklung.org/HealthHouse

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AMERICAN LUNG ASSOCIATION of Alaska

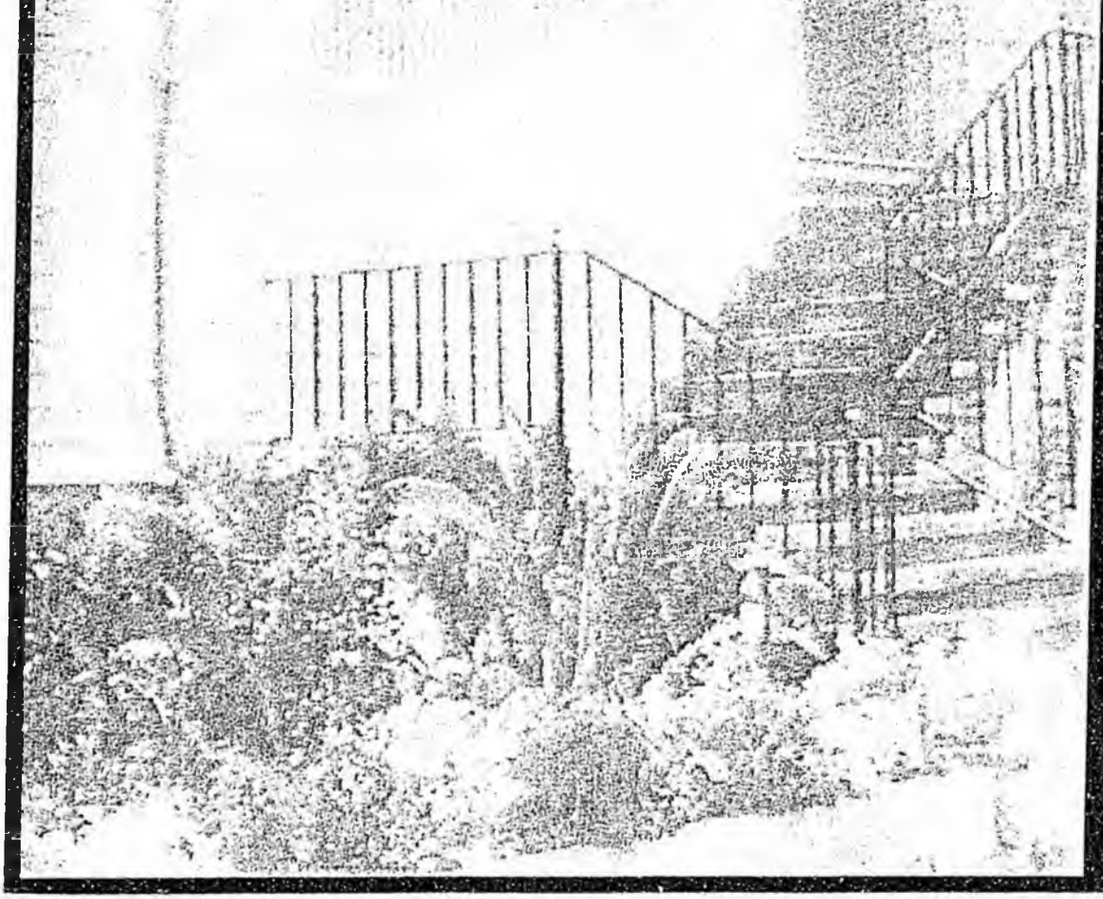
Carbon Monoxide - continued

About Carbon Monoxide Alarms:
Carbon monoxide alarms should meet Underwriters Laboratories, Inc. standards, have a long-term warranty, and be easily self-tested and reset to ensure proper operation. Some carbon monoxide alarms may have dual functions, such as smoke and carbon monoxide alarms. If these dual units were to go into alarm, do not wrongly assume they are malfunctioning in the absence of smoke.

Battery powered devices should have the batteries changed yearly (pick a date that you will remember, such as birthdays or holidays for changing batteries). The Consumer Products Safety Commission recommends that a carbon monoxide detector be placed on each level of your home, with a minimum of one near each sleeping area.

What to Do if the CO Alarm Goes Off:

- Check to see if any member of the household is experiencing symptoms of CO poisoning. If they are have them leave the home and see a physician immediately or call 911.
- If no one is feeling symptoms, open windows and doors to allow fresh air in and notify your fuel supplier. Make sure to turn off all potential sources of CO—your oil or gas furnace, gas water heater, gas range and oven, gas dryer, gas or kerosene space heater and any vehicle or small engine.
- Have a qualified technician inspect your fuel burning appliances and chimneys to make sure they are operating correctly and that there is nothing blocking the fumes from being vented out of the house.



Helpful websites:

- Centers for Disease Control and Prevention (CDC): http://www.cdc.gov
- Environmental Protection Agency (EPA): http://www.epa.gov/iaq
- Consumer Products Safety Commission (CPSC): http://www.cpsc.gov
- Alaska Housing Finance Corporation (AHFC): http://ahfc.state.ak.us

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health house

Sourdough Fuel

SAFETY PRECAUTIONS FOR CARBON MONOXIDE

What is Carbon Monoxide?

Carbon Monoxide (commonly referred to as CO) is a colorless, odorless, toxic, flammable, lighter than air gas. It is produced by an incomplete combustion process that can be witnessed in an air tight wood stove or propane burning appliance. In can also be present during any internal combustion process including vehicle engines, heaters and stoves. Even camp fires and smoking tobacco products produce CO.

Carbon Monoxide Properties

CO is colorless and odorless. Therefore it is almost impossible to detect without proper monitoring devices. It has a very wide Flammable Range with a Lower Explosive Limit of 12.5% and an Upper Explosive Limit of 74%. This means that when CO is mixed with air it will ignite in the presence of an ignition source when mixed with air by volume at 12 % through 74% CO concentrations.
CO is lighter than air, it is about .97 compared to air at 1 in weight. It will rise to the upper levels of an enclosure then bank down to the floor levels if not ventilated by natural or mechanical means. CO is a toxic gas. When breathed in it combines with blood much more quickly than oxygen. This can cause toxic reactions and possible death. The amount of CO considered toxic to the human body as well as signs and systems of exposure can be found on the attached Material Safety Data Sheet, commonly referred to as an MSDS.

Sourdough Fuel

1555 Van Horn Rd
Fairbanks, AK
456-7798

Sourdough Fuel

SAFETY PRECAUTIONS FOR CARBON MONOXIDE (Continued)

How do You Reduce or Eliminate Production of CO?

There are many ways to eliminate or reduce the production of CO in your home and the environment. Here are some ways to accomplish this:

#1. Have your gas or oil burning appliances and chimneys inspected by a certified technician annually.

#2. Provide adequate ventilation when using appliances in confined spaces such as your home, garage, camper, motor home, ice fishing house or tent. It is also important to remember that any combustion process uses up oxygen which can result in asphyxiation and promote the production of Carbon Monoxide.

#3. Insure the proper amount of combustion air is available and return air is sufficient for the proper operation of your appliances.

#4. Insure you have no exhaust leaks in your chimney's auto exhaust system.

#5. Have your appliances, vehicles and internal combustion engine equipment tuned up on a regular basis.

#6. Check your appliance pilot lights to insure proper combustion. Refer to your owners manual for proper flame height and color, or consult a certified technician.

#7. Insure proper chimney height and diameters on all heaters and stoves.

Carbon Monoxide Monitors:

It is advisable to install CO Monitors in all areas where CO could be produced. Remember CO is lighter than air and travels up in the air column. Due to air flow in buildings it is not advisable to install CO monitors on a wall or ceiling closer than 8-10 inches from their intersection. There are battery powered, hard wired and color coded monitors available at most hardware or safety supply stores.

If you suspect that you have a CO problem in your heating system or appliance, contact a certified technician for an inspection. If you are experiencing signs and systems of CO exposure leave the involved area and contact your local emergency services.

Sourdough Fuel Heating Division will be glad to assist you in any way possible to insure the proper operation of your heating system. Call 456-7798 for information or assistance.

Sourdough Fuel

1555 Van Horn Rd
Fairbanks, AK
456-7798

Carbon-Monoxide Primer

HOW TO MONITOR YOUR HOME AND PROTECT YOUR FAMILY FROM THE DEADLY GAS

BY KEN TEXTOR

For the first 6,000 years of human civilization, carbon monoxide wasn't a big problem in the home — unless, perhaps, you lived next door to a volcano. To be sure, the deadly gas has always been around and in the general atmosphere to some degree. And even cave dwellers with a fire near their rocky shelter's entrance got a bit of extra carbon-monoxide gas from the incomplete burning of hydrocarbons (i.e., the wood). So humans have been breathing carbon monoxide to a negligible degree since the dawn of civilization. But it wasn't until housing became more and more airtight in the last hundred years or so, and fossil fuels became an increasingly popular means of heating, cooking and traveling, that carbon-monoxide poisoning became a serious threat in the home.

Now the odorless, colorless gas seems to be everywhere, and in increasingly dangerous amounts. From walking behind the lawnmower or stripping paint from the living-room baseboards to using space heaters, aging furnaces and gas cooking stoves, we live with more and more carbon-monoxide gas (also known as CO gas) nearly every day. Even the morning commute to work gives many people a dose of the toxic gas, particularly if you sit for long periods of time in bumper-to-bumper traffic. So the list of organizations concerned about CO-gas overdoses has gotten longer and longer.

"We got our start in the early 1980s," says Melissa Heeke, spokeswoman for the Chimney Safety Institute of America in Plainfield, Ind. "That's when the issue of wood-burning stoves made it necessary for people to be more aware of chimney safety issues," notes Heeke, whose organization certifies chimney sweeps.

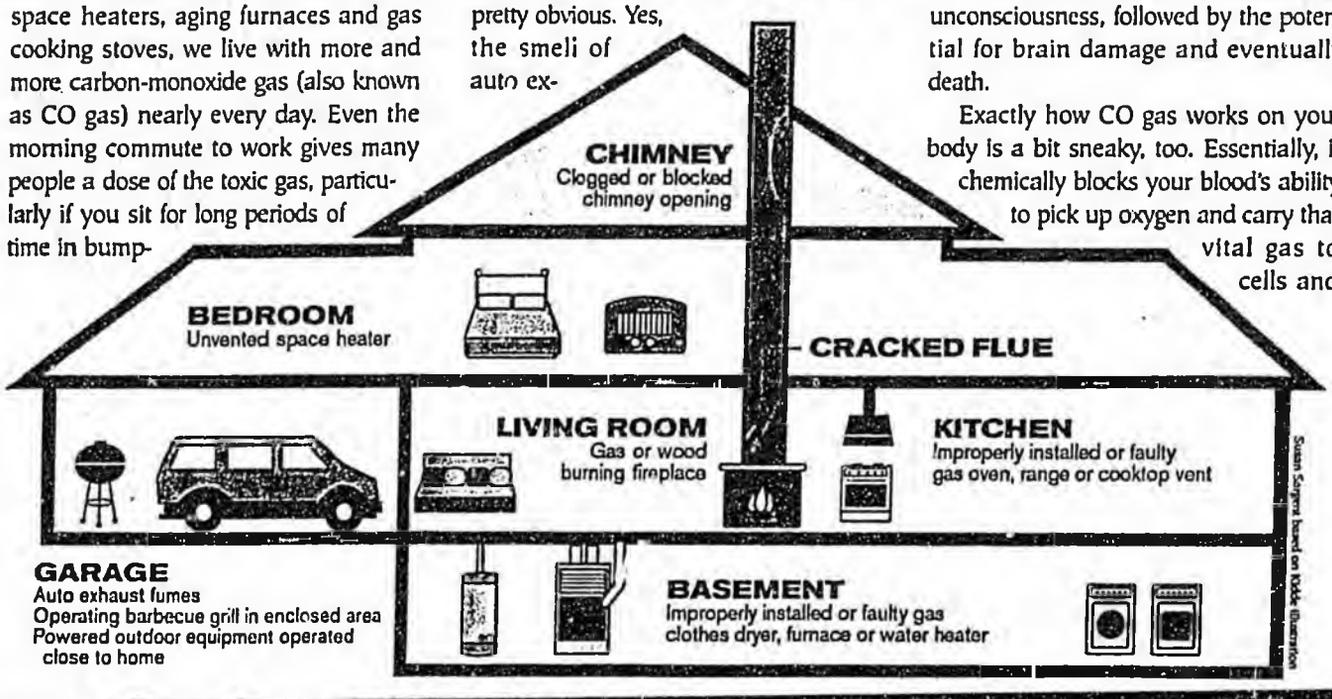
Indeed, regardless of fuel type, proper venting of appliances is foremost among the CO-gas issues facing modern-day homeowners. Depending on whose statistics you read, anywhere from 200 to 1,600 annual accidental deaths are attributable to CO poisoning, making the problem significant enough for the average homeowner to take steps to prevent a mishap. But first it's important to understand the enemy.

CO Stealth

Carbon-monoxide gas is pretty deceptive, even though most people think it's pretty obvious. Yes, the smell of auto exhaust fumes — the best-known source of CO gas — is easily identifiable. But what you smell is not CO gas, which is actually odorless. Likewise, charcoal grills give off plenty of CO gas, and do so long after the smell of lighter fluid disappears. But again, you can't smell it. Many paint strippers also pump CO gas into the air as their chemicals react with the paint. But apart from the smell of the stripper, most people don't know they are inhaling CO gas.

The symptoms of CO-gas exposure are also misleading. Headache, drowsiness and a feeling of malaise or irritability are the preliminary signals. But after a couple of hours in afternoon commuter traffic, most drivers may attribute those symptoms to the stress of endless stop-and-go movement or encounters with road-raged drivers. Likewise, the nausea and a rundown feeling associated with winter flu bugs may actually come from a malfunctioning heating system or even the gas cookstove in the kitchen. The advanced symptom of CO poisoning is unconsciousness, followed by the potential for brain damage and eventually death.

Exactly how CO gas works on your body is a bit sneaky, too. Essentially, it chemically blocks your blood's ability to pick up oxygen and carry that vital gas to cells and



organs. Thus, with doses of CO gas, you are slowly and gently asphyxiated. The process works much more quickly on people with cardiovascular or pulmonary diseases and conditions. For people with heart and lung problems, a dose of CO gas can trigger a heart attack, dangerous coughing spasms, or both.

CO Prevention

With all this in mind, it's a good idea to take steps to prevent CO gas from getting into your living space. "That's why we recommend you have your chimney and furnace flues inspected by a chimney professional at least once a year," says Heeke of the CSIA. She notes chimneys and furnace flues can be blocked during the warmer months by industrious birds or during the heating season by soot and creosote buildups. As these deposits accumulate, it gets harder and harder for combustion by-products to escape, increasing the likelihood of CO gas building up in the house.

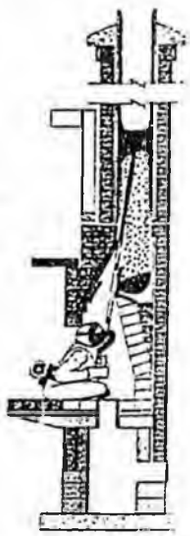
Bathroom and cooking range fans can be another reason CO gas will build up within the living space. In modern, tightly sealed houses, a bathroom or cooking-range fan can create *negative pressure* in the house. Although that may sound like a New Age term, it actually means the air being forced out of the house by the fan is being replaced by air coming into the house via the furnace flues and chimney. That air often contains CO gas, particularly during the winter, when all the windows are closed tightly and the furnace runs regularly. To prevent negative pressure, you should crack open a window near the fan while the fan is running.

Indoor space heaters and nonelectric cooking stoves can also be a source of CO gas. The combustion standards for older space heaters and nonelectric cooking stoves (generally speaking, before 1985) were not as stringent as they are today. Likewise, even today's indoor fossil-fuel appliances must be run according to manufacturer specifications, which may include an annual inspection by an appliance technician. You can also roughly check out your appliance's capacity to burn at top efficiency (and thereby reduce CO-gas emissions) by a visual inspection of the flame. Gas appliances must burn with a blue flame throughout. Any yellow in the flame is an indication of incomplete combustion, possible CO-gas emissions and a good reason for a call to an appliance repair technician. In wood-burning appliances, any smell of smoke, soot buildup on viewing ports or the fire dying out on its own is an indication of trouble. Again, contact the appliance's manufacturer or a furnace expert for advice.

Garages are also notorious for introducing CO gas into the living space. Unless your garage is completely detached from the house, there is usually a chance of CO-gas infiltration simply from starting the car in the morning. Obviously, letting a car, lawn mower, generator or other gasoline-burning device run continuously in the garage is a bad idea. Also, burning a charcoal grill, using large amounts of paint stripper or even running the gas grill in the garage is unwise.

To make an attached garage safer, start with blocking off any second-story passageways between the house and the garage. Frequently, even when a builder installs airtight doors between the garage and house on the first floor, the attic spaces are left open. The two buildings should be sealed off from each other. Also be sure to open the garage door before you start your car and, once started, immediately pull the vehicle out. Unlike cars of 20 years ago, today's modern vehicles don't need warm-up time to protect internal engine parts.

Open windows also can be a source of CO gas. Idling lawn mowers, emergency generators and misplaced exhaust ports from chimney-less furnaces have all been sources of CO gas that entered the building and overcame occupants. Prevention in these cases is a matter of exercising a bit of extra caution and/or following manufacturer installation and operation guidelines for the appliance.



CO Detectors

Even if you take all steps possible to prevent CO gas from entering your home, accidents do happen. That's where a CO detector comes in.

"We think every home in America should have at least one carbon-monoxide detector," says Ken Giles, a spokesman for the Consumer Product Safety Commission. He says about 20 percent of homes today have a CO detector in them, compared with 90 percent of homes having one or more smoke alarms in them. "We'd like to see CO detectors as common as smoke detectors," Giles says.

Indeed, some states and municipalities are making CO detectors part of their building-code requirements. New Jersey,

Image courtesy CSIA

Homeowners are able to detect potential CO hazards, such as blocked chimneys, themselves, but they should rely on professionals to remedy such conditions.

CARBON-MONOXIDE LEVELS & SYMPTOMS

Concentration*	Symptom
0 – 10	Usually no symptoms
10 – 20	Headache, angina in heart patients
20 – 30	Throbbing headache, nausea, irritability, difficulty concentrating
30 – 40	Severe headache, dizziness, fatigue, confusion
40 – 50	Rapid breathing and heartbeat, fainting
50 – 60	Respiratory failure (collapse), seizures (collapse)
60 – 70	Severe respiratory failure, low blood pressure, fatal coma
70 +	Rapidly fatal coma

*Percent of hemoglobin carrying CO

Source: BOCA, March/April 1993

New York, Rhode Island and West Virginia now require CO detectors in new housing, as do the cities of St. Louis and Chicago. Additionally, Pennsylvania, Texas, Massachusetts and Oregon are all considering laws requiring CO detectors. Whether required or not, the latest generation of CO detectors is less expensive and more reliable than those used in a Chicago CO-detector experiment of the early 1990s. Those city-mandated detectors were so sensitive, they set off numerous false alarms, running local fire departments ragged.

Today, CO detectors are all either approved by Underwriters' Laboratories (the UL label) or the International Approval Services (the IAS label) to be sensitive to CO gas only when it becomes dangerous for an extended period of time. The alarms are designed to go off when CO levels reach 70 parts per million (ppm) for an hour or more. That level is unlikely to cause symptoms in healthy adults. But for longer periods, or greater ppm levels, or for small children and people with heart or lung problems, that benchmark can be a danger threshold.

At any rate, the ppm reading may be something you want to track while you're at work as well as at home. In that case, it's probably best to purchase a CO detector that digitally displays the CO level in its immediate area. Some models actually remember the peak level in the past 24 hours. Levels of 150 ppm or more for more than 90 minutes will cause symptoms for most anyone. Levels in excess of 400 ppm can cause loss of consciousness and worse.

CO detectors cost between $20 and slightly more than $100, with the vast majority falling in the $35 to $50 range. About half are battery operated, while the rest are plug-in. The less expensive models typically don't offer a digital display of the ppm level. All have a test/reset button, and some have visual alarm options for hearing-impaired users. Virtually all hardware stores and home-product mass marketers offer a variety of models.

Placement of a CO detector in the home requires some thoughtful consideration. Placing it in the furnace room will likely produce some unnecessary alarms, while placing it too far from possible CO sources won't produce an alarm soon enough. Most manufacturers include instructions on the best locations. One on each living level is frequently recommended. It's best to keep them out of the sleeping rooms to give a more advanced warning when you're snoozing. Basement stairwells often give early warnings without causing unnecessary alarms. Living rooms and rooms attached to the garage are also good locations.

In the event a CO detector goes off, immediately get some fresh air circulating in the alarm area. Open a window regardless of the weather outside. Anyone in the alarm area with CO-poisoning symptoms should move to an area of fresh air. If the symptoms persist or other symptoms develop, get the person to a hospital emergency room. ■

Ken Textor is a freelance writer located in Arrowsic, Maine.

HOUSE COMMITTEE REPORT

(7)
Date Referred to Committee: March 22, 2004 **FURTHER REFERRALS:**

Date of Committee Action: March 30, 2004

The JUDICIARY Committee considered: **HB 353**

HOUSE BILL NO. 353 **JURY DUTY EXEMPTION FOR CERTAIN TEACHERS**

"An Act relating to jury duty; and amending Rule 15(k), Alaska Rules of Administration."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 353 (JUD)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [X] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

List of Abbrev for Depts.:
ADM
CED
COR
CRT
EED
DEC
DFG
GOV
HSS
LEG
LAW
LWF
MVA
DNR
DPS
REV
DOT
UA

NEW FISCAL NOTES
*Assigned by Chief Clerk's Office

List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS FISCAL NOTES

List by Dept(s):	FN#	Fiscal	Indet.	Zero
CRT	1			✓
F.E.D	2			✓

Signing with recommendations	Printed Last Name	DP	DNP	NR	AM
	SAMUELS	✓			
	HOLM			✓	
	Gara	✓			
	Gruenberg	✓			
	Ogg	✓			
				✓	
Chair:	McGuire	✓			
Chair:					

HOUSE COMMITTEE REPORT

3-22-04

(7)

Date Referred to Committee: February 18, 2004 **FURTHER REFERRALS: Judiciary**

Date of Committee Action: 3/18/04

The HEALTH, EDUCATION AND SOCIAL SERVICES Committee considered: **HB 353**

HOUSE BILL NO. 353 **JURY DUTY EXEMPTION FOR CERTAIN TEACHERS**

"An Act relating to jury duty; and amending Rule 15(k), Alaska Rules of Administration."

Recommends it be replaced with [ ] HCS *or* [X] CS *for* HB 353 (HES)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[X] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

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NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero
CRT	1			X
EED	2			X

Signing with recommendations	Printed Last Name	DP (4)	DNP	NR (2)	AM
Mary Kapsner	Kapsner	✓			
[illegible]	Gatto	✓			
[illegible]	CISSNA	✓			
John Coghill	Coghill			✓	
Lilly Stoltz	Stoltz			✓	
Chair: Peggy Wilson	WILSON	✓			
Chair:					

HOUSE COMMITTEE REPORT

2.18.04

(7)

Date Referred to Committee: January 12, 2004

FURTHER REFERRALS: HES
Judiciary

Date of Committee Action: 2/17/04

The HOUSE SPECIAL COMMITTEE ON EDUCATION considered: **HB 353**

HOUSE BILL NO. 353 **JURY DUTY EXEMPTION FOR CERTAIN TEACHERS**

"An Act relating to jury duty; and amending Rule 15(k), Alaska Rules of Administration."

Recommends it be replaced with [ ] HCS *or* [ ] CS *for* _____(_____)
For Senate Bills with new title: [ ] Technical Title [ ] New Title: HCR_____ **[ ] Same Title [ ] New Title**

[ ] attach amendments
[ ] add new referral to _____Committee
[ ] Letter of Intent_____Committee

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UA

NEW **FISCAL NOTES** *Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CRT	1			✓
EED	2			✓

PREVIOUS **FISCAL NOTES**				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations	Printed Last Name	DP (3)	DNP	NR (2)	AM (2)
Paul R Seaton	SEATON				✓
	Ogg			X	
Peggy Wilson	WILSON				✓
	Gara	✓			
Mary Kapsner	Kapsner	✓			
Kelly Wolf	Wolf			✓	
Chair:		X			
Chair:					

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. Jim Holm
Rep. Dan Ogg
Rep. Ralph Samuels
Rep. Les Gara
Rep. Max Gruenberg

State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legal

From: Vanessa Tondini, Committee Aide
House Judiciary Committee

Date: March 30, 2004

Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 23-LS1340\D, CSHB 353 (HES), incorporating the attached three amendments. The bill was passed out of committee today.

If you have any questions, please call me at 4990.

CSHB 353 (HES) version "D"

Amendment #1 - PASSED

Page 1, Line 5
After "and"
Delete "may"
Insert "shall"

Page 1, Line 6
After "school"
Delete "year"
Insert "term"

CSHB 353 (HES) version "D"

Conceptual Amendment #2 - PASSED
by Rep. Gruenberg

Tighten the Title to reflect the exact subject matter of the bill.

CS/HB 353 (HES) version "D"

Amendment #3 - PASSED

Page 1, Line 7
After "that"
Delete "has failed"
Insert "is designated as failing to make"

Representative Mary Kapsner
State Capitol • Juneau, Alaska 99801-1182
Phone: (907) 465-4942 • Fax: (907) 465-4589
E-Mail: Representative_Mary_Kapsner@legis.state.ak.us

House District 38
Yukon Kuskokwim Delta

Aklachak
Akiak
Atmautluak
Bethel
Chefornak
Eek
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskag
Mekoryuk
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskag

MEMORANDUM

TO: Representative Lesil McGuire, Chair
House Judiciary Committee

FROM: Representative Mary Kapsner

DATE: March 22, 2004

RE: House Bill 353 – Jury Duty Exemption for Certain Teachers
Scheduling Request

I would appreciate your scheduling of HB 353 for a hearing in the House Judiciary Committee at the earliest possible time.

This has been an issue of importance for my home school district, which is greatly impacted when teachers are called to jury duty. As schools and students work to raise educational achievement levels as required under state and federal laws, the importance of keeping the teacher at the head of the class has taken on new importance. In addition to the benchmark tests, this year graduating students will be facing the high stakes exit exam. No Child Left Behind has requirements that teachers be "highly qualified."

Bethel maintains a Superior court in the Fourth Judicial District. It is a court with a heavy caseload, and because the jury pool includes Bethel and a 50 mile radius, teachers from 11 villages are subject to jury duty. In these communities the chance of finding a certified teacher as a substitute is highly unlikely. Students are still required to come to school, but their education is impacted.

Everyone who has reviewed and worked on this issue recognizes service on a jury is an important civic responsibility. That's the reason this bill was crafted to apply only to those teachers who teach in a school that has failed to meet "adequate yearly progress." If we believe in the ability of our schools and our students to rise to the challenges before them, in the future more of our students will be prepared to pass the tests and schools will meet "adequate yearly progress" and the exemption will no longer be necessary.

Thank you. Mary Kapsner.

Representative Mary Kapsner
State Capitol • Juneau, Alaska 99801-1182
Phone: (907) 465-4942 • Fax: (907) 465-4589
E-Mail: Representative_Mary_Kapsner@legis.state.ak.us

House District 38
Yukon Kuskokwim Delta

Akiachak
Akiak
Atmautluak
Bethel
Chefornak
Eek
Goodnews Bay
Kasigluk
Kipnuk
Kongiganak
Kwethluk
Kwigillingok
Lower Kalskag
Mekoryuk
Napakiak
Napaskiak
Newtok
Nightmute
Nunapitchuk
Oscarville
Platinum
Quinhagak
Toksook Bay
Tuluksak
Tununak
Tuntutuliak
Upper Kalskag

SPONSOR STATEMENT

HB 353 provides an exemption from jury duty for teachers in schools that have failed to meet adequate yearly progress under state and federal law.

The role of the classroom teacher has taken on new importance in recent years with the passage of state and federal laws aimed at accountability in education. The ultimate winners or losers of these mandates will be our children. This year high school seniors will be required to pass the high school graduation qualifying exam to receive their diploma. We have added "No Child Left Behind" to our personal vocabulary when we talk about education. NCLB imposes requirements for highly qualified teachers and sanctions on districts that fail to meet "adequate yearly progress."

Jury duty can be lengthy, resulting in a significant impact on classroom learning. When a teacher is absent from the classroom the flow of learning is affected. In many small communities in Alaska, qualified substitute teachers are simply not available, and the person placed in charge of the classroom may be an aide pulled from other responsibilities or an individual who holds a high school diploma. Moreover, ratio of scale in small communities creates an additional burden on the school. For example, five of the eleven certified teachers in one of the schools in my district were called to Bethel for jury duty this year before this school year was half over.

Although jury duty is an important civic responsibility and part of the foundation of our legal system exemptions are appropriate under certain circumstances. HB 353 limits its impact by exempting only those teachers whose school has failed to meet AYP. In a time of so many educational mandates and with a lack of available educational resources in some areas of the state this is a reasonable solution to the problem.

Thank you for your consideration.

House Bill 353 – Jury Duty Exemption for Certain Teachers

Changes made in House Health Education and Social Services Committee

Section 1. The words "by the court" were added to address concerns that the court have the discretion whether or not to excuse the teacher.

The words "during the school year" were added to address concerns that the exemption not apply when actual classroom teaching was not occurring.

The definition of teacher was clarified for the purposes of the bill to mean a person who is actually teaching in the classroom.

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: HB 353
(H) Publish Date: 2/18/04

Revision Date/Time (Note if correction):
Dept. Affected:

Title: Jury Duty For Teachers
BRU: Alaska Court System
Component: Trial Courts

Sponsor: Representative Kapsner
Requester:
Component No.:

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

The court system does not anticipate any fiscal impact from the passage of HB 353.

Prepared by: Doug Wooliver Administrative Attorney
Phone 463-4750
Division: Alaska Court System
Date/Time 2/12/04 9:54 AM
Approved by: Stephanie Cole Administrative Director by Doug Wooliver
Date 2/12/2004
Agency: Alaska Court System

(Revised 9/2003 OMB)

FISCAL NOTE

STATE OF ALASKA
2004 LEGISLATIVE SESSION

Fiscal Note Number: 2
Bill Version: HB 353
(H) Publish Date: 2/18/04

Revision Date/Time (Note if correction):
Dept. Affected: Education & Early Development
Title "An Act relating to jury duty and amending Rule 15(k), Alaska Rules of Administration."
RDU Education Support Services
Component Executive Administration
Sponsor Representative Kapsner
Requester
Component No. 2736

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES						
CHANGE IN REVENUES ( )						

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2004) cost: 0.0
Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: *(Attach a separate page if necessary)*

This bill allows a teacher to be exempt from serving as a juror if they are a teacher at a school that failed to make AYP.

Prepared by: Eddy Jeans, School Finance Manager
Phone 465-8679
Division Education and Support Services
Date/Time 2/17/04 9:21 AM
Approved by:
Date 2/17/2004
Agency Education & Early Development

(Revised 12/2003 OMB)

Lower Kuskokwim School District

Personnel and Student Services Department
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1/23/04

Representative Mary Kapsner
State Capitol
Juneau, Alaska 99801

Dear Representative Kapsner,

This letter is in support of HB 353 dealing with jury duty for teachers in schools that have not met the Adequate Yearly Progress requirements of the No Child Left Behind Act. In the Lower Kuskokwim School District we have several schools that are severely impacted by the amount of jury duty that our teachers are required to perform. From September 1 to December 15, 2003, for example, our payroll records show a total of 107.5 days that our teachers were out of the classroom performing jury duty. The negative impact on student learning is further compounded by the fact that certified substitutes are virtually non-existent in our district and in some cases it is not possible to find subs at all.

Quality instruction is the most important component in meeting the high academic standards brought about by legislation at the state and federal levels. The NCLB act recognizes this with its heavy emphasis on "highly qualified" teachers. HB 353 will help ensure that our highly qualified teachers remain in the classroom where they can help our students reach these standards.

Educating our children is the most important responsibility of the State of Alaska. Teachers have the greatest impact on the quality of education, but only when they are in the classroom. Legislators can help to ensure that teachers stay in the classroom by their support of HB 353.

Sincerely,

Gary Baldwin

Gary Baldwin
Assistant Superintendent of Personnel and Student Services

HB 353 – Jury duty exemption for certain teachers
Email comment in support (emphasis added)

I believe all of our teachers need to be in the classroom to get ready for testing, as none of our substitutes are trained teachers. ***Out of 11 certified teachers, 5 have already been requested for jury duty****, which is close to half, and the year is not over.*

Marie Wierema
Lower Kuskokwim School District

Many of my school staff have been called for jury duty, and often, more than one each quarter. I, myself, have been called several times for service in Bethel, and more recently for federal service in Anchorage.

My experience with the Bethel jury service is that it is not possible for teachers to make "real" lesson plans for the duration of their service. The system is set so that one cannot know until 4:30 if jury members need to appear in Bethel the following morning. By the time you get notice that you have to go to Bethel in the evening to be present for an 8:30 jury call, there isn't time to alter one's lesson plans for a substitute. Therefore, teachers tend to write plans for easy to follow activities for a non-certified substitute.

Village teachers are faced with two problems. First, airplanes must fly in the daylight, and during much of the school year there isn't a great deal of that after school is dismissed. *By the time a teacher calls in to Bethel and discovers that s/he must fly to Bethel, there is barely time to grab a change of clothes and run to the airport to catch the mail plane.* ***The second issue is that we don't have any people with teaching certificates sitting around the village waiting to be called in as a substitute. When a teacher is out, the best we can manage is to bring in a recent high school graduate who isn't otherwise employed. The students are the ones who suffer from interruption of their learning.***

I've always felt that a well-educated population is less likely to commit crimes, and that effective teachers in the classroom contribute to a lower crime rate. Let the teachers teach, and the students learn, and we might not have need for so many trials and juries.

Felicia Griffith-Kleven
Lower Kuskokwim School District

I just finished the three month long stint of jury duty service last month. I can assure you that it did have a negative impact on my students and our school. *Partly because I missed many of my classes and partly because of the stress it caused. I never knew until the morning if I would have to fly into Bethel for jury duty or not. Several times the jury was cancelled at the last minute, sometimes before I left the village and sometimes after I arrived in Bethel. Sometimes ice or weather conditions made it impossible to go and all the time I worried that ice or weather conditions would prevent me from returning home if I did make it in. In the end I was never selected to be on a jury.*

Franklin A. Cook
Nunapitchuk

I would like to voice my support of the Jury Duty Bill. As the site administrator at Eek School I am very concerned about the impact of having teachers, administrators, and other staff members pulled away from their duties at the school for jury duty. This has a negative impact on our instructional program in terms of student academic growth and achievement.

It is almost impossible to find qualified substitute teachers to fill these vacancies. *If we are serious about improving student academic growth and achievement we need to seriously consider exempting school staff (teachers, administrators, aides) from jury duty. It is extremely difficult to run an effective educational program with the constant disruption of having our highly qualified staff members pulled away from their duties.*

Daniel Walker
Eek

I am the Director of Special Education for LKSD, which includes 21 village schools and four schools in Bethel and have been in this position for 6 years.

Jury duty has a tremendous impact when a special education teacher or district office special education specialist is called to serve. As you know, special education services are mandated by law. There are times when a student must, by law, be served by a certified special education teacher, not a sub or an aide. ***When a certified special education teacher is gone, we are out of compliance on some of our students' IEP's. This means that the parents can file a complaint against us with EED or file for due process.*** *Both of these options are extremely costly to the district and stressful to the people involved.*

We do the best we can to serve the student appropriately within the law and per their IEP's, but if the certified sp ed teacher or district office specialis is absent for any length of time, then it puts the district into situation of potential liability.

Linae Sanger
Special Education Director
Lower Kuskokwim School District

Serving for one month instead of three would be a great improvement for the teacher and his/her students, but would not eliminate the impact, and it would not in itself reduce the total burden of missing staff serving jury duty. The burden would just be spread around to more teachers and classrooms.

Larry Ctibor, Site Administrator
M.E. Primary School
Lower Kuskokwim School District