

SCOMM

136:6

ALASKA STATE HOUSE OF REPRESENTATIVES

Session

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**State Capitol
Room 204**

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REPRESENTATIVE JOHN COGHILL

HB 389 – Tourist Accommodations

SPONSOR STATEMENT

I was contacted by the Department of Environmental Conservation after my office solicited information from state agencies about laws that should be repealed.

This legislation repeals the permitting requirement for tourist accommodations.

Tourist accommodations are heavily regulated as public accommodations and the remaining sections of AS 18.35 will provide DEC with the regulatory authority necessary to insure the health and safety of the public.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____

Bill Version: HB 389

() Publish Date: _____

Revision Date/Time (Note if correction): _____

Dept. Affected: Dept of Environmental Conservation

Title Regulation of Tourist Accomodations

RDU Environmental Health

Component Food Safety and Sanitation

Sponsor Rep. Coghill

Requester Economic Development, Trade, and Tourism

Component No. 2343

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
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FUND SOURCE

(Thousands of Dollars)

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

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal: ☐

POSITIONS

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

ANALYSIS: (Attach a separate page if necessary)

This legislation will have no fiscal impact on DEC.

Prepared by: Kristin Ryan, Director

Division: Environmental Health

Approved by: Kurt Fredriksson

Agency: Department of Environmental Conservation

Phone (907) 269-7644

Date/Time 2/6/06 4:53 PM

Date 2/10/2006

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HB 389 – Tourist Accommodations

SECTIONAL

Section 1.

Presently DEC does not require permits for public accommodations. This bill will cleanup language deleting reference to AS 18.35.040, 050, 070, and AS 44.66.025(a) which are being repealed in Section 2.

Section 2.

Repeals:

AS 18.35.040 Permits –
Permits are no longer required.

AS 18.35.050 Penalty for noncompliance with permit requirement.
There is no permit; there is no noncompliance.

AS 18.35.070 Posting regulations.
It is unnecessary to post the laws and regulations on the premises.

AS 44.64.030(a)(16) - AS 18.35.040 (Tourist Accommodations).
This section needs to be repealed, because 18.35.040 is repealed.

Section 3:

This Act will take effect immediately under AS 01.10.070(c).

Article 1. TOURIST AND TRAILER CAMPS, MOTOR COURTS, AND MOTELS

Section

- 10. Purpose.
- 20. Administration of laws and regulations.
- 30. Regulations.
- 40. Permits.
- 50. Penalty for noncompliance with permit requirement.
- 60. Unlawful disposal of wastes.
- 70. Posting laws and regulations.
- 80. Penalty for noncompliance.
- 90. Definitions.

Collateral references. 40 Am. Jur. 2d, Hotels, Motels, and Restaurants, §§ 5, 14, 15, 18, 23, 27-46; 56 Am. Jur. 2d, Municipal Corporations, §§ 427, 428; 59 Am. Jur. 2d, Parks, Squares, and Playgrounds, § 29.

14 C.J.S., Civil Rights, § 7; 39A C.J.S., Health and Environment, §§ 3, 5-9, 21, 26, 27, 47; 43A C.J.S., Inns, Hotels, and Eating Places, §§ 1-12.

Sec. 18.35.010. Purpose.

The purpose of AS 18.35.010 - 18.35.090 is to establish and maintain minimum standards of health and sanitation in tourist camps, trailer camps, motor courts, and motels necessary and desirable for the protection of the public health and welfare.

(§ 1 ch 100 SLA 1955)

Sec. 18.35.020. Administration of laws and regulations.

The department has jurisdiction over the health and sanitary conditions of tourist accommodations under AS 18.35.010 - 18.35.090.

(§ 3 ch 100 SLA 1955)

Sec. 18.35.030. Regulations.

- (a) The department may adopt and enforce regulations that relate to health and sanitation in

the construction, operation, and maintenance of the accommodations including but not limited to minimum standards for water supply, sewage and refuse disposal, laundry, bathing and toilet facilities, communicable disease control, general cleanliness and safety, that are necessary or desirable for the protection of public health.

(b) The provisions of AS 18.35.010 - 18.35.090 do not prohibit the health authorities of a municipality from instituting local programs for health and sanitary control of tourist accommodations, including the enactment of ordinances for issuance and revocation of permits and additional regulations. However, the ordinance or regulation may not detract from the provisions of AS 18.35.010 - 18.35.090 or the regulations under these sections.

(§ 3 ch 100 SLA 1955)

Administrative Code. - For public accommodations, see 18 AAC 30, art. 4.

Collateral references. Maintenance or regulation by public authorities of tourist or motor camps, courts or motels. 22 ALR2d 774.

Validity of statutes, ordinances, and regulation requiring the installation or maintenance of various bathroom facilities in dwelling units. 79 ALR3d 716.

Sec. 18.35.040. Permits.

A person may not establish, operate, or maintain a tourist accommodation in the state without first obtaining a permit from the department. The department may issue both provisional and annual permits and may suspend the permits after a hearing resulting in findings that the holder has failed to comply with AS 18.35.010 - 18.35.090 or a regulation adopted under AS 18.35.010 - 18.35.090. The department may not exercise jurisdiction or require permits inside municipalities regulating tourist accommodations substantially in the manner provided in AS 18.35.010 - 18.35.090.

(§ 4 ch 100 SLA 1955)

Revisor's notes. In 2002, at the end of the second sentence, "AS 18.35.010 - 18.35.090" was substituted for "them" to conform the language to the style of the Alaska Statutes.

Sec. 18.35.050. Penalty for noncompliance with permit requirement.

A person establishing, operating or maintaining a tourist accommodation who refuses or neglects to obtain a permit as provided in AS 18.35.040, or who continues to operate or maintain a trailer camp after the permit has been suspended or revoked, is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more than \$500, or by imprisonment for not more than six months, or by both.

(§ 5 ch 100 SLA 1955)

Sec. 18.35.060. Unlawful disposal of wastes.

A person may not dispose of human excreta, garbage, or refuse on or near a public way or thoroughfare or on or near a tourist accommodation except in the use of appropriate facilities.

(§ 6 ch 100 SLA 1955)

Sec. 18.35.070. Posting laws and regulations.

Each person operating a tourist accommodation shall post a copy of the provisions contained in AS 18.35.010 - 18.35.090 and pertinent regulations in at least one conspicuous place on the premises.

(§ 7 ch 100 SLA 1955)

Sec. 18.35.080. Penalty for noncompliance.

A person who fails to comply with AS 18.35.010 - 18.35.090, except AS 18.35.040, or the regulations adopted under those sections, upon conviction, is punishable by a fine of not more than \$100, or by imprisonment in a jail for not more than 30 days, or both.

(§ 8 ch 100 SLA 1955)

Sec. 18.35.090. Definitions.

In AS 18.35.010 - 18.35.090,

(1) "department" means the Department of Environmental Conservation;

(2) "tourist accommodations" means a place maintained or held out to the public for purposes of abode, whether occupied by transient or permanent guests, whether equipped with tents, tent houses, cottages, automobile trailers, coaches, motor courts, or motels, and regardless of whether benefit accrues to the owner or operator.

(§ 2 ch 100 SLA 1955; am § 6 ch 104 SLA 1971; am E.O. No. 51, § 35 (1981))

Revisor's notes. Reorganized in 1986 to alphabetize the defined terms. In 2002, in paragraph (2), "and" was inserted before "regardless" to conform the language to the style of the Alaska Statutes.