

LEG. FINANCE - BILLS 1983 - 1984 1817

HB 82 cont. - CS HB 84

1817

TRANSFERS FROM: 1 BRU _____ COMPONENT _____		2 POLICY BUDGET PROGRAM AREA TITLE	TRANSFERS TO: 3 BRU _____ COMPONENT _____	
4	5	6	7	8
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT?
		100 PERS. SERV.	135.1	Salary increase for non-covered  $\$1,608.0 \times .084 = \$135.1$
		200 TRAVEL		
		300 CONTRACTUAL		
		400 COMMODITIES		
		500 EQUIPMENT		
		600 LANDS/BLDGS.		
		700 GRANTS, CLAIMS		
		800 MISCELLANEOUS		
		TOTAL	135.1	
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	135.1	
		I-A RCPTS.		
		PGM RCPTS.		
		OTHER		
	( )	NO. FULL-TIME (M)	( )	
	( )	NO. PART-TIME (M)	( )	
	( )	NON PERMANENT (M)	( )	
		NO. OF MONTHS		
9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED , AND HOW.				

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT Administrative Services

5A

ADJUSTMENTS WITHIN  
CONTINUATION LEVEL

FY 83

-43-

TRANSFERS FROM: 1 BRU _____ COMPONENT _____	POLICY BUDGET 2 PROGRAM AREA TITLE	TRANSFERS TO: 3 BRU _____ COMPONENT _____		
4	5	6	7	8
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT?  Salary increase adjustment for non-covered $\$1,130.2 \times .084 = \$94.9$
		100 PERS. SERV.	94.9	
		200 TRAVEL		
		300 CONTRACTUAL		
		400 COMMODITIES		
		500 EQUIPMENT		
		600 LANDS/BLDGS.		
		700 GRANTS, CLAIMS		
		800 MISCELLANEOUS		
		TOTAL	94.9	
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	94.9	
		I-A RCPTS.		
		PGM RCPTS.		
		OTHER		
	( )	NO. FULL-TIME (M)	( )	
	( )	NO. PART-TIME (M)	( )	
	( )	NON PERMANENT (M)	( )	
		NO. OF MONTHS		
9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED, AND HOW.				

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT Legal Services

5A

ADJUSTMENTS WITHIN  
CONTINUATION LEVEL

FY 83

-54-

TRANSFERS FROM: 1 DRU _____ COMPONENT _____	2 POLICY BUDGET PROGRAM AREA TITLE.	TRANSFERS TO: 3 BRU _____ COMPONENT _____
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4	5	6	7	8
WHAT IS BEING TRANSFERRED FROM THIS UNIT?	AMOUNT	EXP. BY OBJECT	AMOUNT	WHAT IS BEING TRANSFERRED TO THIS UNIT?
	100	PERS. SERV.	210.9	Salary increase for non-covered
	200	TRAVEL		
	300	CONTRACTUAL		
	400	COMMODITIES		
	500	EQUIPMENT		
	600	LANDS/BLDGS.		
	700	GRANTS, CLAIMS		
	800	MISCELLANEOUS		
		TOTAL	210.9	
		I-A TRANS. (non-add)		
		FED. RCPTS.		
		GF MATCH.		
		GEN. FUND	210.9	
		I-A RCPTS.		
		PGM RCPTS.		
		OTHER		
	( )	NO. FULL-TIME (M)	( )	
	( )	NO. PART-TIME (M)	( )	
	( )	NON PERMANENT (M)	( )	
		NO. OF MONTHS		

9 EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED, AND HOW.

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT Session Expenses

5A ADJUSTMENTS WITHIN  
 CONTINUATION LEVEL

FY 83

-64-

<b>TRANSFERS FROM:</b> <b>1</b> BRU _____ COMPONENT _____	<b>POLICY BUDGET</b> <b>2</b> <b>PROGRAM AREA</b> <b>TITLE .</b>	<b>TRANSFERS TO:</b> <b>3</b> BRU _____ COMPONENT _____
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	4	5	6	7	
<b>WHAT IS BEING TRANSFERRED FROM THIS UNIT?</b>	<b>AMOUNT</b>		<b>EXP. BY OBJECT</b>	<b>AMOUNT</b>	<b>WHAT IS BEING TRANSFERRED TO THIS UNIT?</b> Salary increase adjustment for non-covered $\$404,102 \times .084 = \$33,944$
		100	PERS. SERV.	33.9	
		200	TRAVEL		
		300	CONTRACTUAL		
		400	COMMODITIES		
		500	EQUIPMENT		
		600	LANDS/BLDGS.		
		700	GRANTS, CLAIMS		
		800	MISCELLANEOUS		
			<b>TOTAL</b>	<b>33.9</b>	
			I-A TRANS. (non-add)		
			FED. RCPTS.		
			GF MATCH.		
			GEN. FUND	33.9	
			I-A RCPTS.		
			PGM RCPTS.		
			OTHER		
	( )		NO. FULL-TIME (M)	( )	
	( )		NO. PART-TIME (M)	( )	
	( )		NON PERMANENT (M)	( )	
			NO. OF MONTHS		

**8** EXPLAIN WHICH POLICY BUDGET PROGRAM OBJECTIVES ARE AFFECTED, AND HOW.

AGENCY Legislative Affairs Agency

PROGRAM Legislative Operations

BRU Legislature

COMPONENT House Research

**5A**    **ADJUSTMENTS WITHIN**  
**CONTINUATION LEVEL**

**FY 83**

-93-

# ALASKA LEGISLATIVE COUNCIL



## —Minutes—

Meeting of

June 4, 1982

Juneau, Alaska - State Capitol

The meeting was convened by Chairman Malone in the Butrovich Room, Second Floor of the Capitol, at 11:17 a.m., Friday, June 4, 1982.

Roll call was taken and in attendance were Council members Beirne, Brown, Eliason, Hayes, Kelly, Kerttula, Miller, Phillips, Ray, Rodey and Chairman Malone. Member Bennett arrived late. Members Dankworth and Vaska arrived late. Staff members in attendance were King, Harrison and Vogt.

### APPROVAL OF MINUTES

Senator Kerttula moved and asked unanimous consent that the minutes for the Council meeting of April 7, 1982 and May 12, 1982, be approved. No objection was voiced and the minutes were approved.

### LEGISLATIVE TELEVISION COVERAGE COSTS AND MAINTENANCE COST

Chairman Malone presented the memorandum of May 25, 1982 in which all Council members signed for the allocation of \$10,000 from Legislative funds to continue television coverage. Representative Brown moved and asked unanimous consent that this memorandum, dated May 25, 1982, be officially ratified by the Council. No objection was voiced and the motion passed.

Chairman Malone explained that the coverage of the Legislative session had run past the amount allocated. Chairman Malone stated that since this was a session cost, that it should come from SB 895. Mr. Rowark gave a report that the cost of maintenance on the State owned equipment came to \$5,915.00.

Chairman Malone suggested to the Council that the RSA be funded at the daily rate of \$1,605.58 per day, plus reimbursement of the maintenance cost not to exceed \$6,000.00. Senator Kerttula moved and asked unanimous consent that the figures suggested by Chairman Malone be allocated from the bill not yet signed by the Governor (SB 895). No objection was voiced and the motion passed.

These Minutes supersede those previously sent to you for the June 4, 1982, Council Meeting.

## LEGISLATIVE TELEVISION EQUIPMENT

Senator Rodey expressed concern that the satellite window be left open for use by the Legislature during the Interim. Senator Kelly moved and asked unanimous consent that all video equipment owned by the Legislature be stored and no one could use said equipment without express consent by the Legislative Council. Objection was noted. After lengthy discussion on the satellite window and the satellite transmission equipment "the black box", Senator Ray moved to amend Senator Kelly's motion, that the Legislative Affairs Agency make the satellite transmission equipment "the black box" available for use. The Legislative Affairs Agency will retain control and allow access, along with the customary charge for maintenance. There were questions about the motion and amendment. Chairman Malone restated the motion. All equipment, except the equipment necessary to access the satellite window, be held in storage by the Legislative Affairs Agency. The equipment held in storage could not be used, without 8 votes of the Legislative Council. Chairman Malone suggested that the President of the Senate and the Speaker of the House appoint 2 members of the Legislature for the purpose of recommending a policy to the Council and that policy being ratified at the next Council meeting. Senator Rodey asked unanimous consent. No objection was voiced and the motion passed.

Speaker Hayes appointed Representative Phillips and President Kerttula appointed Senator Ray to recommend a policy of use of the satellite transmission equipment and to make a report to the Council at the next meeting.

## SALARY INCREASE FOR FY 83

Chairman Malone pointed out to the Council that the original budgets of the Legislature and the Court System did not have the salary increases included in their budgets and there was no legislation adopted providing the extra funds for those branches of government. Senator Kerttula moved and asked unanimous consent that the Director of Administrative Services prepare an accounting of what the deficit will be and during the interim draft legislation to be introduced and acted on either the first or second day of the next session. No objection was voiced and the motion passed.

## SELECTION OF AUDITOR

After discussion, Senator Kerttula moved and asked unanimous consent that Council approve Chairman Malone's recommendation to select Price Waterhouse & Company to perform the annual audit of the Agency for the current fiscal year. No objection was voiced and the motion passed.

## VOTING MACHINES

Senator Kerttula moved and asked unanimous consent that the voting machines in the chambers not be replaced. No objection was voiced and the motion passed. Senator Ray asked unanimous consent that the

Legislative Affairs Agency be given authority to re-negotiate the existing contract for the voting machines. No objection was voiced and the motion passed.

Chairman Malone requested a report on the negotiations of the contract to be presented at the next Council meeting.

#### HOUSE SOUND SYSTEM

Mr. Vogt briefly reported to the Council the approximate costs of a new sound system for the House Chambers. Chairman Malone moved and asked unanimous consent that the Council authorize the Speaker of the House to investigate and take appropriate action using FY 82 funds to upgrade the House sound system. Senator Ray objected.

#### RECESS

The meeting was called back to order. The roll was taken and the motion passed by the following vote:

Yeas: Beirne, Brown, Eliason, Hayes, Kelly, Miller, Phillips and Malone	8
Nays: Kerttula, Ray and Rodey	3
Absent: Bennett, Dankworth and Vaska	3

Chairman Malone requested a full report of his findings by the next Council meeting. Speaker Hayes appointed Representative Miller and Representative Phillips to investigate the costs of the sound system so the necessary amount can be encumbered before the end of this fiscal year.

#### SPACE POLICY - ANCHORAGE OFFICE

Chairman Malone explained to the Council that the Legislature has leased the upstairs area of the Anchorage Information Office. Chairman Malone suggested the policy that the unreserved space be allocated by the Speaker and the President or their designee. Senator Kerttula moved and asked unanimous consent. No objection was voiced and the motion passed.

#### MEDICAL SUB-COMMITTEE

Chairman Malone explained to the Council that Representative Gardiner had observed that the Legislature works in a high stress environment and that Council appoint a sub-committee consisting of physicians and other interested persons to give their recommendations as to what the Legislature could do to protect the health of those who work

and serve in the Legislature. Speaker Hayes moved and asked unanimous consent that Representative Beirne and Representative Miller be appointed to look into this problem and report back to Council. Speaker Hayes further stated that any unallocated funds from FY 82 designated by the Speaker and the President be used to fund this program. No objection was voiced and the motion passed.

#### OTHER BUSINESS

Senator Kelly asked about the status of moving Legislative Affairs to the AOB. Mr. Harrison gave a brief status report. After a lengthy discussion on encumbering lapsing funds to cover the move, a quorum was not present, Chairman Malone held this item of business over until the next Council meeting.

#### STATEHOOD COMMISSION

Chairman Malone brought to the Council's attention that Mr. Miles Davic had filed for state office and that other people had contacted him regarding appointment to the Commission. After discussion, this item held until next Council meeting.

#### ADJOURNMENT

Chairman Malone announced the next meeting of the Council would be on Friday, July 9, 1982 in Anchorage. Senator Kelly suggested the meeting be held at the Library in Eagle River. There were no objections. There being no further business to come before the Council, Chairman Malone adjourned the meeting at 12:28 p.m.

Introduced: 1/20/83  
Referred: Finance

Funding Information  
General Fund \$1,102,500  
Other Funds -0-  
\$1,102,500

BY THE RULES COMMITTEE  
BY REQUEST OF THE  
LEGISLATIVE COUNCIL

1 IN THE HOUSE

2 HOUSE BILL NO. 82

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act making a supplemental appropriation to cer-  
7 tain legislative agencies for salary increases for  
8 fiscal year 1983; and providing for an effective  
9 date."

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

11 \* Section 1. The sum of \$1,102,500 is appropriated from the general  
12 fund to the following legislative agencies for salary increases for the  
13 fiscal year ending June 30, 1983, to be allocated as follows:

14 Legislative Council

15	Salaries and Allowances (60 positions)	95,800
16	Leadership (14 positions)	180,700
17	LAA Executive Administration (10 positions)	21,900
18	LAA Administrative Services (49 positions)	135,100
19	House Research (13 positions)	33,950
20	LAA Legal Services (20 positions)	94,900
21	Session Expenses (73 positions)	210,900
22	Public Services (58 positions)	112,700
23	Senate Advisory Council	33,950

24 Legislative Budget and Audit Committee

25	Legislative Audit Division	17,500
26	Legislative Finance Division	95,500
27	Ombudsman's Office	69,600

28 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
29 10.070(c).



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

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 CS FOR HOUSE BILL NO. 84 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

18 \* Sec. 2. AS 18.35.300 is amended to read:

19 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.  
20 Smoking in any form is [MAY CONSTITUTE] a nuisance and a public health  
21 hazard and is prohibited in vehicles and indoor [THE FOLLOWING] areas  
22 that are open to the public, unless otherwise exempted by this chap-  
23 ter, including:

24 (1) a vehicle of public transportation, including a train,  
25 limousine for hire, taxicab, bus, [STATE-OPERATED] ferry vessel,  
26 scheduled intrastate aircraft flights when consistent with federal law  
27 or regulation, or elevator, or an indoor waiting area or boarding area  
28 for aircraft or other vehicles of public transportation;

29 (2) a library, [INDOOR] theater, museum, lecture or concert

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

# PROPOSED fiscal note

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

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

II. FISCAL DETAIL  
 Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

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

IV. DATE 5/19/83 PREPARED BY Al Adams, Chair *ABA*  
 AGENCY House Finance Committee  
 PHONE 465-3706

Original: Legislative Finance  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)

POSITION PAPER

CS FOR HOUSE BILL NO. 84 (Judiciary)

"An Act Relating to smoking in public places and vehicles."

BACKGROUND INFORMATION:

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

WHAT THE BILL DOES:

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

Starting on page 4 through the end of the bill there is considerable discussion adding and amending items regarding size of no smoking signs, civil complaints/penalties, citations/penalty, injunctions, enforcement authority, public education and definitions which delineate the context of the subject.

SUGGESTION FOR IMPROVEMENT:

On page 3, line 14: Due to the difficulty of defining a "smoker" this line could be more effectively stated; "(4) a place of employment if all the employees consent to the designation in entirety,".

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

DEPARTMENT POSITION:

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

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

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

Approved by: Robert London Smith  
Robert London Smith, Ph.D.  
Commissioner *Acting*  
Department of Health and  
Social Services

Date: 19 May 83

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

HB 81

I. REQUEST  
Bill/Resolution No.: CS HB 84 (Judiciary)  
Title: Smoking in public places & vehicles  
Sponsor: Rep. Fritz, et al  
Requestor: House Judiciary

II. FISCAL DETAIL  
Agency Affected: Health & Soc. Services  
Program Category Affected: Health  
BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis

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

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

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

STATE OF ALASKA  
FISCAL NOTE

Revision Date April 18, 1983

HB 84

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

None identified in the legislation

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Joe Cladouhos Phone: 465-2640  
 Division: Environmental Quality Mgmt. Date: 4/18/83

Approved by Commissioner: Richard A. Neuf Date: 4/22/83  
 Department: ENVIRONMENTAL Conservation

Distribution:

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3/8/83

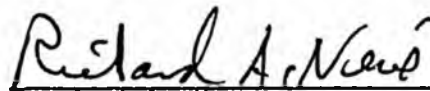
ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POSITION PAPER

CS for HB 84

April 22, 1983

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

  
Richard A. Neve  
Commissioner

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

HB 84

I. REQUEST

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

II. FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND	-0-	48.4	51.1	54.2	57.4	60.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME		2	2	2	2	2
TEMPORARY						

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

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672  
 Division: Administrative Services Division Date: April 13, 1983  
 Approved by Commissioner: Richard I. Pegues / AR Date: April 13, 1983  
 Department: Department of Law

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
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CSHB 84  
Fiscal Note  
Analysis

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

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

Fiscal Analysis - HB 84

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

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

1st Year (10 months)

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

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

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

Page 2. line # <sup>2</sup> after "Room  
State," add:

" ~~in a jury room~~

~~##~~ Except where allowed by  
order of the Presiding Judge".

INTRODUCTION OF BILLS (House)(cont'd)

HB 79 (cont'd)

(Judicial Qualifications. Disqualification, suspension, removal, retirement and censure of judges). Provides the repeal of AS 22.20.022 has the effect of changing Rule 10(c) and Rule 25(d), Rules of Criminal Procedure, and Rule 42(c), Rules of Civil Procedure, by eliminating peremptory disqualification of a judge. Provides Act takes effect immediately.

Introduced January 19 and referred to Judiciary.

Hours for  
Voting  
(extension)

HOUSE BILL NO. 80, by Phillips and Liska. Provides the Director of Elections may, with the concurrence of the Lt. Governor, extend the hours for voting on election day if the Director determines that a natural disaster or other exigency has prevented a substantial number of qualified voters from voting. The Director may determine that voters were prevented from voting only if he indicates by statistics or other means that there is an actual decrease in the number of qualified voters voting, and determines that other factors including redistricting or similar factors are not the cause of the decrease in the precincts affected. Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced January 19 and referred to State Affairs, Judiciary, then to Finance.

Toll-Free  
Calls to State  
Agencies

HOUSE BILL NO. 81, by Malone, Phillips, Goll, Davis and Koponen. (See SB 27, page 9, identical. Also identical to SB 42 and HB 97).

Introduced January 20 and referred to State Affairs, then to Finance.

Appropriation  
(supplemental)  
(LAA salary  
increases)

HOUSE BILL NO. 82, by the Rules Committee by Request of the Legislative Council. Makes a supplemental appropriation to certain legislative agencies for salary increases for the fiscal year ending 6/30/83 (total appropriation is \$1,102,500). Provides Act takes effect immediately.

Introduced January 20 and referred to Finance.

Appropriation  
(supplemental)  
(LAA salary  
increases)

HOUSE BILL NO. 83, by the Rules Committee by Request of the Legislative Council. (See HB 82, above, identical).

Introduced January 20 and referred to Finance.

(Note: HB 83 was subsequently WITHDRAWN on January 21 at the request of Rep. Barnes).

Smoking in  
Public Places  
& Vehicles

HOUSE BILL NO. 84, by Fritz, M.M. Miller, Bussell, Koponen, Larson, Malone, Martin, McBride, Szymanski, Zharoff, M.W. Miller, Lindauer, Furnace and Vaska. Expands on current law prohibiting smoking in certain public places. Provides that

smoking is a public health hazard (currently smoking is a "nuisance"), and would prohibit smoking in certain vehicles, as well as indoor areas that are open to the public. Vehicles would now include taxicabs, unless the driver consents and ascertains that all passengers consent, and any ferry vessel (now state-operated ferry vessels). Indoor areas would include any place of entertainment or recreation (now publicly owned and operated places); municipal schools, rooms, chambers, or meeting places (currently state); public restrooms or offices associated with dental care; retail stores, restaurants or banks, offices, factories, warehouses or other places of employment.

Rewrites section of law exempting certain places, providing the prohibition against smoking in public does not apply to a portion of an area or vehicle that is designated as a smoking section. Deletes language that would exempt buildings or rooms over which the state has control if the building or room is sufficiently well-ventilated by natural or mechanical means. Sets out certain sections of public buildings that may be designated in their entirety as smoking sections. Adds language providing a person who is aggrieved by violations of the no-smoking provisions may bring an action in the district or superior court to recover for personal injuries sustained as a result of the violation. Allows the Commissioner of Environmental Conservation to institute an action to enjoin repeated violations. The Commissioner shall also develop and maintain a procedure for processing complaints, and shall take appropriate measures to inform the public of their rights. Does not provide for an effective date (effective 90 days after Governor's signature).

Introduced January 20 and referred to State Affairs, Resources, then to Judiciary.

Permanent Fund  
Dividend Prog.  
(repeal of)

HOUSE BILL NO. 85, by Szymanski. Repeals the Alaska Permanent Fund Dividend Program (AS 43.23), and provides that money and other assets held in the Fund shall be transferred to the Alaska Permanent Fund (AS 37.13.010). Provides Act is retroactive to January 1, 1983 and applies to Permanent Fund Dividend distributions for years after 1982.

Deletes from law relating to compilation of the jury list (AS 09.20.050(b)) that the list be in part prepared from a list of all persons who filed for a permanent fund dividend. (See also HB 11, page 29, similar).

Introduced January 20 and referred to State Affairs, Judiciary, then to Finance.

State Land  
Lotteries  
(use of tele-  
conference)

HOUSE BILL NO. 86, by Bettisworth. Relates to state land lotteries and the use of teleconferencing facilities at those drawings. Amends AS 38.05.057 (Disposal of land by lottery) by providing the Commissioner of Natural Resources shall conduct all sales by teleconference, using the maximum number of

COMMITTEE REPORTS (House)(cont'd)

SSHB 42 (cont'd)

permanent residents and the population of any military reservation that is a part of the taxing unit. A person who is eligible to vote shall be included in the population of the taxing unit in which that person is eligible to vote. No person may be included in the population of more than one taxing unit.").

C&RA also provides that the population of a taxing unit shall be determined annually by the latest figures of the U.S. Census Bureau or "by another method of determining the actual [OTHER] population based on current criteria of the United State Bureau of the Census that [DATA WHICH], in the judgment of the department, is equally reliable." (underlined language added, bracketed language deleted from current law).

Adds section amending AS 29.89.060 (State Aid for Miscellaneous Purposes. Population Determination), providing the Census Bureau may use another method of determining population (as in AS 29.88.015), and adds new subsection providing the population of an area includes all persons who usually reside within the area and the population of any military reservation that is a part of the area. Provides a person may not be included in the population of more than one area.

Provides Act takes effect July 1, 1983.

Appropriation HOUSE BILL NO. 74, (see pages 52;162). Reported back to  
(special) the House February 17 by Transportation recommending it do  
(Tanana dock pass. Concurring: Cato (Chairman), Abood, M.W. Miller, Lacher  
& waterfront) and Phillips. Not concurring: Herrmann had no recommendation.  
To Finance.

Smoking in HOUSE BILL NO. 84, (see pages 54;105). Reported back to the  
Public Places House February 15 by State Affairs as follows: Abood (Chair-  
& Vehicles man), Larson and Shultz signed "do pass if amended." M.M.  
Miller signed "do pass." To Resources. On February 15, at the  
request of the Resources Co-Chairmen, the referral to Resources was  
waived. To Judiciary.

Permanent Fund SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 85, (see pages 55;  
Dividend Prog. 149). Reported back to the House February 15 by State  
(repeal of) Affairs with individual recommendations: Abood (Chairman),  
Cowdery and Furnace recommend "do pass." M.M. Miller, Shultz and  
Larson had no recommendation. To Judiciary.

Department of HOUSE BILL NO. 103, (see page 59). Reported back to the  
Corrections House February 14 by Health, Education and Social Services  
(creation) recommending it be replaced with a HESS Substitute, and that it  
do pass. Concurring: Tischer (Co-Chairman), Fritz (Co-Chairman),  
Goll, Koponen, Davis, and M.W. Miller. To Judiciary.

The HESS Substitute adds a new section, amending AS 33.15.010 (Parole Administration Act, State Board of Parole), providing the Chairman of the Board of Parole may not be an official or employee of the Department of Corrections (currently the Chairman may be an

COMMITTEE REPORTS (House)(cont'd)

SB 229 (cont'd)

Community College campus) into two sections. Sec. 1, \$25.3 million for classrooms at the U of A, Anchorage campus; Sec. 2, \$1 million for classrooms at the Anchorage Community College campus.

Voter  
Registration  
(proof of  
eligibility)

HOUSE BILL NO. 30, (see pages 37;226;592). Reported back to the House May 4 by Finance recommending it be replaced with a Finance substitute and that it do pass. Concurring: Adams (Chairman), Pestinger, Flood, Ward, Zharoff, Grussendorf, Lindauer, Martin and Bettisworth. To Rules.

The Finance CS makes changes in what must be contained in the statement of eligibility on the application for registration as a voter. Applicant must certify that "( ) I am currently registered in another precinct in Alaska; or ( ) I am a resident of the state and of the election district in which I seek to vote on the date of this application or I will be a resident of the state and of the election district in which I seek to vote for at least 30 days immediately preceding the date of the next election; or ( ) I claim eligibility to vote as an overseas voter under AS 15.05.011; or ( ) I claim eligibility to vote in a presidential election under AS 15.05.012 - 15.05.014. . . ." Under the Judiciary version a person would have had to certify that "( ) I am a state resident on the date of this application and I will have been a state resident for at least 30 days immediately preceding the date of the next election; . . ." It also contained the overseas and presidential provisions.

Hours for  
Voting  
(extension)

HOUSE BILL NO. 80, (see page 54). Reported back to the House on May 6 by State Affairs with the committee recommending as follows: Abood (Chmn.) and Shultz recommended do not pass; Furnace recommended "do not pass ever"; Larson, Cowdery and M. M. Miller had no recommendation. To Judiciary.

Appropriation  
(supplemental)  
(LAA salary  
increases)

HOUSE BILL NO. 82, (see page 54). Reported back to the House May 6 by Finance recommending it be replaced with a Finance substitute and that it do pass. Concurring: Adams (Ch), Flood, Ward, Hurlbert, Zharoff, Duncan, Grussendorf, Lindauer, Martin and Bettisworth. To Rules.

The Finance CS deletes all appropriations to certain legislative offices for salary increases for fiscal year 1983, with the exception of a \$69,600 appropriation to the Ombudsman's Office for salary increases for FY '83. Provides Act takes effect immediately.

Smoking in  
Public Places  
& Vehicles

HOUSE BILL NO. 84, (see pages 54;105;188). Reported back to the House May 6 by Judiciary recommending it be replaced with a Judiciary CS and that it do pass. Concurring: Bussell, Hayes and Clocksin. Not concurring: Liska had no recommendation. The Speaker stated that, without objection, the bill would have a further referral to the Finance Committee. There being no objection, it was referred to Finance.

The Judiciary CS adds language that would prohibit smoking in an

COMMITTEE REPORTS (House)(cont'd)

HB 84 (cont'd)

indoor waiting area or boarding area for aircraft or other vehicles of public transportation, and in a jury deliberation room. Signs displayed in areas where smoking is prohibited would also be required to state that the maximum fine for violating the law is \$300, and the sign could not be smaller than 18" wide by 6" high, with lettering not less than 1.25" high.

Section added, similar to that in original bill, requiring the Commissioner of Environmental Conservation to develop and maintain a procedure for processing reports of violations of the smoking in public laws or regulations. New subsections added that allow the Commissioner to file a civil complaint in the superior court to enforce the requirement if, after investigation, it is determined that a violation has occurred. Persons violating the smoking in public places and vehicle provisions are punishable by a civil fine of not less than \$10 nor more than \$50, and persons who do not display signs prohibiting smoking are punishable by a civil fine of not less than \$20 nor more than \$300. Fines would be payable by mail.

Under section added relating to citations and civil penalties a peace officer could issue a citation for violations. The supreme court is required to establish a schedule of bail amounts for violations, but in no event may the bail amount exceed \$300. A person cited for a violation may, within 15 days after the date of the citation, mail or personally deliver to the clerk of the court the amount of bail and a copy of the citation indicating that the right to an appearance is waived, a plea of no contest is entered and the bail is forfeited. When bail has been forfeited a judgment of conviction shall be entered. Forfeiture of bail is a complete satisfaction for the violation. If the person cited fails to pay the bail or to appear in court the citation is considered a summons for a violation (eliminates section in original version stating a person who is aggrieved by a violation may bring an action in the district court or the superior court to recover for personal injuries sustained as a result of the violation).

Adds new section giving enforcement authority to the Commissioner of Environmental Conservation or the commissioner's designee. Would not limit the authority of peace officers. Adds new section requiring the Department to adopt regulations to implement no smoking laws. New section added defining terms used.

Annuls 18 AAC 55.060: "Waiver of Provisions. (a) The department will, in its discretion, waive a provision of 18 AAC 55.010 - 18 AAC 55.900 [Smoking in Public Places] if it determines that the public health and the satisfaction of the purpose of the provision are reasonably assured and that the requirements of AS 18.35.300 - 18.35.360 [prohibits smoking in public places and vehicles] are satisfied. (b) Application for a waiver must be made in writing and must include (1) identification of the provision for which the waiver is requested; (2) reasons why the provision cannot be satisfied; and (3) a description of an alternative method, if any, proposed for meeting the purpose of the provision to be waived. (c)

COMMITTEE REPORTS (House)(cont'd)

HB 84 (cont'd)

The department will answer a request for a waiver in writing within 30 days after receipt of the request."

Bank Fees and  
Assessments  
(raising)

HOUSE BILL NO. 116. (see page 94). Reported back to the House on May 6 by Labor & Commerce with the majority recommending it do pass. Concurring: Furnace (Chmn.), Ringstad, Cowdery and Uehling. Koponen had no recommendation. To Finance.

Emergency  
Guards  
(in exempt  
service)

HOUSE BILL NO. 209, (see pages 183;301;390). Reported back to the House May 5 by Rules recommending it be replaced with a Rules Committee Substitute and that it do pass. Concurring: Fuller, Chairman, Tischer, Barnes, M.W. Miller and Hayes. Not concurring: Phillips, M.M. Miller and Koponen had no recommendation. Returned to Rules for placement on calendar.

The Rules CS also includes in the partially exempt service "correctional superintendents I and II in the Department of Health and Social Services." Includes under the exempt service "youth employed by the Department of Natural Resources under the Youth Employment and Student Intern programs."

State  
Purchases  
(payment for)

HOUSE BILL NO. 210, (see pages 183;230;670). Reported back to the House May 2 by State Affairs recommending it be replaced with a State Affairs substitute and that it do pass. Concurring: Abood (Chairman), Furnace, Cowdery, Shultz and M. M. Miller. Not concurring: Larson and Vaska had no recommendation. To Finance.

The State Affairs CS would require payment for goods or services purchased by a state agency to be made on a required payment date that is the date on which payment is due under the terms of a contract, or 30 days after receipt of a proper invoice for the amount of the payment due, if a specific date is not established by contract and if the invoice contains or is accompanied by documents required by the contract or purchase order (original version required payment for goods or services to be made within 30 days after they had been provided or an invoice received).

If a seller offers a discount from the amount otherwise due for property or services in exchange for payment within a specified period of time, the state agency may make payment in an amount equal to the discounted price only if payment is made within the specified period of time (was "If a seller of goods or services provided to the state offers a discount of at least two percent if payment in full is made within 10 days of the receipt of the goods, services, or invoice, whichever is later, the state agency responsible for payment of the bill shall make payment so as to take advantage of the discount.")

If payment is not made within 30 days "of a required payment date" the state shall pay interest on the unpaid balance "from the required payment date" at the rate of one and one-half percent a month unless an agreement exists between the seller and the state that precludes the charging of interest (quoted language added by State Affairs).

341 W 11th Ave  
Anchorage, AK  
99501

May 11, 1938

Rep. Al Adams, Chairman  
House Finance Committee

Honorable Sir:

We understand from Representative  
Don Clocksin that H B 84, re smoking  
in public places, is now in your  
committee.

We are senior citizens with heart  
conditions which make smoke very in-  
jurious to our health. We therefore  
urge you to vote favorably on  
H B 84 with the changes to include  
prohibition of smoking in waiting  
areas in airports, bus stations, taxis,  
and jury rooms.

We have been especially un-  
comfortable in grocery check-out lines  
and jury rooms.

Sincerely yours,  
Pauline V Burkher  
Hawaii W Burkher

*Window — First Presbyterian Church  
Anchorage, Alaska*

Introduced: 1/20/83  
Referred: State Affairs, Resources  
and Judiciary

BY FRITZ, M.M.MILLER, BUSSELL,  
KOPONEN, LARSON, MALONE, MARTIN,  
MCBRIDE, SZYMANSKI, ZHAROFF,  
M.W.MILLER, LINDAUER, FURNACE  
AND VASKA

1 IN THE HOUSE

2 HOUSE BILL NO. 84

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

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

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

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

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

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

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

18 \* Sec. 2. AS 18.35.300 is amended to read:

19 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.  
20 Smoking in any form is [MAY CONSTITUTE] a nuisance and a public health  
21 hazard and is prohibited in vehicles and indoor [THE FOLLOWING] areas  
22 that are open to the public, unless otherwise exempted by this chap-  
23 ter, including:

24 (1) a vehicle of public transportation, including a train,  
25 limousine for hire, taxicab, bus, [STATE-OPERATED] ferry vessel, or  
26 elevator;

27 (2) a library, [INDOOR] theater, museum, lecture or concert  
28 hall, gymnasium, or swimming pool or other indoor [PUBLICLY OWNED AND  
29 OPERATED] place of entertainment or recreation;

1 (3) a [PUBLIC] school; or in a room, chamber, place of  
2 meeting or public assembly under the control of the state, or a de-  
3 partment or agency of the state, or a municipality, while a public  
4 meeting held under the auspices of the state, or a department or  
5 agency of the state, or a municipality, is in progress;

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

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

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

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

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

18 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
19 35.300 does not apply to

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

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

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

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

28 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
29 in charge of an indoor area described in AS 18.35.300, or of a vehicle

1 of public transportation, may designate portions of the area or vehi-  
2 cle as smoking sections. For purposes of this section, "vehicle of  
3 public transportation" does not include a taxicab or limousine for  
4 hire.

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

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

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

11 (3) an area or vehicle while used for a private social  
12 function;

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

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

19 (d) A smoking section may not be designated under (a) of this  
20 section in an area or vehicle unless the area or vehicle meets the  
21 minimum ventilation and air quality standards adopted by the Depart-  
22 ment of Environmental Conservation.

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

24 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
25 person in charge of an area or vehicle set out in AS 18.35.300(1) -  
26 (7) shall conspicuously display in the area or vehicle a sign reading  
27 "Smoking Prohibited by Law".

28 (b) In an area or vehicle in which a smoking section has been  
29 designated in accordance with AS 18.35.320, the person in charge of

1 the area or vehicle shall conspicuously display signs that specify the  
2 portions of the area or vehicle in which smoking is allowed by law and  
3 in which smoking is prohibited by law.

4 \* Sec. 6. AS 18.35 is amended by adding a new section to read:

5 Sec. 18.35.345. PRIVATE RIGHT OF ACTION. A person who is ag-  
6 grieved by a violation of AS 18.35.300 - 18.35.360 may bring an action  
7 in the district court or the superior court to recover for personal  
8 injuries sustained as a result of the violation. Punitive damages may  
9 not be allowed in a case based solely on a violation of AS 18.35.300 -  
10 18.35.360.

11 \* Sec. 7. AS 18.35 is amended by adding a new section to read:

12 Sec. 18.35.346. INJUNCTIONS. The commissioner of environmental  
13 conservation or any affected party may institute an action in the dis-  
14 trict court or the superior court to enjoin repeated violations of  
15 AS 18.35.300 - 18.35.360.

16 \* Sec. 8. AS 18.35 is amended by adding a new section to read:

17 Sec. 18.35.355. COMPLAINT PROCEDURE. The commissioner of envi-  
18 ronmental conservation shall develop and maintain a procedure for  
19 processing complaints regarding violations of this chapter or of  
20 regulations adopted under this chapter.

21 \* Sec. 9. PUBLIC EDUCATION. The commissioner of environmental conser-  
22 vation shall take appropriate measures to inform the public of their rights  
23 under this Act.

Introduced: 1/20/83  
Referred: State Affairs, Resources  
and Judiciary

BY FRITZ, M.M.MILLER, BUSSELL,  
KOPONEN, LARSON, MALONE, MARTIN,  
MCBRIDE, SZYMANSKI, ZHAROFF,  
M.W.MILLER, LINDAUER, FURNACE  
AND VASKA

1 IN THE HOUSE

2

HOUSE BILL NO. 84

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

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

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

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

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

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

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

18 \* Sec. 2. AS 18.35.300 is amended to read:

19 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.  
20 Smoking in any form is [MAY CONSTITUTE] a nuisance and a public health  
21 hazard and is prohibited in vehicles and indoor [THE FOLLOWING] areas  
22 that are open to the public, unless otherwise exempted by this chap-  
23 ter, including:

24 (1) a vehicle of public transportation, including a train,  
25 limousine for hire, taxicab, bus, [STATE-OPERATED] ferry vessel, or  
26 elevator;

27 (2) library, [INDOOR] theater, museum, lecture or concert  
28 hall, gymnasium, or swimming pool or other indoor [PUBLICLY OWNED AND  
29 OPERATED] place of entertainment or recreation;

1 (3) a [PUBLIC] school; or in a room, chamber, place of  
2 meeting or public assembly under the control of the state, or a de-  
3 partment or agency of the state, or a municipality, while a public  
4 meeting held under the auspices of the state, or a department or  
5 agency of the state, or a municipality, is in progress;

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

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

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

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

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

18 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
19 35.300 does not apply to

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

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

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

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

28 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person  
29 in charge of an indoor area described in AS 18.35.300, or of a vehicle

1 of public transportation, may designate portions of the area or vehi-  
2 cle as smoking sections. For purposes of this section, "vehicle of  
3 public transportation" does not include a taxicab or limousine for  
4 hire.

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

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

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

11 (3) an area or vehicle while used for a private social  
12 function;

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

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

19 (d) A smoking section may not be designated under (a) of this  
20 section in an area or vehicle unless the area or vehicle meets the  
21 minimum ventilation and air quality standards adopted by the Depart-  
22 ment of Environmental Conservation.

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

24 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
25 person in charge of an area or vehicle set out in AS 18.35.300(1) -  
26 (7) shall conspicuously display in the area or vehicle a sign reading  
27 "Smoking Prohibited by Law".

28 (b) In an area or vehicle in which a smoking section has been  
29 designated in accordance with AS 18.35.320, the person in charge of

1 the area or vehicle shall conspicuously display signs that specify the  
2 portions of the area or vehicle in which smoking is allowed by law and  
3 in which smoking is prohibited by law.

4 \* Sec. 6. AS 18.35 is amended by adding a new section to read:

5 Sec. 18.35.345. PRIVATE RIGHT OF ACTION. A person who is ag-  
6 grieved by a violation of AS 18.35.300 - 18.35.360 may bring an action  
7 in the district court or the superior court to recover for personal  
8 injuries sustained as a result of the violation. Punitive damages may  
9 not be allowed in a case based solely on a violation of AS 18.35.300 -  
10 18.35.360.

11 \* Sec. 7. AS 18.35 is amended by adding a new section to read:

12 Sec. 18.35.346. INJUNCTIONS. The commissioner of environmental  
13 conservation or any affected party may institute an action in the dis-  
14 trict court or the superior court to enjoin repeated violations of  
15 AS 18.35.300 - 18.35.360.

16 \* Sec. 8. AS 18.35 is amended by adding a new section to read:

17 Sec. 18.35.355. COMPLAINT PROCEDURE. The commissioner of envi-  
18 ronmental conservation shall develop and maintain a procedure for  
19 processing complaints regarding violations of this chapter or of  
20 regulations adopted under this chapter.

21 \* Sec. 9. PUBLIC EDUCATION. The commissioner of environmental conser-  
22 vation shall take appropriate measures to inform the public of their rights  
23 under this Act.

Offered: 5/6/83  
Referred: Finance

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

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 84 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 THIRTEENTH LEGISLATURE - FIRST SESSION

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

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

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

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

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

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

18 \* Sec. 2. AS 18.35.300 is amended to read:

19 Sec. 18.35.300. SMOKING IN PUBLIC PLACES, VEHICLES PROHIBITED.  
20 Smoking in any form is is [MAY CONSTITUTE] a nuisance and a public health  
21 hazard and is prohibited in vehicles and indoor [THE FOLLOWING] areas  
22 that are open to the public, unless otherwise exempted by this chap-  
23 ter, including:

24 (1) a vehicle of public transportation, including a train,  
25 limousine for hire, taxicab, bus, [STATE-OPERATED] ferry vessel, or  
26 elevator, or an indoor waiting area or boarding area for aircraft or  
27 other vehicles of public transportation;

28 (2) a library, [INDOOR] theater, museum, lecture or concert  
29 hall, gymnasium, or swimming pool or other indoor [PUBLICLY OWNED AND

1 OPERATED] place of entertainment or recreation;

2 (3) a [PUBLIC] school; a jury deliberation room; or in a  
3 room, chamber, place of meeting or public assembly under the control  
4 of the state, or a department or agency of the state, or a municipal-  
5 ity, while a public meeting held under the auspices of the state, or a  
6 department or agency of the state, or a municipality, is in progress;

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

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

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

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

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

19 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.-  
20 35.300 does not apply to

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

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

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

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

29 Sec. 18.35.320. DESIGNATION OF SMOKING SECTIONS. (a) A person

1 in charge of an indoor area described in AS 18.35.300, or of a vehicle  
2 of public transportation, may designate portions of the area or vehi-  
3 cle as smoking sections. For purposes of this section, "vehicle of  
4 public transportation" does not include a taxicab or limousine for  
5 hire.

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

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

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

12 (3) an area or vehicle while used for a private social  
13 function;

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

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

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

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

25 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A  
26 person in charge of an area or vehicle described in AS 18.35.300 shall  
27 conspicuously display in the area or vehicle a sign reading "Smoking  
28 Prohibited by Law - Maximum Fine \$300".

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

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

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

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

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

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

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

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

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

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

27 (b) A person who violates AS 18.35.300 or AS 18.35.330 is guilty  
28 of a violation and upon conviction is punishable by a fine of not more  
29 than \$300.

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

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

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

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

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

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

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

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

27 Sec. 18.35.350. ENFORCEMENT AUTHORITY. The commissioner [OF  
28 ENVIRONMENTAL CONSERVATION] or the commissioner's [HIS] designee is  
29 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE REPORT  
SENATE

FURTHER:

2/29/84

Date 3/20/84

Mr. President

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

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

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

MEMBERS SIGNING  
DO PASS

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

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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

Chairman

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

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

None identified in the legislation

IV. ANALYSIS: Attach a separate page for any Analysis

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

Distribution:

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3/8/83

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


ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION

POSITION PAPER

CS for HB 84

April 22, 1983

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

  
Richard A. Neve  
Commissioner

Requestor: House Judiciary

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	0	0	0	0	0	0
---------	---	---	---	---	---	---

REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis

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

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

Distribution:

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- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

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

Not specified by sponsor.

IV. ANALYSIS: Attach a separate page for any Analysis

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

Distribution:

Original to Legislative Finance  
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 Copy to Department (for Governor introduced bills)  
 Copy to Sponsor  
 Copy to Requestor (if different from Sponsor)

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

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

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

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

1st Year (10 months)

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

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

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

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

II. FISCAL DETAIL

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

EXPENDITURES (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		48.4	51.1	54.2		

FUNDING (Thousands of Dollars)

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

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

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

HB 84

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

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

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

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

b. Revenues:

Revenue				
---------	--	--	--	--

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

No information provided.

3. Assumptions:

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

4. Disclaimer:

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

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

5. Distribution:

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

Assumptions

HB 84

Page 2

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

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

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

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

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

b. Revenues:

Revenue		-0-		
---------	--	-----	--	--

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

Funding information not included on bill.

3. Assumptions:

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

4. Disclaimer:

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

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

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

5. Distribution:

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

2/15/83

STATE OF ALASKA  
PRELIMINARY STATEMENT OF FISCAL IMPACT

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

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

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

b. Revenues:

Revenue				
---------	--	--	--	--

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

3. Assumptions:

4. Disclaimer:

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

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

Approved by Commissioner: *DR R. Boy* Date: 2/17/83  
 Department: Health and Social Services

5. Distribution:

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

House Bill No. 84

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

BACKGROUND INFORMATION:

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

WHAT THE BILL DOES:

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

SUGGESTION FOR IMPROVEMENT:

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

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

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

DEPARTMENT POSITION:

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

RECOMMENDED BY:

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

DATE:

Feb 10, 1983

APPROVED BY:

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

DATE:

2/14/83

APPROVED BY:

Emil Notti  
Emil Notti  
Legislative Assistant to  
the Governor

DATE:

\_\_\_\_\_

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

1. Estimated fiscal impacts on:

a. Expenditures:

(Thousands of Dollars)

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

b. Revenues:

Revenue		-0-		
---------	--	-----	--	--

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

3. Assumptions:

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

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

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

5. Distribution:  
 Original to Legislative Finance  
 Copy to Department  
 Copy to Sponsor  
 Copy to Requestor

2/8/83

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

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

II. FISCAL DETAIL

Agency Affected \_\_\_\_\_  
 Program Category Affected \_\_\_\_\_  
 BRU, Program, Or Subprogram(s) Affected \_\_\_\_\_  
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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

FUNDING (Thousands of Dollars)

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

POSITIONS

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

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

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

IV. DATE 5/19/83 PREPARED BY Al Adams, Chair *ABA*  
 AGENCY House Finance Committee  
 Original: Legislative Finance PHONE 465-3706  
 cc: Budget and Management  
 Prime Sponsor (First Legislator Named)  
 13-001 (Rev. 12/82)

COMMITTEE LETTER OF INTENT  
SCS for CSHB 84

February 5, 1984

Dear Mr. President:

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

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

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

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

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

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

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

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

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

Respectfully submitted,

COMMITTEE ON HEALTH, EDUCATION  
& SOCIAL SERVICES

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

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

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

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

27 (2) an elevator;

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

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

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

3 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

10 Sec. 18.35.310. EXEMPTIONS. The prohibition set out in AS 18.35.300 does not apply to

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

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

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# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

029502

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3/20/84

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 3/14/84

REQUEST SCS CSHB 84 (Finance)

FISCAL DETAIL

Bill/Resolution No.:

Agency Affected: ADFC

Title: Smoking in Public Place

Program Category Affected: Pub. Info. Office

Sponsor: Finance Committee

BRU, Program or Subprogram(s) Affected:

Requestor:

Division of Environmental Quality Management

Date of Request:

Division of Environmental Operations

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in the Legislation

ANALYSIS: Attach a separate page for analysis

Prepared By: Joe Cladouhos

Phone: 465-2640

Division: Environmental Quality Management

Date: 3/14/84

Approved by Commissioner: Richard A. Neve

Date: 3/14/84

Agency: Environmental Conservation

Distribution (by Agency preparing fiscal note):

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

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis.

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83