

LEG. FINANCE - BILLS 1983 - 1984 1818

CSHB 84 cont. - SSB 85 1818

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

COURT

Revision Date: _____

REQUEST

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

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND		44.0	42.0	44.0	46.0	48.0
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

ANALYSIS OF FISCAL IMPACT

HB 84

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

PERSONNEL:

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

FISCAL NOTE

Revision Date: _____

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

Fiscal Note
Analysis
SCSCSHB 84 (HESS)

February 8, 1984

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

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



STATE OF ALASKA
OFFICE OF THE GOVERNOR

ENROLLED BILL REPORT

*Rec'd after
will be perked
out*

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

SUMMARY

1. Related Bills (Similar or Conflicting)

2. a) Organizations Sponsoring and Supporting Bill

**Alaska Lung Association
and similiar organizations**

2. b) Organizations Opposing Bill

Private business affected

3. Program Effects of Bill

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

4. Fiscal Impact

None

Fiscal Analysis Attached

Recommended Action by Governor:

Sign

Comments:

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

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

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: 4/11/84

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
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						
TOTAL OPERATING	0	20.0	10.0	11.0		
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	11.0		
FEDERAL FUNDS						
OTHER						
TOTAL		20.0	10.0	11.0		

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

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

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

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

Revision Date: 3/14/84

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

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
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						
TOTAL OPERATING		20.0	10.0	11.0		
CAPITAL		-	-	-		
REVENUE		-	-	-		

FUNDING: (Thousands of Dollars)

GENERAL FUND		20.0	10.0	11.0		
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

None identified in the Legislation

ANALYSIS: Attach a separate page for analysis

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

Distribution (by Agency preparing fiscal note):

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

12/1/83

Fergusons
amendment

AMENDMENT SCS CSHB 84 ^{FIN} (Bis) BY FERGUSON

PAGE: 4 LINE: ²⁵⁻²⁹ 20 - 23

DELETE ALL MARERIAL and
Insert:

proposed =



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

PAGE: 5 LINE: ¹⁸⁻²² 3 - 6
DELETE ALL MATERIAL

Insert:

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

STATE OF ALASKA
THE LEGISLATURE

POUCH Y STATE CAPITOL
JUNEAU, ALASKA 99811
907 465 3800

LEGISLATIVE AFFAIRS AGENCY

M E M O R A N D U M

March 20, 1984

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

TO: Senator Joe Josephson

FROM: Edward H. Hein *EHA*
Legislative Counsel

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

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

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

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

Senator Joe Josephson
Page 2
March 20, 1984

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

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

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

EHH:lmb
L3/053

Fritz version
3/14/84

Hein
3/13/84
Version 2 ✓

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

1 IN THE HOUSE BY THE FINANCE COMMITTEE
2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (Finance)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION
5 A BILL

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

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

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

- 10 (1) numerous studies have shown second-hand smoke to be a sig-
11 nificant health hazard;
- 12 (2) recent court decisions recognize an emerging right of em-
13 ployees to work in a smoke-free environment; and
- 14 (3) smoking results in increased costs to employers and the
15 public in the form of more frequent absenteeism by employees who smoke and
16 higher costs for health insurance, fire insurance, life insurance, and
17 workers' compensation.

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

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

- 23 (1) a vehicle of public transportation and a waiting or
24 boarding area for a vehicle of public transportation, including a bus,
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-
26 state aircraft flight when consistent with federal law;
- 27 (2) an elevator;
- 28 (3) a place of employment, a building or other structure,
29 or a portion of them, owned, leased, or operated by the state or a

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

*Advised as
working
document
2/14/84*

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

1 IN THE HOUSE

BY THE RULES COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

27 (2) an elevator;

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

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

1 (3) smoking by performers on the stage as part of a theat-
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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
14 designate a smoking section may not be used to impede the work of a
15 conference committee.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

7 (d) A person cited for a violation under this section may,
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
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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
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1 ENVIRONMENTAL CONSERVATION] or the commissioner's [RIS] designee is
2 responsible for enforcing the provisions of AS 18.35.300 - 18.35.365
3 [AS 18.35.300 - 18.35.340] and the regulations adopted under AS 18.-
4 35.360. This section does not limit the authority of peace officers.

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

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

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

10 Sec. 18.35.360. REGULATIONS. The department shall [DEPARTMENT
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13 require the modification of an existing structure or the purchase of
14 new equipment by a person subject to the provisions of this chapter
15 [AS 18.35.300 - 18.35.350].

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

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

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

20 (2) "department" means the Department of Environmental
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24 United States marshals and their deputies, and other officers whose
25 duty it is to enforce and preserve the public peace, including a
26 village public safety officer.

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

27 (2) an elevator;

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

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

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

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8 public transportation" does not include a taxicab or limousine for
9 hire, and "indoor place" does not include an elevator.

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

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

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

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9 meeting or public assembly is in progress;

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14 or other health care institution or facility;

15 (8) a food service establishment that has a seating capac-
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27 (2) a limousine for hire or taxicab, if the driver consents
28 and the driver ascertains that all passengers consent to smoking in
29 the vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 IN THE HOUSE

BY THE RULES COMMITTEE

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

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

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

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

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

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

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

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

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

27 (2) an elevator;

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

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (b) If, after investigating a report made under this section,
16 the commissioner determines that a violation has occurred, the commis-
17 sioner may file a civil complaint in the superior court to enforce the
18 requirements of AS 18.35.300 - 18.35.365 or of a regulation adopted
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21 section by a civil fine of not less than \$10 nor more than \$50. A
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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.

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27 Sec. 18.35.341. CITATIONS; PENALTY. (a) A peace officer may
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2 than \$300.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Offered: 5/20/83
Referred: Rules

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

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

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

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

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

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

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

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

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

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

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

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

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27 Sec. 18.35.330. DISPLAY OF SMOKING AND NO SMOKING SIGNS. (a) A
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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
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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
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23 village public safety officer.

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

Offered: 2/6/84
Referred: Rules

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

1 IN THE HOUSE BY THE HEALTH, EDUCATION AND
2 SENATE CS FOR CS FOR HOUSE BILL NO. 84 (HESS)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - - SECOND SESSION
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24 boarding area for a vehicle of public transportation, including a bus,
25 ferry vessel, train, limousine for hire, taxicab, or scheduled intra-
26 state aircraft flight when consistent with federal law;
27 (2) an elevator;
28 (3) a place of employment, a building or other structure,
29 or a portion of them, owned, leased, or operated by the state or a

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

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

6 (5) a courtroom or jury deliberation room;

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

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

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

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

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

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

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

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

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

1 the vehicle;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

27 (c) The supreme court shall establish a schedule of bail amounts
28 for violations of AS 18.35.300 and 18.35.330, but in no event may the
29 bail amount exceed \$300. The bail amount for a violation shall appear

1 on the citation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE REPORT
SENATE

26/83

Wanted

FURTHER: State Affairs

Date: Feb 3, 1984

Mr. President:

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

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

Joe Josephson

Paul Frink

Raymond Mar

Rick Heford

V. Vischer

Joe Josephson

CHAIRMAN

COMMITTEE REPORT
SENATE

FURTHER:

1984

Date _____

Mr. President

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

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

COMMITTEE REPORT
SENATE RULES COMMITTEE

2/6/84

referred back to House

Date _____

Mr. President:

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

under consideration and recommends it be placed on the
_____ Calendar.

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

MEMBERS SIGNING FOR PLACEMENT
ON THE CALENDAR

Kelly

Bill Ray

Ferguson

MEMBERS HAVING OTHER
RECOMMENDATIONS

CHAIRMAN

Alaska State Legislature

OFFICE OF THE MINORITY



POUCH V
JUNEAU, ALASKA 99811

House of Representatives

MEMORANDUM

March 14, 1984

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

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

SUBJECT: HB 84/ Smoking in Public Places

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

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

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

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

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

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

Number of \$10 citations issued? No figure available

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

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

NEBRASKA: (June 4, 1980)

Violations for Smokers Only

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

1. Smoking Violation

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

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

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

OREGON: (July 1, 1983)

Violation for Not Posting Sign in Business

imposes no fines for smoking violations

1. Sign Violation

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

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

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

UTAH: (1979)

Two Offenses (include smoking violations and posting of signs)

1. First Offense Bail = \$25

2. Second Offense Bail = \$50

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

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

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

WASHINGTON: (1975, amended 1981)

No enforcement clause.

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

State Legislature considered enforcement procedures this past session.

CALIFORNIA: (March 1, 1984)

San Francisco City Ordinance
Smoking in "Office Workplace"

1. Violations for Smoking

Penalty: Fine of up to \$500.

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

Total Convictions: 11 complaints filed;

2 offices have been brought into compliance,

9 still under notice

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

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

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

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

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

§ 12.25.180

2 C.J.S. Criminal

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A 1974 (SCSHB
Journal, p. 657.
A 1980 (HCS
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l, 1980) or 1980
t. No. 79 (May

State, Sup. Ct.
l, 595 P.2d 985

§ 12.25.190

CODE OF CRIMINAL PROCEDURE

§ 12.25.210

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COMMITTEE REPORT
HOUSE

FURTHER:

2/21/83

(Waived From Judiciary)

Date: 4/14/83

Mr. Speaker:

The Committee on FINANCE has had SSHH 45

An Act relating to the use of income of the Alaska permanent fund (AS 37.131); repealing the permanent fund dividend program (AS 43.33); and providing for an effective date.

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note Zero Fiscal Note Attached
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS:

CHAIRMAN

Introduced: 2/11/83
Referred: State Affairs,
Judiciary and Finance

1 IN THE HOUSE

BY SZYMANSKI

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 85
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 the use of the income of the
7 Alaska permanent fund (AS 37.13); repealing the
8 permanent fund dividend program (AS 43.23); and
9 providing for an effective date."

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

11 * Section 1. AS 09.20.050(b) is amended to read:

12 (b) The jury list shall be based on a list of all persons who
13 purchased a resident trapping, hunting or fishing license during the
14 preceding calendar year which showed an Alaskan address (to be pre-
15 pared by the Department of Fish and Game), [A LIST OF ALL PERSONS WHO
16 FILED FOR A DISTRIBUTION OF ALASKA PERMANENT FUND INCOME UNDER AS 43.-
17 23.010 - 43.23.100 DURING THE PRECEDING CALENDAR YEAR WHICH SHOWED AN
18 ALASKAN ADDRESS (TO BE PREPARED BY THE DEPARTMENT OF REVENUE),] a list
19 of all persons who have registered to vote in this state (to be pre-
20 pared by the director of elections), and, if considered necessary by
21 the administrative director of courts, a list of all persons who hold
22 a valid Alaska drivers' license (to be prepared by the Department of
23 Public Safety). The departments and the director of elections shall
24 submit their respective lists to the Department of Administration not
25 later than January 15 of each year. To the extent that it is avail-
26 able, the lists submitted by the departments and the director of
27 elections shall contain the following information for each person on
28 the list for the preceding calendar year: first name, middle initial,
29 and last name; residence address as well as mailing address, including

1 the zip code for each; birth date; and the number of years and months
2 the person has been a resident of the state. The lists submitted by
3 the departments and the director of elections shall be recorded on
4 magnetic tape compatible with Department of Administration data pro-
5 cessing equipment.

6 * Sec. 2. AS 37.13.145 is amended to read:

7 Sec. 37.13.145. DISPOSITION OF INCOME. At the end of each
8 fiscal year, an amount sufficient to offset the effect of inflation on
9 principal of the Alaska permanent fund during that year, as measured
10 by a nationally recognized index, shall be transferred from net income
11 as defined in AS 37.13.140 [, EXCLUDING INCOME ON THE UNDISTRIBUTED
12 INCOME ACCOUNT IN THE ALASKA PERMANENT FUND,] to the principal of the
13 Alaska permanent fund for reinvestment. The balance of the net income
14 as defined in AS 37.13.140 shall be transferred to the undistributed
15 income account in the Alaska permanent fund and then shall be returned
16 to the principal of the Alaska permanent fund to be treated as prin-
17 cipal of the permanent fund in all respects. [MONEY IN THE UNDISTRI-
18 BUTED INCOME ACCOUNT SHALL BE INVESTED IN INVESTMENTS AUTHORIZED UNDER
19 AS 37.13.120. INCOME FROM THE INVESTMENT OF THE UNDISTRIBUTED INCOME
20 ACCOUNT SHALL BE TREATED AS AN ADDITION TO THAT ACCOUNT.]

21 * Sec. 3. AS 43.23 is repealed.

22 * Sec. 4. Money and other assets held in the dividend fund (AS 43.23.-
23 045) repealed by sec. 3 of this Act, except for money needed to pay 1982
24 permanent fund dividends due but not paid on the effective date of this Act
25 shall be transferred to the Alaska permanent fund (AS 37.13) on the effec-
26 tive date of this Act.

27 * Sec. 5. This Act is retroactive to January 1, 1983, and applies to
28 permanent fund dividend distributions for years after 1982.

29 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-

1 10.070(c).

The following individuals are expected to testify on HB 85:

Representative Mike Szymanski, prime sponsor

along with

Scott Goldsmith, Institute of Social and Economic Research

STATE OF ALASKA
FISCAL NOTE

Revision Date _____, 1983

I. REQUEST

Bill/Resolution No: SSHB 85
 Title: Use of Permanent Fund income.
 Sponsor: Rep. Szymanski
 Requestor: State Affairs, Jud. & Fin.

II. FISCAL DETAIL

Agency Affected: Revenue
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL	-	-	-	-	-	-
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REVENUE	-	-	-	-	-	-
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FUNDING: (Millions of Dollars)

GENERAL FUND	-	-	-	-	-	-
FEDERAL FUNDS	-	-	-	-	-	-
OTHER (Specify Source)	-	-	-	-	-	-
Permanent Fund	+213	+178	+205	+230	+257	-
Undistributed Income Account	-43	-56	-36	-15	-11	-
Permanent Fund Dividend Fund	-170	-122	-169	-215	-246	-

POSITIONS:

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

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

IV. ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Vincent D. Wright *VW*
 Division: Revenue - Research

Phone: 465-2174
 Date: 2/15/83

Approved by Commissioner: Joseph K. Donohue *JD*
 Department: Revenue

Date: 4/4/83

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)

Analysis of SSHB 85

The proposed bill provides for inflation proofing the principal of the permanent fund. The remainder of any income as defined in AS 37.13.140 folds into the undistributed account and is then transferred to the permanent fund.

The Administration supports repealing the permanent fund dividend program.

OIL BARONS OF THE NORTH

Dear Editor or "My Turn",

The other 49 States of America see us as oil barons, that each of us has an oil well in our back yard, (I wish this were true.) and they also think that we live mostly in "Igloos". (Another myth.)

One of my sons, stationed in the Army years ago, had this to say to his German friends:

"In Alaska, I was a commercial fisherman and I also tried constructing apartment buildings for sale, but I went broke."

How come? What happened? He had built it out of ice during the winter but it warmed up before he could sell and it melted away. (Don't melt away my cash dividend!)

It does not matter to the other States what we do or don't do with our oil money. The mere fact that we have it is enough for them to cry "foul".

The \$1,000 cash dividend given in 1982 brought headlines all over the States. "They are crazy up there!"

What never makes major headlines is our State Loan Programs. If you have money, then move up to Alaska ~~and~~ you can get a loan by becoming a resident. Put up your own money, secure a loan from the State at a low interest rate and get bigger and bigger in business.

The small business loans program allows you to be given a State subsidized loan up to a half-million dollars.

Now, if you want a larger loan, we have another agency to handle you. It's called the Alaska Industrial Development Authority where you can receive a million or more. The rich, or semi-rich go there as a half-million is peanuts. "They're big time only."

If anyone in his right mind thinks we will see thousands move up here for a few hundred dollars a year, they had better think again and again. They will come up anyway and have been doing so! Many are already here with their money in the bank or invested and will, after becoming a resident, apply and get one or more million dollars (and loans) and maybe become billionaires "with my money and yours".

If the people understand or read our Constitution they will see that we are stockholders in our State's wealth and are equally entitled to "equal shares" of our wealth and not any select group (one above the other.).

Quote: "Juneau Empire - Feb. 15, 1983 ---Although allegations have been made that Sheffield Enterprises had received another state loan in excess of \$1 million from the revolving loan program in the early 1970's according to Al Parrish, President and Chief Executive Officer,

2)

Parrish said he couldn't recall such a loan."

- My comment to Mr. Al Parrish:

I consider Bill Sheffield a very good business man and you must be or you wouldn't be where you are!

I won't swallow the above quote.

Leave my cash dividend alone! I need it to lobby for the ones who can't. Namely my family and friends.

According to the Ketchikan Daily News, Oral Freeman said he received information from the Department of Revenue showing that Sheffield received three 20-year loans from the State totalling more than two million dollars.

If the Department of Revenue employee is wrong, he owes the Governor an apology.

The paper printed Oral Freeman's article on this, Feb. 12, 1983, *in the Ketchikan Daily News*
I want all the cards on the table, "please".

I'll omit the name of the building in Anchorage and the names of *the* ~~10~~ people who received a small business loan for that building as it would not be fair without publishing all the others I have: Six judges, law firms, coal mines, doctors, some churches, etc., etc..

I will point out that they received 10 loans with the possibility of getting 1/2 million dollars apiece. This totals 5 million dollars.

This is my print-out of state loans; pages 99 and 100, "Loan File Name and Address list by Short Name, 6/16/82.

Yours,

Leo Land
Leo Land
Box 122
Haines, Alaska 99827

Phone 766 - 1466

P.S. The judges loans are under Veterans' loans. Some, if not all, were attorneys before being appointed judges. As Veterans, they are entitled to a loan. They've earned it! They've paid their dues to the U.S. and Alaska!

636 Schoenbar Rd.
Ketchikan, Alaska 99901
February 28, 1983

State of Alaska
House of Representatives
Chairman, Finance Committee
Juneau, Alaska 99811

Sir:

I am just a private citizen who has lived in Ketchikan for thirty three years and whose father and grandfather before me have lived in Ketchikan. I hope my seven year old son continues to live here if he so chooses. I think it can be said that I have a long term interest in the state.

From this perspective, it is my view that the legislature should keep its hands off the permanent fund dividend program. I have seen the legislature literally throw money away time after time to no benefit. Re: The state paving of Tongass avenue, Ketchikan once with substandard material that wore off in less than a year, the repaving again with more substandard material at a cost of millions of dollars. All this was done with the knowledge that the street would be torn up in less than a years time for a sewer project. A grant to the Borough for a boat dock at the airport in the amount of \$675,000.00. This dock is not worth near the amount paid and it duplicates an existing dock that could have been shared at no cost. This list could go on and on, but I am sure that you get the point.

It seems that the state has set up many programs to subsidize the wealthy (i.e. loans at reduced rates such as the Governor's two million fifty thousand, the interest savings alone represent \$40,000.00 per year to him. Prime state land leased at rediculously low rates. Boat loans to fishermen earning huge gross amounts as in Bristol Bay at lowered interest rates, etc.)

Under the intent of the law that the people of Alaska voted on we were all to share the wealth of at least some of the permanent fund. It was not to be the exclusive property of the Bureaucrats and the Wealthy.

It would be unwise to listen to the local government lobbyists and representatives and think them representative of their constituency. They were elected to deal with local matters not to interfere in state affairs. In their lobbying to abolish the dividend program they represent petty bureaucrats not the wishes of the majority of the state residents.

I also wish to clarify another project that the local government has thrown away state funding on. That is the studies and the eventual construction of a bridge to Gravina Island and the airport. On every vote, and there have been two or three, to my knowledge, the people of Ketchikan have put the bridge project as the lowest of the listed priorities. It would have been dropped

altogether but that was not offered on the ballot as an option.

A few local vocal people have pushed this project in Juneau as though the people wanted it. Hundreds of thousands of dollars have been spent on studies and other related projects. It is just another example of selfish greed and the propensity of spending government money whenever available for little good. The more money made available for a government entity the more will be spent.

At this time the Airport Ferries service the airport with a potential to more than adequately do the job. If the Ketchikan terminal was moved directly across from the airport terminal, the number of round trips could be doubled. If the docks were passive floating type, instead of the mechanical (motor and pulleys) trips could be further increased and maintenance reduced to almost nothing. Two ferries are now available and could run alternately, again doubling the capacity. We therefore, have a potential of more than quadrupling the passenger carrying capacity, and the ability to tailor it to the peak load periods. A turn around time of less than six minutes possible on two boats means a wait of less than three minutes to the next trip. We also have the added advantage of a user supported service, rather than everyone paying for the majority use by only a few.

In contrast the bridge would take up much needed and valuable land in access and in its own built in needs. A bridge is an ongoing high maintenance structure. Corrosion prevention, metal replacement, structural strength testing, and resurfacing are all high cost items. Not to mention snow removal and sanding for ice. It also limits accessibility of the channel to shipping.

This town has had about the same population for the last fifty years and does not look forward to any dramatic increases for the foreseeable future. Therefore we are talking about a tax base of possibly 2500 people paying for a 100 million dollar project. Even with matching funds, a very gross burden. I would like to drive a Rolls Royce but common sense says I can not afford it so I will make do with a Ford. Both will get me from point A to point B equally well, just as we can equally well get to and from the airport without throwing away money that could better be spent on education and a myriad of other far far more pressing and necessary matters.

Thank you for your time and the opportunity to express my views and the views of many day to day working people like myself.

Sincerely,



Douglas J. Thompson

STATE OF ALASKA

DEPARTMENT OF REVENUE

OFFICE OF THE COMMISSIONER

BILL SHEFFIELD, GOVERNOR

POUCH 5
JUNEAU, ALASKA 99811
PHONE: (907) 465-2300

February 25, 1983

The Honorable Al Adams
Representative
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: HB 11 and HB 85

Dear Representative Adams:

At the request of your staff assistant, Louann Cutler, I am notifying you in writing of the Department of Revenue's views on HB 11 and HB 85. Addressing both HB 11 and HB 85 the Department of Revenue supports the concept of repealing the existing dividend program. However, these particular bills do not go far enough.

Governor Sheffield, in his State of the State address, proposed alternative uses of the earnings of the Permanent Fund. He was more specific in his budget address, and said he would like to see money reserved in the following amounts:

Alaska Investment Fund - \$130.0 million;
Revenue Sharing and Municipal Assistance - \$140.0 million
Longevity Bonus - \$30.0 million
Reinvestment in the Permanent Fund itself - \$100.0 million

Just as Governor Sheffield's proposed FY 84 budget already reflects the repeal of the existing dividend program, he will introduce legislation shortly which repeals the fund and proposes creation of the Alaska Investment Fund and funding for Municipal Assistance, Longevity Bonus, and reinvestment in the Permanent Fund. If I can provide you with any further information, please let me know.

Sincerely,



Robert D. Heath
Commissioner of Revenue

RDH:MCR:jas

MSG 83-00010487 PRTY 1 02/23/83 14:12:45 ORIG: LI00 IN= 0006
FROM: DOROTHY IN DILLINGHAM TO: GAIL/JUNEAU
TARGET: LJ20 SUBJ: TESTIMONY FOR PERM. FUND HEARING

PAGE 0001

BELOW IS TESTIMONY TO THE HOUSE FINANCE COMMITTEE MEMBERS CONCERNING
THE REPEAL OF THE PERMANENT FUND PROGRAM
FROM: WAYNE SCHROEDER, BOX 116, DILLINGHAM, ALASKA 99576 TELEPHONE 842-5984
I OPPOSE THE HB 85 AND HB 11 DUE TO THE FACT THAT IT IS A GREAT PROGRAM.
WHO KNOWS HOW TO SPEND MY MONEY MORE THAN ME. MY DAUGHTERS INTEND TO USE
THEIR MONEY FOR COLLEGE. I CONSIDER THAT ONE HECK OF AN INVESTMENT. HOW
CAN THE REPEAL OF THE PROGRAM MATCH INVESTMENT PLANS BETTER THAN THAT?
THANK YOU.

NXT MSG U/R/S _ PREV MSG U/R/S _ RESEND _ CANCEL _

Teleconference Subject: HOUSE BILL 11
2/23/83

Chairman: Rep. Al Adams

Joanne Ningealook -Testimony

"I feel that the dividend program should be continued because it helps people with no income , also, it benefits the here in Shishmaref.

"I also have a question here, from time to time we here at the City help local people with 1040 tax forms etc. and we get unexpected questions. My question is: if the permanent fund dividend is funded for 1983 or future years, will it be reported as taxable income on tax forms? "

MEMORANDUM

State of Alaska

TO: Louann Cutler
Professional Assistant
House Finance Committee

DATE: February 23, 1983

FILE NO:

TELEPHONE NO: 465-2302

FROM: Joseph K. Donohue *JK Donohue*
Deputy Commissioner, Taxation
Department of Revenue

SUBJECT: PFD Appropriations

At your request, I have prepared the attached chart tracing the appropriations made to the PFD program from inception to date.

JKD:EJ:ms

Appropriation History of PFD Program

FY 81 Ch 120 SLA 80 Sec. 52

TOTAL Appropriations for 1979 Dividend Payments	\$129,330,300
Administrative Cost Allocation from Fiscal Note SB 122 Ch. 21 SLA 80	
Enforcement Division	\$378,100
Audit Division	12,100
Admin. Services	<u>440,100</u>
 TOTAL Administrative Cost	 (830,300)
 Supplemental Ch. 92 SLA 81 for 1979 Dividend Payments	 <u>12,500,000</u>
 Available for 1979 Dividend Payments	 <u>\$141,000,000</u>

FY 82 Ch 82 SLA 81

Total Appropriation for 1980 Dividend Payments	\$149,961,800
The balances of administrative costs from FY81 were carried forward in FY82.	
Refundable Credits (Included in total)	<u>(1,632,000)</u>
 Available for 1980 Dividend Payment	 <u>148,329,800</u>

A supplemental for \$419,000 was received, Ch 101 SLA 82 Sec. 52, for administrative costs associated with PFD processing.

FY 83 Ch 101 SLA 82 Sec. 18

Total Appropriations for 1981 Dividend Payments	\$150,400,000
Administrative Cost Allocation from Fiscal Note SB 842 Ch 102 SLA 82	
Enforcement Division	\$777,200
Public Services	824,900
Treasury Division	159,800
Administrative Services	<u>834,400</u>
 TOTAL Administrative Costs	 (2,596,300)
 Available for 1981 Dividend Payments	 <u>\$147,803,700</u>

Chapter 101 SLA 82 Sec. 17 reappropriated Ch 120 SLA 80, Ch 82 SLA 81, and Ch 92 SLA 81 for the purpose of making 1979 and 1980 Permanent Fund Dividend Payments.

Chapter 101 SLA 82 Sec. 19 further appropriated the above for the purpose of making Permanent Fund Dividend payments under any bill passed by the Twelfth Legislature in event the original Permanent Fund Dividend Program was invalidated by the US Supreme Court.

The Supreme Court ruled the original program invalid. Senate Bill 842 was signed and became Chapter 102 GLA 82. This established the new Permanent Fund Dividend program.

The total available for \$1,000 dividend payments as a result of reappropriation was: \$437,133,500

FY 84

At the recommendation of the Office of Management and Budget, the Department of Revenue reflected the FY84 administrative cost of the PFD distribution program in the operating costs of the Department. This was done in recognition of the PFD program as an on-going function of this Department. The net result was to reflect the \$2.6 million in the FY84 budget as continuation.

In preparing the FY84 Executive Budget, OMB chose to reflect the repeal of the PFD program. In so doing, the administrative costs of each affected BRU was reduced as follows:

Enforcement	(\$ 689,700)	
Admin. Services	(654,800)	
Public Services	789,400)	
Treasury	(160,600)	
	TOTAL Reduction	(2,294,500)

The total to be distributed in FY84 is approximately \$170 million, the sum of one half the FY82 earning of the Permanent Fund and one-half the estimated FY83 earnings of the Permanent Fund.

FY 85

The estimated amount to be distributed in FY85 under current law is \$122 million.