

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 731

THE "SETTLEMENT" COST OF CSSSHB 79 (Res.)

Net present value (NPV) of 75 percent of Kuparuk	\$1,329.9 million
Approx. NPV of 75 percent of West Sak	843.8 million
\$200 million in land	200.0 million
\$107 million in unencumbered land	107.0 million
NPV of rent for legislatively designated areas (LDAs) @ \$61 million per year for 15 years 1/	707.6 million
Abandonment of set-off (1991 dollars)	<u>1,128.5 million</u> 2/
GRAND TOTAL	\$4,316.8 million

This does not include annual general fund contributions to mental health expenditures (operating and capital) over and above the \$61 million in rent for the LDAs and whatever income the trust might earn from the land. The current total budget figure for operating and capital for FY 1992 is approx. \$145 million, or \$81 million more than the \$61 million LDA rental figure.

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1/ The annual rental would be reduced if land in the legislatively designated areas is "traded out" for other land of equal value. The \$61 million annual rental value for 15 years, however, was based on the value of the LDAs as determined under the procedures developed by the majority of the Interim Mental Health Trust Commission.

2/ This number was developed by the Legislative Research Agency. For fiscal years 1979-1985, figures prepared for the Interim Mental Health Trust Commission by Legislative Audit were used. For fiscal years 1986-1991, the percentages of program expenditures attributed to the mental health trust in the FY 1991 budget were used. Those percentages were developed by the House Finance Committee, Department of Health and Social Services Subcommittee, chaired by Rep. Boyer. Not adjusted to 1991 dollars, the figure is \$893.8 million. The Finance Division of the Legislative Budget and Audit Committee conducted a similar audit. Its figure, not adjusted to 1991 dollars, is \$839.3 million, and does not include some items included in the Legislative Research Agency figure. If those items were included and it were adjusted to 1991 dollars, it would be virtually identical to the Legislative Research Agency figure.

**HB80**

# SENATE FINANCE COMMITTEE REPORT

DATE: 3/21/91

FURTHER:

DATE TURNED INTO OFFICE: 4/17/91

The Finance Committee considered HOUSE BILL NO. 80

"An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge; and providing for an effective date."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
- or adopt \_\_\_\_\_ CS \_\_\_\_\_
- attached amendment(s)
- \_\_\_\_\_ letter of intent adopted

- same title
- new title
- technical title change (HB only)

do pass

do not pass

no recommendation

individual recommendations

further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

SIGNING DO PASS:

APPROVES PREVIOUS:

Dept/Date:

fiscal note(s) \_\_\_\_\_

zero fiscal note(s) DFCG 1/30/91

OTHER RECOMMENDATIONS:

*Lynn Hoffman*  
*Dirk Lundy*  
*Al Adams*  
*Mike Kelly*  
*John F. ...*

1. \_\_\_\_\_ 2.

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. 1  
Bill Version: HB 80  
(H) Publish Date: 2/25/91

Revision Date: 1-30-91 Department Affected: FISH AND GAME

Title: An Act Modifying the boundaries of BRU: Habitat

the Creamer's Field Migratory Waterfowl Refuge Component: \_\_\_\_\_

Sponsor: Representative Boyer

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

POSITIONS:

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

Estimate of current year impact: No current year impact

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Bruce H. Baker Phone: 465-4105

Division: Habitat Date: 1-29-91

Approved by Commissioner: Arthur G. Wiley

Agency: Department of Fish and Game Date: 1/30/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

## HOUSE BILL NO. 80

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE BOYER

Introduced: 1/25/91

Referred: Resources

## A BILL

## FOR AN ACT ENTITLED

1 "An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge;  
2 and providing for an effective date."

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

4 \* Section 1. AS 16.20.039(a) is amended to read:

5 (a) The [EXCEPT AS PROVIDED IN (B) OF THIS SECTION, THE] following  
6 state-owned land and water is [ARE] established as the Creamer's Field Migratory Waterfowl  
7 Refuge:

8 (1) commencing at the Section Corner on the Fairbanks Base Line common to  
9 Sections 33 and 34, T1N R1W Fairbanks Meridian, thence east along the Fairbanks Base Line  
10 4703.30' [N89° 55' W 200.01' TO THE POINT OF BEGINNING, THENCE CONTINUE  
11 N89° 55' W 567.54', THENCE N0° 03' E 208.70', THENCE N89° 55' W 208.77',  
12 THENCE S0° 03' W 208.70', THENCE N89° 55' W 343.98', THENCE N1° 53' 25"W  
13 1322.43', THENCE S89° 51' 24"E 1364.14', THENCE S89° 51' E 2641.00', THENCE E  
14 1320.20', THENCE S 1320.10', THENCE S89° 56' 03"E 743.30'], thence S0° 00' 16"W

1 235.67' to a tributary of Isabella Creek, thence along the south bank of the tributary to  
2 Isabella Creek N70° 59' 51"W 525.44', thence N88° 22' 22"W 85.48', thence along the  
3 south bank of Isabella Creek S85° 27' 47"W 209.43', thence S68° 10' 59"W 220.04',  
4 thence S65° 19' 35"W 434.66', thence S53° 52' 05"W 1228.34', thence S35° 00' 05"W  
5 300.08' to the Lemeta Subdivision, thence along the north boundary of the Lemeta  
6 Subdivision N89° 52' 58"W 646.40' to the College Road right-of-way, thence along the  
7 north edge of the College Road right-of-way N71° 53' 31"W 688.05', thence N18° 21' 30"E  
8 12', thence on a 2° 17' 26" curve to the right 415.49', thence N62° 0' 30"W 275.16',  
9 thence N27° 52' 30"E 10.00', thence on a 2° 26' 29" curve to the left 473.08', thence leaving  
10 the College Road right-of-way N0° 03' E 611.23' to the Fairbanks Base Line, thence N89°  
11 56' 34"E along the Fairbanks Base Line 200.03' to the Section Corner common to Sections  
12 33 and 34 on the Fairbanks Base Line and the point of beginning, containing 83.7 acres,  
13 more or less:

14 (2) the W 1/2 SW 1/4[,] and the SE 1/4 SW 1/4 of [,] Section 27; [,] the S 1/2  
15 of Section 28; [,] the S 1/2 SE 1/4[,] and the SE 1/4 SE 1/4 NE 1/4 SE 1/4 of [,] Section 29; all  
16 of [, THE N 1/2 THE N 1/2 S 1/2, AND THE SE 1/4 SE 1/4] Section 34; and [,] the W 1/2 and  
17 the W 1/2 E 1/2 of Section 35, all in T1N R1W Fairbanks Meridian;

18 (3) Tract B-2 and Tract C of Alaska State Land Survey No. 83-62 in  
19 Section 33, T1N R1W Fairbanks Meridian, according to Plat No. 83-272 as filed in  
20 the Fairbanks Recording District on December 20, 1983, and as modified by the  
21 public utility easement vacation plat filed in the Fairbanks Recording District on  
22 February 22, 1985, as Plat No. 85-27.

23 \* Sec. 2. AS 16.20.039(b) is amended to read:

24 (b) The [FOLLOWING] land and water described [ARE EXCLUDED FROM THE  
25 REFUGE ESTABLISHED] in (a)(1) of this section is subject to an [:

26 (1) COMMENCING AT THE SECTION CORNER COMMON TO SECTIONS  
27 33 AND 34, T1N R1W FAIRBANKS MERIDIAN, ON THE FAIRBANKS BASE LINE,  
28 THENCE S89° 55' E ON THE BASE LINE A DISTANCE OF 670.00' TO THE POINT OF  
29 BEGINNING, THENCE N 716.05', THENCE S89° 55' E 730.00', THENCE S 716.05',  
30 THENCE 89° 55' W 730.00' TO THE POINT OF BEGINNING;

31 (2) EASEMENT FOR ACCESS ROAD TO ABOVE TRACT, BEING A TRACT

1 OF LAND 30' WIDE, 15' ON EACH SIDE OF A LINE DESCRIBED AS FOLLOWS:  
2 BEGINNING AT A POINT ON THE SOUTH BOUNDARY OF THE ABOVE TRACT, THAT  
3 POINT BEING S89° 55' E A DISTANCE OF 1042.2', FROM THE SECTION CORNER  
4 COMMON TO SECTIONS 33 AND 34, T1N R1W FAIRBANKS MERIDIAN, ON THE  
5 FAIRBANKS BASE LINE, THENCE S11° 01' W A DISTANCE OF APPROXIMATELY  
6 1108'; TO INTERSECT WITH THE EXISTING RIGHT-OF-WAY AT COLLEGE ROAD;

7 (3)] easement for water and sewer lines given to the City of Fairbanks, along a  
8 portion of the southern boundary of the tract, more particularly described as follows: commencing  
9 at the Section Corner on the Fairbanks Base Line common to Sections 33 and 34, T1N R1W  
10 Fairbanks Meridian, thence N89° 55' W 200.01', thence S0° 03' W 611.23', thence easterly  
11 on a 2° 26' 29" curve to the right a distance of approximately 201' to the intersection with the  
12 section line common to Sections 3 and 4 T1S [T1N] R1W Fairbanks Meridian, and the start of  
13 the easement, the easement being 20' wide entirely to the left of the line being now described:  
14 continue easterly on a 2° 26' 29" curve to the right 272', thence S27° 52' 30"W 10', thence  
15 S62° 07' 30"E 275.16', thence on a 2° 17' 26" curve to the left 402.96', thence N11° 01'  
16 E 75.62', thence S71° 38' 30"E 965.11', thence S89° 52' 58"E approximately 378.00' to  
17 the end of the easement, being a point of the boundary of the land and water described in  
18 (a)(1) of this section [PARCEL 1].

19 \* Sec. 3. This Act takes effect immediately under AS 01.10.070(c).

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER

VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



## House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

### MEMORANDUM

DATE: April 2, 1991

TO: Senator Pat Pourchot, Co-chairman  
Senator Jay Kerttula, Co-chairman  
Senate Finance Committee

FROM: Representative Mark Boyer *MB*

RE: Scheduling of HB 80

I would like to respectfully request that you schedule HB 80, Creamers Field Migratory Waterfowl Refuge, at your earliest convenience. The bill passed out of the Senate Resources Committee with a majority of the members voting do pass. On March 1, HB 80 passed the House by a vote of 31-0. The bill has no fiscal note.

The Refuge was established in 1979 and currently consists of 1,776 acres. It is located within two miles of downtown Fairbanks and is best known for its spring concentration of ducks, geese and cranes. Creamer's Field is a former dairy farm that is now managed by the Department of Fish and Game.

I've attached a copy of the bill and back-up information. The map included outlines the boundaries of the refuge. As you will note from the Fish and Game memorandum, this bill is a technical bill, which ratifies land ownership changes which have taken place since the creation of the refuge. In 1982, the Department of Fish and Game purchased 12 acres within the refuge and in 1986 a trade between the Department of Natural Resources and the Department of Fish and Game occurred under the terms of an Interagency Land Management Agreement (ILMA). Under state law, the Legislature is required to ratify any state land exchange within five years. The deadline to ratify the new lands added by these ownership changes to the refuge is July 16, 1991.

Letters from the University, the Department of Fish and Game, and the Department of Natural Resources explain these land ownership changes in more detail and are attached.

If you have additional questions please don't hesitate to call my office at 465-3467. Thanks for your assistance and early scheduling of HB 80.

FAIRBANKS 20B

# STATE OF ALASKA

## DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

400 WILLOUGHBY AVENUE  
JUNEAU, ALASKA 99801-1796  
PHONE: (907) 465-2400  
FACSIMILE: (907) 586-2754

February 20, 1991

The Honorable Cliff Davidson, Chair  
House Resources Committee  
P.O. Box V  
Juneau, AK 99811

Dear Representative Davidson:

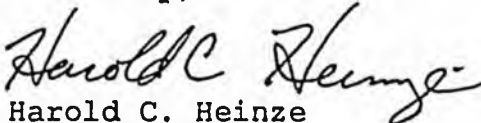
Subject: HB 80, which modifies the boundaries of the Creamer's Field Migratory Waterfowl Refuge.

Position: The Department of Natural Resources supports this bill because it modifies the existing refuge boundaries to conform to land ownership changes that have occurred since the refuge was established.

Background: The Creamer's Field Migratory Waterfowl Refuge was designated by statute in 1979. Subsequent exchanges of land among the University of Alaska, the Department of Natural Resources, and the Department of Fish and Game have resulted in significant ownership changes within the boundaries of the refuge. This bill would establish the new boundaries clearly in statute.

Thank you for the opportunity to comment on this bill.

Sincerely,

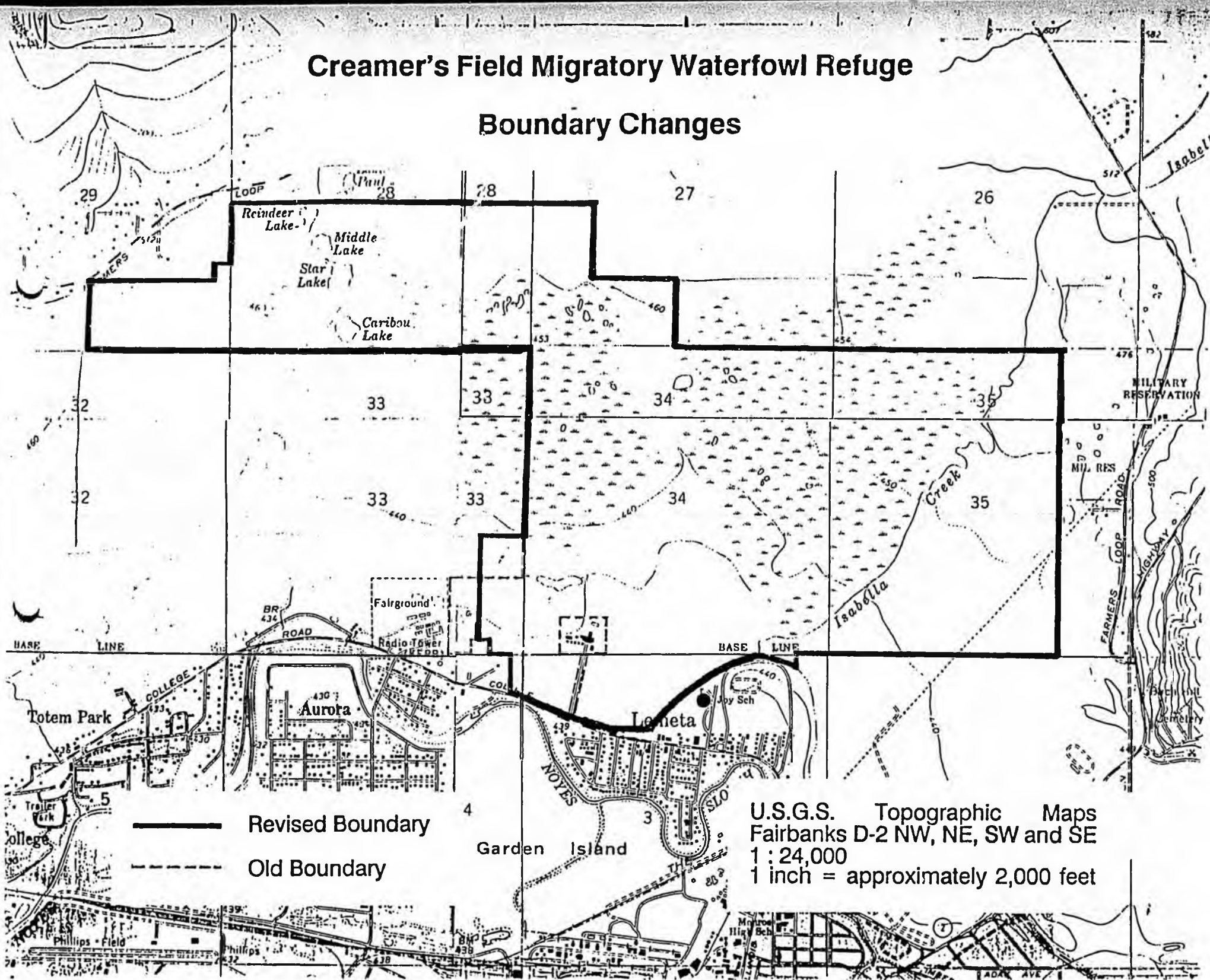


Harold C. Heinze  
Commissioner

cc: Committee members  
Representative Boyer  
Bruce Kendall, Legislative Liaison, Office of the Governor  
Carl Rosier, Commissioner, Department of Fish and Game

# Creamer's Field Migratory Waterfowl Refuge

## Boundary Changes





**Statewide Office of Land Management**  
Butrovich Building • Suite 211 • 910 Yukon Drive • Fairbanks • Alaska • 99775  
(907) 474-7421 • FAX: (907) 474-7554

VIA FACSIMILE #465-4565

February 1, 1991

Ms. Alexis Miller  
Office of Representative Mark Boyer  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

RE: House Bill 80

Dear Ms. Miller:

In response to your request, I have reviewed the map you faxed, as well as the legal descriptions contained in HB 80.

In 1982, as part of the settlement of litigation, the University relinquished to the State of Alaska, its interest in a 41.697 acre portion of Section 33 described as Tract B of Alaska State Land Survey No. 80-67, in exchange for equal value land elsewhere in the state.

A 14.149 acre portion of the property relinquished to the state, which is currently described as Tract B2 of ASLS No. 83-62, is included in the revised legal description of the Refuge contained in HB 80.

In addition, although unrelated, I would like to make you aware of the fact that the University and the Department of Fish and Game have been discussing the acquisition, by Fish and Game, of a substantial amount of University land west of the current refuge boundaries.

If you need additional information, please contact me at 474-7421.

Very Truly Yours,

Martin Epstein  
Director

# Alaska State Legislature

REPRESENTATIVE  
MARK BOYER  
VICE-CHAIRMAN  
HOUSE FINANCE COMMITTEE



House of Representatives

FAIRBANKS

1098 LAKEVIEW TERRACE  
FAIRBANKS, ALASKA 99701  
(907) 456-6473

JUNEAU

P.O. BOX V  
STATE CAPITOL  
JUNEAU, ALASKA 99811  
(907) 465-3466

FOR IMMEDIATE RELEASE  
February 27, 1991

Contact: Alexis Miller  
465-3466

## BOYER LEGISLATION EXPANDS CREAMER'S FIELD REFUGE

JUNEAU--Legislation sponsored by Rep. Mark Boyer, D-Fairbanks, that permanently expands the boundaries of the Creamer's Field Migratory Waterfowl Refuge today passed the House of Representatives by an overwhelming majority.

In addition, House Bill 80 expands the inholdings of the refuge by 12 acres. The original farm house and barns that were once part of the Creamer's dairy farm are now part of the waterfowl refuge.

"This bill ensures that the thousands of ducks and geese that use Creamer's field every year as a stopover during migration will forever have access to even more of its bountiful wetlands," Boyer said. "Also, Fairbanks residents can continue enjoying their observations of the waterfowl in their natural habitat."

In July 1986, the Department of Natural Resources swapped the corner piece of Creamer's field with the University of Alaska for land adjacent to the Tanana Valley Fairgrounds. Legislative action was needed within five years after the trade to make the land swap permanent and forever establish the additional land and inholdings as part of the Creamer's Field Migratory Waterfowl Refuge.

**DEPARTMENT OF FISH AND GAME  
POSITION PAPER**

**Bill No:** HB 80

**Sponsor:** Representative Boyer

**Division:** Habitat

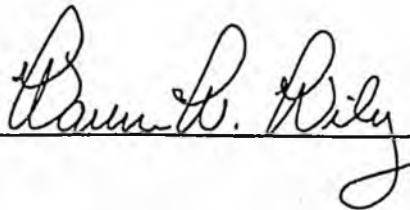
**Bill Title:** An Act modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge

**Department Position:** Support

This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

Commissioner's Signature



Date 2-14-91



STATE OF ALASKA  
OFFICE OF THE GOVERNOR

**BILL ANALYSIS**

DEPARTMENT Fish and Game	DIVISION Habitat	BILL NUMBER HB 80	SPONSOR Boyer
SHORT TITLE OF BILL ACT modifying the boundaries of the Creamer's Field Migratory Waterfowl Refuge			
DEPARTMENT POSITION Support			
PREPARED BY Frank Rue, Director	DATE 1/30/91	COMMISSIONER'S SIGNATURE <i>William G. Willey</i>	DATE 1/30/91

**SUMMARY**

OTHER AGENCIES AFFECTED BY BILL Natural Resources	CONSTITUENT GROUP(S) AFFECTED BY BILL None known
ORGANIZATIONAL SUPPORT FOR BILL Creamer's Refuge Advisory Committee	ORGANIZATIONAL OPPOSITION TO BILL None known

FISCAL IMPACT:  NONE  FISCAL NOTE ATTACHED

**BACKGROUND/LEGISLATIVE INTENT**  
This measure modifies the legal description for the Creamer's Refuge Migratory Waterfowl Refuge to reflect the 1986 land trade involving the Tanana Valley Fair Association and the 1982 purchase of the original Creamer's barns. Section 2 amends the legal description of the sewer and water easement to make the land subject to the easement, rather than excluding it from the refuge.

**ANALYSIS OF BILL/PROGRAM EFFECTS**  
The modified legal description was prepared by the Department of Fish and Game in conjunction with the Division of Land and Water Management, Department of Natural Resources. Specific boundary references and the amended easement descriptions were included at DNR's recommendation. The amended easement description is a more legally correct way to describe the easement, and does not affect the easement itself.

**AMENDMENTS PROPOSED**  
None.

PLEASE ATTACH A SEPARATE SHEET FOR ADDITIONAL COMMENTS OR ANALYSIS.

MEMORANDUM

STATE OF ALASKA  
DEPARTMENT OF FISH AND GAME

TO: Molly McCammon  
Special Assistant to the Commissioner  
Office of the Commissioner  
Juneau

THRU: Christian A. Smith  
Regional Supervisor

DATE: December 14, 1990

FILE NO.:

TELEPHONE: 456-5156

COMMISSIONER'S OFFICE  
**RECEIVED**  
DEC 18 1990

FROM: Marguerite A. Matthews  
Wildlife Biologist  
Division of Wildlife Conservation  
Fairbanks

SUBJECT: Amendment to  
Creamer's Field  
Legal Description

DEPARTMENT OF FISH AND GAME

Attached is a draft bill containing the revised legal description for Creamer's Field Migratory Waterfowl Refuge. Because the legal description is so complex and there were so many changes to the existing statute, I thought it would be more clear to put it in the form of a draft bill, rather than someone having to guess at how the statute should read. The format of the bill may not be exactly right, but the intent should be clear.

The changes in Sections 1 and 2 reflect the land trade involving the Tanana Valley Fair Association and the addition of the barns to the refuge. In addition, a number of phrases referencing boundary features such as College Road, Lemeta Subdivision and Isabella Creek have been inserted to clarify the intent of the legal description. Section 3 changes the wording of the water and sewer easement legal description to make the land subject to the easement, rather than excluding the easement. This is a more legally correct way to describe the easement, and does not affect the easement itself. This and the boundary references were done at the suggestion of the Department of Natural Resources.

The legal description was drafted in conjunction with the Division of Land and Water Management, Department of Natural Resources. DNR will be happy to provide us with a letter verifying the accuracy of the legal description if we need it.

I am enclosing a diskette with the bill in both WordPerfect and Microsoft Word files in hopes that it won't have to be re-typed in Juneau, as typing and proof-reading these legal descriptions is a real chore. Feel free to call me any time if you have any questions or need any help.

Thank you in advance for your assistance in getting this bill through.

cc: Bruce  
McLean  
Taylor

Attachments

**HB881**

**CS FOR HOUSE BILL NO. 81 (CRA)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE HOUSE COMMUNITY AND REGIONAL AFFAIRS COMMITTEE**

**Offered: 4/5/91  
Referred: Finance**

**Sponsor(s): REPRESENTATIVES SHARP, M.W.Miller, Zawacki**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to publication of municipal foreclosure lists."**

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

3 **\* Section 1.** AS 29.45.330 is amended by adding a new subsection to read:

4           (d) To satisfy the publication requirement under (a)(2) of this section, a municipality shall  
5           publish the foreclosure list in a newspaper with a second-class mail permit issued in the  
6           municipality by the United States Postal Service. If there is more than one newspaper with a  
7           second-class permit issued in the municipality, the list shall be published in the one with the  
8           largest circulation in the municipality. However, if there is more than one newspaper with a  
9           second-class permit and if at least one of them has a circulation that is equal to or greater than  
10          40 percent of the circulation in the municipality of the newspaper with the largest circulation in  
11          that municipality, the municipality shall publish the list based on competitive bids that reflect the  
12          cost per paper delivered. Only those newspapers with a circulation in the municipality that is  
13          equal to or greater than 40 percent of the circulation in the municipality of the newspaper with  
14          the largest circulation in that municipality may bid. In addition to the newspaper selected under

1 this subsection, a municipality may publish the foreclosure list in any other newspaper or  
2 periodical.

**HOUSE BILL NO. 81**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY REPRESENTATIVES SHARP, M.W.Miller**

**Introduced: 1/30/91**

**Referred: Community and Regional Affairs, Finance**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to publication of municipal foreclosure lists."**

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

**3 \* Section 1. AS 29.45.330(a) is amended to read:**

**4 (a) A municipality shall**

**5 (1) annually present a petition for judgment and a certified copy of the foreclosure**  
**6 list for the previous year's delinquent taxes in the superior court for judgment;**

**7 (2) publish the foreclosure list for four consecutive weeks in a newspaper of**  
**8 general circulation distributed in the municipality or, if there is no newspaper of general**  
**9 circulation distributed in the municipality, post the list at three public places for at least 30 days;**  
**10 for purposes of this paragraph, "newspaper" means a newspaper with an audited paid**  
**11 circulation in the municipality equal to or greater than one-third of the audited paid**  
**12 circulation in the municipality of the newspaper with the greatest circulation in that**  
**13 municipality;**

**14 (3) within 10 days after the first publication or posting, mail to the last known**

1 owner of each property as the owner's name and address appear on the list a notice advising of  
2 the foreclosure proceeding in which a petition for judgment of foreclosure has been filed and  
3 describing the property and the amount due as stated on the list.

**HB 83**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Date of Committee Action: 4-22-91

The FINANCE Committee considered:

HB 83

HOUSE BILL NO. 83

APPROP: KACHEMAK BAY ST. PK. TIMBER RIGHTS

"An Act making a special appropriation to the Department of Natural Resources for the purchase of the inholdings of the Seldovia Native Association, and the timber rights of the Timber Trading Company, within the Kachemak Bay State Park; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with CS HB 83 (FIN)  the same title

a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(s): \_\_\_\_\_ (Dept)

APPROVES PREVIOUS: \_\_\_\_\_ (Dept/Date)

fiscal impact \_\_\_\_\_

fiscal note(s) \_\_\_\_\_

zero fiscal note \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Savane</i>	✓	<i>Eileen P. Muehlen</i>		✓	
<i>Ken Stroud</i>	✓	<i>Mark Boyer</i>		✓	
		<i>Ken Stroud</i>		✓	
		<i>Bob May</i>		✓	
		<i>Bob E. Kelly</i>		✓	
		<i>Richard J. ...</i>			
			X		

*Mike Savane* *Eileen P. Muehlen*  
CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 83 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, Brown, Davidson, Finkelstein, Parnell, G.Phillips, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act making special appropriations to the Department of Natural Resources for the  
2 purchase of the inholdings of the Seldovia Native Association and the Cook Inlet Region,  
3 Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay  
4 State Park; and providing for an effective date."

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

6 \* Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that the Kachemak Bay State  
7 Park is an important scenic and recreational area and that the inholdings within the park, if developed,  
8 would seriously compromise the integrity of the existing park land. The legislature finds, therefore, that  
9 it is in the interest of the state to acquire the inholdings of the Seldovia Native Association and the Cook  
10 Inlet Region, Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay  
11 State Park.

12 (b) The legislature further finds that the value, to the state, of the inholdings of the Seldovia  
13 Native Association and the Cook Inlet Region, Inc., and the timber rights of the Timber Trading  
14 Company, within the Kachemak Bay State Park is \$22,000,000.

1 \* Sec. 2. The sum of \$7,000,000 is appropriated from the general fund to the Department of Natural  
2 Resources for the purchase of the inholdings of the Seldovia Native Association and the timber rights  
3 of the Timber Trading Company within the Kachemak Bay State Park as identified in the Preliminary  
4 Exchange Agreement dated June 30, 1989, as amended as of the effective date of this section of this Act,  
5 between the state, the Seldovia Native Association, and the Timber Trading Company; and for the  
6 purchase of the inholdings of the Cook Inlet Region Inc. within the Kachemak Bay State Park.

7 \* Sec. 3. The unexpended and unobligated balances of the following appropriations are repealed and  
8 reapportioned to the Department of Natural Resources for the purchase of the inholdings of the Seldovia  
9 Native Association and the timber rights of the Timber Trading Company, within the Kachemak Bay  
10 State Park as identified in the Preliminary Exchange Agreement dated June 30, 1989, as amended as of  
11 the effective date of sec. 2 of this Act, between the state, the Seldovia Native Association, and the  
12 Timber Trading Company; and for the purchase of the inholdings of the Cook Inlet Region, Inc. within  
13 the Kachemak Bay State Park:

14 (1) that portion of the appropriation made by sec. 25, ch. 80, SLA 1979, page 66, line  
15 38, as amended by sec. 448(a), ch. 105, SLA 1985, and sec. 275(a), ch. 130, SLA 1986, that is allocated  
16 by sec. 25, ch. 80, SLA 1979, page 67, line 5 (Bradley Lake hydro project - \$80,000);

17 (2) that portion of the appropriation made by sec. 1(a), ch. 90, SLA 1981, as amended  
18 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(a)(1), ch. 90,  
19 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$5,000,000);

20 (3) that portion of the appropriation made by sec. 1(b), ch. 90, SLA 1981, as amended  
21 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(b)(1), ch. 90,  
22 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$10,000,000);

23 (4) sec. 241, ch. 141, SLA 1982 (Bradley Lake hydroelectric project - \$3,000,000);

24 (5) AS 44.83.420, repealed by sec. 318, ch. 171, SLA 1984 (Bradley Lake hydroelectric  
25 project);

26 (6) sec. 5, ch. 41, SLA 1986 (Bradley Lake hydroelectric project - \$50,000,000);

27 (7) sec. 3, ch. 128, SLA 1986, page 8, line 7, as amended by sec. 1, ch. 96, SLA 1987  
28 (Alaska Power Authority, Bradley Lake hydroelectric project - \$50,000,000);

29 (8) sec. 6, ch. 172, SLA 1988 (Bradley Lake power project - \$7,000,000).

30 \* Sec. 4. The appropriation made by sec. 3 of this Act is for a capital project and is subject to lapse  
31 under AS 37.25.020.

1 \* Sec. 5. The unexpended and unobligated balance of the appropriation made by sec. 2 of this Act  
2 lapses into the general fund December 31, 1991.

3 \* Sec. 6. Except for secs. 3 and 4 of this Act, this Act takes effect July 1, 1991.

4 \* Sec. 7. Sections 3 and 4 of this Act take effect on the date that the Alaska Energy Authority files  
5 a declaration with the lieutenant governor and the revisor of statutes that the Bradley Lake hydroelectric  
6 project has been completed.

CS FOR HOUSE BILL NO. 83 ( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, Brown, Davidson, Finkelstein, Parnell, G.Phillips, Ellis

A BILL

FOR AN ACT ENTITLED

1 "An Act making special appropriations to the Department of Natural Resources for the  
2 purchase of the inholdings of the Seldovia Native Association and the Cook Inlet Region,  
3 Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay  
4 State Park; and providing for an effective date."

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

6 \* Section 1. LEGISLATIVE FINDINGS. (a) The legislature finds that the Kachemak Bay State  
7 Park is an important scenic and recreational area and that the inholdings within the park, if developed,  
8 would seriously compromise the integrity of the existing park land. The legislature finds, therefore, that  
9 it is in the interest of the state to acquire the inholdings of the Seldovia Native Association and the Cook  
10 Inlet Region, Inc., and the timber rights of the Timber Trading Company, within the Kachemak Bay  
11 State Park.

12 (b) The legislature further finds that the value, to the state, of the Seldovia Native Association's  
13 inholdings, and the timber rights of the Timber Trading Company, within Kachemak Bay State Park is

14 ~~\$20,000,000.~~  
22,000,000

1 \* Sec. 2. The sum of \$7,000,000 is appropriated from the general fund to the Department of Natural  
 2 Resources for the purchase of the inholdings of the Seldovia Native Association, and the timber rights  
 3 of the Timber Trading Company, within the Kachemak Bay State Park as identified in the Preliminary  
 4 Exchange Agreement dated June 30, 1989, as amended as of the effective date of this section of this Act.  
 5 between the state, the Seldovia Native Association, and the Timber Trading Company; and for the  
 6 purchase of the inholdings of the Cook Inlet Region, Inc. within the Kachemak Bay State Park.

7 \* Sec. 3. The unexpended and unobligated balances of the following appropriations are repealed and  
 8 reappropriated to the Department of Natural Resources for the purchase of the inholdings of the Seldovia  
 9 Native Association and the timber rights of the Timber Trading Company, within Kachemak Bay State  
 10 Park as identified in the Preliminary Exchange Agreement dated June 30, 1989, as amended as of the  
 11 effective date of sec. 2 of this Act, between the state, the Seldovia Native Association, and the Timber  
 12 Trading Company; and for the purchase of the inholdings of the Cook Inlet Region, Inc. within  
 13 Kachemak Bay State Park:

14 (1) that portion of the appropriation made by sec. 25, ch. 80, SLA 1979, page 66, line  
 15 38, as amended by sec. 448(a), ch. 105, SLA 1985, and sec. 275(a), ch. 130, SLA 1986, that is allocated  
 16 by sec. 25, ch. 80, SLA 1979, page 67, line 5 (Bradley Lake hydro project - \$80,000);

17 (2) that portion of the appropriation made by sec. 1(a), ch. 90, SLA 1981, as amended  
 18 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(a)(1), ch. 90,  
 19 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$5,000,000);

20 (3) that portion of the appropriation made by sec. 1(b), ch. 90, SLA 1981, as amended  
 21 by sec. 69, ch. 92, SLA 1981, and sec. 236, ch. 141, SLA 1982, that is allocated by sec. 1(b)(1), ch. 90,  
 22 SLA 1981, as amended by sec. 69, ch. 92, SLA 1981 (Bradley Lake - \$10,000,000);

23 (4) sec. 241, ch. 141, SLA 1982 (Bradley Lake hydroelectric project - \$3,000,000);

24 (5) AS 44.83.420, repealed by sec. 318, ch. 171, SLA 1984 (Bradley Lake hydroelectric  
 25 project);

26 (6) sec. 5, ch. 41, SLA 1986 (Bradley Lake hydroelectric project - \$50,000,000);

27 (7) sec. 3, ch. 128, SLA 1986, page 8, line 7, as amended by sec. 1, ch. 96, SLA 1987  
 28 (Alaska Power Authority, Bradley Lake hydroelectric project - \$50,000,000);

29 (8) sec. 6, ch. 172, SLA 1988 (Bradley Lake power project - \$7,000,000).

30 \* Sec. 4. The appropriation made by sec. 3 of this Act is for a capital project and is subject to lapse  
 31 under AS ~~37.20.020.~~

37.25.020

- 1 \* Sec. 5. The unexpended and unobligated balance of the appropriation made by sec. 2 of this Act  
2 lapses into the general fund December 31, 1991.
- 3 \* Sec. 6. Except for secs. 3 and 4 of this Act, this Act takes effect July 1, 1991.
- 4 \* Sec. 7. Sections 3 and 4 of this Act take effect on the date that the Alaska Energy Authority files  
5 a declaration with the lieutenant governor and the revisor of statutes that the Bradley Lake hydroelectric  
6 project has been completed.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 83

Revision Date: 2-20-91 Department Affected: Fish and Game

Title: Purchase of Inholdings and BRU: Habitat

Timber Rights in Kachemak Bay State Component: Habitat

Park  
Sponsor: Representative Navarre

Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

0	4	8	6
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Expenditures/Revenues: (Thousands of Dollars)

0 4 7 7

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE	0	0	0	0	0	0
---------	---	---	---	---	---	---

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact no impact on current year

ANALYSIS: (Attach a separate page if necessary.)  
Purchase of timber rights to Seldovia Native Association lands would not result in any expenditures by the Alaska Department of Fish and Game.

Prepared By: Frank Rue, Director Phone: 465-4105

Division: Habitat Date: 2-20-91

Approved by Commissioner: [Signature]

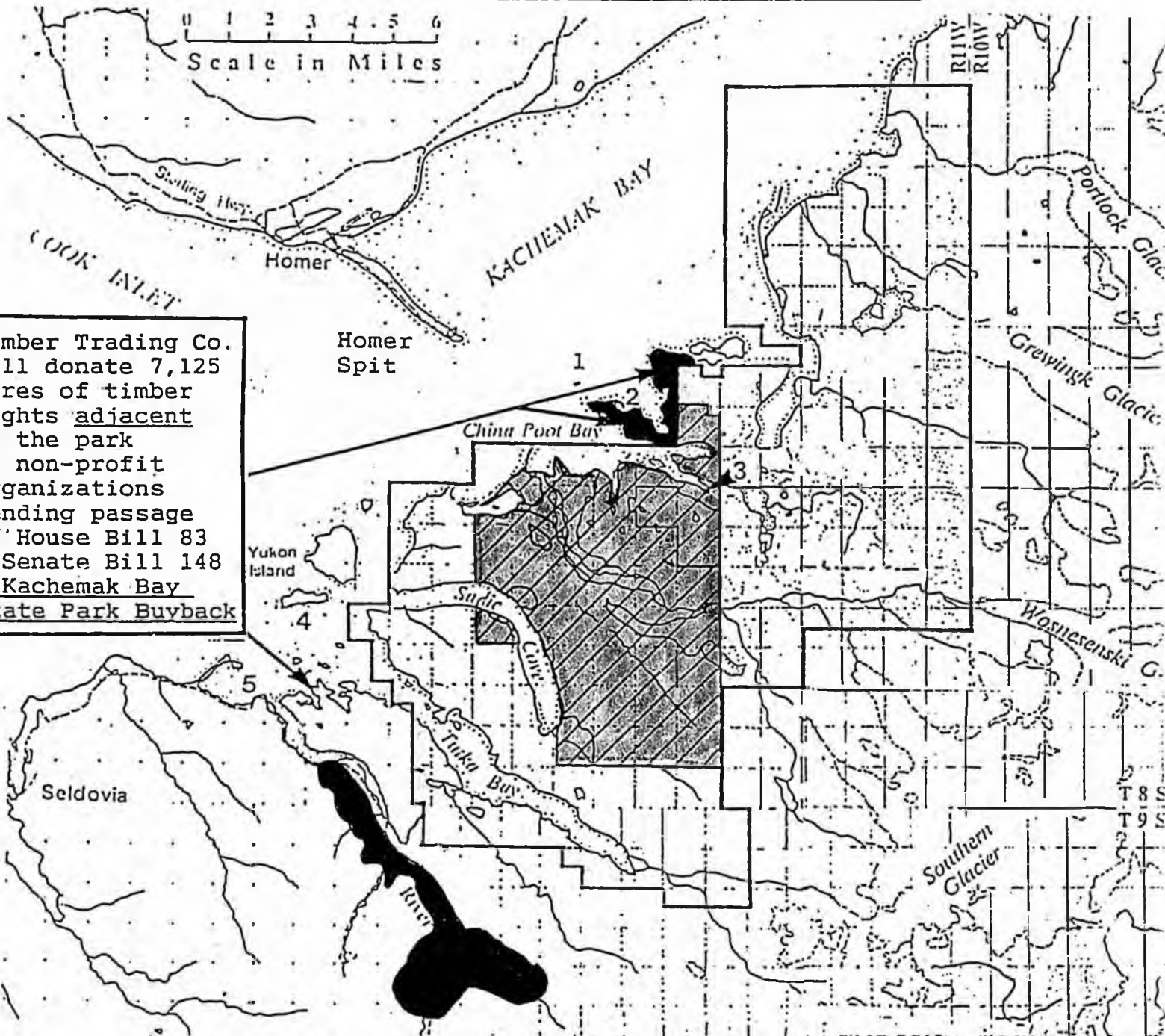
Agency: Department of Fish and Game Date: 2/22/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).




HOUSE BILL 83 AND SENATE BILL 148:

LAND AND TIMBER PURCHASE

INSIDE KACHEMAK BAY STATE PARK



Timber Trading Co. will donate 7,125 acres of timber rights adjacent to the park to non-profit organizations pending passage of House Bill 83 & Senate Bill 148  
Kachemak Bay State Park Buyback

-  Kachemak Bay State Park
  -  Seldovia Native Assoc. inholdings
  -  Timber Trading Co. timber rights outside the Park
- 1-Gull Is. seabird rookery
  - 2-Center for Ak. Coastal Studies facility
  - 3-ADFG personal use dipnet fishery
  - 4-sea otter habitat
  - 5-Univ. Ak. Fairbanks marine station

**HB884**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 27, 1991

FURTHER REFERRALS:

Date of Committee Action: 4/30/91

The FINANCE Committee considered:

HB 84

HOUSE BILL NO. 84

BAN SALE OF TOBACCO IN VENDING MACHINES

"An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

**RECOMMENDATIONS:**

be replaced with CSHB 84 (FIN)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) \_\_\_\_\_

APPROVES PREVIOUS: (Dept/Date) \_\_\_\_\_

fiscal impact DCED

fiscal note(s) \_\_\_\_\_

zero fiscal note D of Rev

zero fiscal note(s) AK Court System 3/1/91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Fay Brown</i> BROWN ✓	✓	<i>Mark Boyer</i> Boyer		X	
<i>Al Koponen</i> KOPONEN ✓	✓	<i>Mike Navarre</i> NAVARRE		X	
<i>George J. Jalko</i> JALKO X	X	<i>Bob Sharp</i> SHARP	X		
<i>Ronald L. Larson</i> LARSON X	X	<i>Robert Phillips</i> PHILLIPS			
<i>J. W. Wimer</i> WIMER X	X	<i>Eden P. McLean</i> McLean		X	
		<i>Doreen Barnes</i> BARNES	X		

*Mike Navarre* NAVARRE  
 CHAIRMAN'S SIGNATURE

*Eden P. McLean*  
 McLean

FISCAL NOTE

No. 3

Bill Version: CSHB 84(JVD)

(H) Publish Date: 3/1/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the sale, exchange, BRU: Trial Courts  
or giving of tobacco and tobacco products Components: \_\_\_\_\_  
 Sponsor: Brown  
 Requestor: Labor & Commerce COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *C. S. Christensen III* Phone: 264-8228  
 Division: Alaska Court System Date: 02/28/91

Approved by: Arthur H. Snowden, II, Administrative Director *Arthur H. Snowden, II*  
 Agency: Alaska Court System Date: 02/28/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB 84 (Jud)

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Dev.  
 Title: An Act relating to the offense BRU: Occupational Licensing  
of selling or giving tobacco to a minor; Component: Administration  
 Sponsor: Reps. Brown, Ellis, B. Davis  
 Requestor: House Finance COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	2.0	2.0	2.0	2.0	2.0

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER GF/PR	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	2.0	2.0	2.0	2.0	2.0	2.0

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)  
 The expenditure identified in this fiscal note results from Section 10 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler, Admin. Officer Phone: 465-2144  
 Division: Occupational Licensing Date: April 26, 1991  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Commerce and Economic Development Date: 4-26-91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

**FISCAL NOTE**

**STATE OF ALASKA**  
**1991 LEGISLATIVE SESSION**

**BILL NO.** CSHB84

Revision Date: March 5, 1991  
 Title: Prohibiting sale of tobacco  
products by vending machine  
 Sponsor: Rep. Brown and Rep. Ellis  
 Requestor: \_\_\_\_\_

Department Affected: Department of Revenue  
 BRU: Revenue Operations  
 Component: Income and Excise Audit

**COMPONENT SERIAL NO.** | 1 | 1 | 3 |

**EXPENDITURES/REVENUES: (Thousands of Dollars)**

<b>OPERATING</b>	<b>FY 92</b>	<b>FY 93</b>	<b>FY 94</b>	<b>FY 95</b>	<b>FY 96</b>	<b>FY 97</b>
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>CAPITAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>
<b>REVENUE</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**FUNDING: (Thousands of Dollars)**

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 0.0

**ANALYSIS:**

This fiscal note reflects the fact that there is no longer a fiscal cost to Revenue because the committee substitute deleted the requirement for the Department of Revenue to provide warning signs to licensee under AS 43.50.

Prepared By: Carl Meyer *Carl Meyer* Phone: (907) 465-2320  
 Division: Income and Excise Audit Division Date: March 5, 1991

Approved by Commissioner: Lee E. Fisher *Lee E. Fisher*  
 Agency: Department of Revenue Date: 3/6/91

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CS FOR HOUSE BILL NO. 84 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:  
Referred:

Sponsor(s): REPRESENTATIVES BROWN, Ellis, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting the  
2 sale of tobacco products by vending machine; requiring certain retailers to post a tobacco  
3 warning sign; relating to the suspension or revocation of a license to sell, purchase,  
4 possess, or acquire cigarettes; relating to supervision of cigarette vending machines; and  
5 providing for an effective date."

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

7 \* Section 1. FINDINGS. The legislature finds that

8 (1) smoking is responsible for the largest preventable cause of premature death and  
9 disability in the United States and responsible for 390,000 deaths annually, nearly one person each  
10 minute;

11 (2) the use of cigarettes causes more premature death than AIDS, the use of heroin,  
12 cocaine, alcohol, fire, automobile accidents, homicides, and suicides combined;

13 (3) it has been estimated that approximately 1,000,000,000 packs of cigarettes are sold

1 illegally to children in this country each year;

2 (4) each year in the state, there are approximately 1,360 person-years of potential life lost  
3 as a result of smoking-attributable deaths with direct and indirect costs in excess of \$100,000,000 due  
4 to smoking-related death and disability, contributing to a national cost of about \$52,000,000,000 a year,  
5 and

6 (5) young residents of the state are particularly at risk because 90 percent of smokers  
7 begin cigarette addiction before they reach the age of 19, the legal smoking age in the state, and the  
8 younger the age at which one begins to smoke, the more likely that a person will become a long-term  
9 smoker and develop smoking-related diseases.

10 \* Sec. 2. AS 11.76.100(a) is amended to read:

11 (a) A person commits the offense of selling or giving tobacco to a minor if the person  
12 is 19 years of age or older and

13 (1) negligently [KNOWINGLY] sells, exchanges, or gives a cigarette, a cigar,  
14 tobacco, or a product containing tobacco to a person under 19 years of age; or

15 (2) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or  
16 products containing tobacco [AND THAT IS ACCESSIBLE TO PERSONS UNDER 19 YEARS  
17 OF AGE].

18 \* Sec. 3. AS 11.76.100(a) is amended to read:

19 (a) A person commits the offense of selling or giving tobacco to a minor if the person  
20 is 19 years of age or older and negligently

21 [(1)] sells, exchanges, or gives a cigarette, a cigar, tobacco, or a product  
22 containing tobacco to a person under 19 years of age [; OR

23 (2) MAINTAINS A VENDING MACHINE THAT DISPENSES CIGARETTES,  
24 CIGARS, TOBACCO, OR PRODUCTS CONTAINING TOBACCO].

25 \* Sec. 4. AS 11.76.100(b) is repealed and reenacted to read:

26 (b) Notwithstanding the provisions of (a) of this section, a person who maintains a  
27 vending machine is not in violation of (a)(2) of this section if the vending machine is

28 (1) located on premises licensed as a beverage dispensary under AS 04.11.090;

29 (2) located at least 25 feet from the nearest exit from the licensed premises; the  
30 requirement in this paragraph does not apply to a fire or emergency exit; and

31 (3) in a location that is directly and continually supervised by a person employed

1 on the licensed premises during the hours the vending machine is accessible to the public.

2 \* Sec. 5. AS 11.76.100(d) is amended to read:

3 (d) Selling or giving tobacco to a minor is a violation and upon conviction is  
4 punishable by a fine of not less than \$300.

5 \* Sec. 6. AS 11.76 is amended by adding a new section to read:

6 Sec. 11.76.107. FAILURE TO SUPERVISE CIGARETTE VENDING MACHINE. (a)

7 A person commits the offense of failure to supervise a cigarette vending machine if the person  
8 owns premises licensed as a beverage dispensary under AS 04.11.090 and with criminal  
9 negligence fails to have an employee supervise a vending machine on those premises that  
10 dispenses cigarettes, cigars, tobacco, or products containing tobacco as required by  
11 AS 11.76.100(b)(3).

12 (b) Failure to supervise a vending machine is a violation and upon conviction is  
13 punishable by a fine of not less than \$300.

14 \* Sec. 7. AS 11.76.107 is repealed and reenacted to read:

15 Sec. 11.76.107. SALE OF TOBACCO PRODUCTS BY VENDING MACHINE  
16 PROHIBITED. (a) A person may not sell cigarettes, cigars, tobacco, or tobacco products by  
17 vending machine or permit the sale of cigarettes, cigars, tobacco, or tobacco products by vending  
18 machine on property owned by the person.

19 (b) The court shall forward to the Department of Commerce and Economic Development  
20 a record of each person convicted under this section.

21 (c) A person who violates this section is guilty of a violation and shall be punished by  
22 a fine of not less than \$300.

23 \* Sec. 8. AS 43.50.010(a) is amended to read:

24 (a) A person may not sell, purchase, possess, or acquire cigarettes as a manufacturer,  
25 distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer without a  
26 license.

27 \* Sec. 9. AS 43.50.010(b) is amended to read:

28 (b) The department, upon application and payment of the fee, shall issue a license to each  
29 manufacturer, distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer.  
30 The department shall adopt reasonable regulations that it considers necessary in respect to the  
31 application for and the issuance of licenses.

1 \* Sec. 10. AS 43.50.020 is amended to read:

2 Sec. 43.50.020. SEPARATE LICENSES. If a person operates more than one place of  
3 business, the person shall [MUST] obtain a separate license for each place of business [,  
4 EXCEPT THAT A PERSON OPERATING ONE OR MORE CIGARETTE VENDING  
5 MACHINES IS CONSIDERED TO HAVE ONLY ONE PLACE OF BUSINESS FOR THE  
6 PURPOSE OF A LICENSE UNDER AS 43.50.010 - 43.50.180]. A person licensed only as a  
7 manufacturer, distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer  
8 may not operate in another capacity unless the appropriate license for it is first secured. Each  
9 license shall be exhibited at the place of business for which it is issued and in the manner  
10 prescribed by the department.

11 \* Sec. 11. AS 43.50.070 is amended to read:

12 Sec. 43.50.070. REVOCATION OF LICENSES. The department may suspend or revoke  
13 a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally negligent violation of  
14 AS 11.76.100, 11.76.107 or a violation of AS 43.50.010 - 43.50.180 or a regulation of the  
15 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the  
16 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale  
17 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or  
18 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose  
19 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the  
20 period of the suspension or revocation on the premises occupied or controlled by that person. A  
21 disciplinary proceeding or action is not barred or abated by the expiration, transfer, surrender,  
22 renewal, or extension of a license issued under AS 43.50.010 - 43.50.180. The department shall  
23 comply with the provisions of the Administrative Procedure Act (AS 44.62).

24 \* Sec. 12. AS 43.70.075(d) is amended to read:

25 (d) If a person who holds an endorsement issued under this section, or an agent or an  
26 employee of a person who holds an endorsement issued under this section acting within the scope  
27 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
28 violates a provision of this section or a regulation implementing this section adopted under  
29 AS 43.70.090, the department shall suspend the endorsement for a period of

30 (1) 45 days; or

31 (2) 90 days, if within the past 24 months the person has been previously convicted

1 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
2 implementing this section adopted under AS 43.70.090.

3 \* **Sec. 13.** AS 43.70.075 is amended by adding a new subsection to read:

4 (f) A person who holds a license endorsement issued under this section shall post on the  
5 licensed premises a warning sign as described in this subsection. A warning sign required by this  
6 subsection must be at least 11 inches by 14 inches and must read, in lettering at least one-half  
7 inch high, "WARNING: Tobacco products are highly addictive. Cigarettes cause lung disease  
8 and cancer. Smoking during pregnancy may result in fetal injury, premature birth, and low birth  
9 weight. The sale of tobacco products to persons under age 19 is illegal." The sign must also  
10 include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal  
11 diameter within a surrounding red circle. A person holding an endorsement issued under this  
12 section shall display the sign in a manner conspicuous to a person purchasing or consuming  
13 tobacco products on the licensed premises. The department shall, without charge, furnish  
14 warning signs required under this section to a person who holds an endorsement issued under this  
15 section or a person who requests the sign with the intention of displaying it.

16 \* **Sec. 14.** AS 11.76.100(b), 11.76.100(c), and AS 43.50.030(c) are repealed.

17 \* **Sec. 15.** The supreme court shall include on a schedule of bail amounts the fine established under  
18 AS 11.76.100(d) and 11.76.107(b) for a violation of those sections.

19 \* **Sec. 16.** The supreme court shall include on a schedule of bail amounts the fine established under  
20 AS 11.76.107(c) for a violation of that section.

21 \* **Sec. 17.** Sections 3, 7, 8, 9, 10, 14, and 16 of this Act take effect January 1, 1995.

# Representative Kay Brown

ALASKA STATE LEGISLATURE

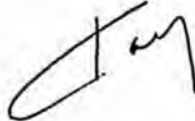
Legislative Information Office  
3111 C Street #435  
Anchorage, Alaska 99503  
(907) 561-7627

During Session  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-4998

TO: Representative Mike Navarre, Co-Chair  
Representative Eileen MacLean, Co-Chair  
House Finance Committee

FROM: Representative Kay Brown

DATE: April 29, 1991



SUBJ: Draft Finance CS for CS HB 84 (Judiciary)

Please find attached a draft committee substitute for CS HB 84 (Judiciary) that I would like to offer for consideration by the House Finance Committee. This CS has been worked out with North Star Vending as a representative of vending business interests.

The essential change embodied in this proposal is to delay the effective date of the tobacco product vending machine ban until 1995 in order to allow for the amortization of machine investments. This change in the legislation is offered in response to concerns expressed by vendors that cigarette machines can represent a significant investment. This change will allow vendors to recover their investment prior to the ban taking effect. This CS would also, as an interim measure prior to the ban taking effect, restrict placement of tobacco vending machines to places that have a beverage dispensary license.

A letter of support from North Star Vending is also included in the committee packets. This letter states:

"The intent of the legislation is very good. ...[B]y allowing a phase in of the law [the committee substitute] will give a chance for the vendors to amortize out their equipment costs over a

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reasonable time and at the same time getting to your final goal of limiting access of tobacco products to our young people."

With the changes proposed by the CS, North Star Vending has "no objections to the legislation."

It should be noted that even the proposed interim restriction limiting tobacco vending machines to places with a beverage dispensary license is not adequate to prevent minors from gaining access to machines. As documented in purchasing trials in New York and Alaska minors have little if any difficulty in accessing cigarette machines, even those located in bars.

However, in order to allow otherwise legitimate vending businesses to redirect their investments to other types of investments, I offer this draft CS and ask for the committee's support.

enclosure

CS FOR HOUSE BILL NO. 84 ( )  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES BROWN, Ellis, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting the  
2 sale of tobacco products by vending machine; requiring certain retailers to post a tobacco  
3 warning sign; relating to the suspension or revocation of a license to sell, purchase,  
4 possess, or acquire cigarettes; relating to supervision of cigarette vending machines; and  
5 providing for an effective date."

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

7 \* Section 1. FINDINGS. The legislature finds that

8 (1) smoking is responsible for the largest preventable cause of premature death and  
9 disability in the United States and responsible for 390,000 deaths annually, nearly one person each  
10 minute;

11 (2) the use of cigarettes causes more premature death than AIDS, the use of heroin,  
12 cocaine, alcohol, fire, automobile accidents, homicides, and suicides combined;

13 (3) it has been estimated that approximately 1,000,000,000 packs of cigarettes are sold

1 illegally to children in this country each year;

2 (4) each year in the state, there are approximately 1,360 person-years of potential life lost  
3 as a result of smoking-attributable deaths with direct and indirect costs in excess of \$100,000,000 due  
4 to smoking-related death and disability, contributing to a national cost of about \$52,000,000,000 a year;  
5 and

6 (5) young residents of the state are particularly at risk because 90 percent of smokers  
7 begin cigarette addiction before they reach the age of 19, the legal smoking age in the state, and the  
8 younger the age at which one begins to smoke, the more likely that a person will become a long-term  
9 smoker and develop smoking-related diseases.

10 \* Sec. 2. AS 11.76.100(a) is amended to read:

11 (a) A person commits the offense of selling or giving tobacco to a minor if the person  
12 is 19 years of age or older and ~~negligent~~ <sup>add - negligently =</sup> ~~DELETED~~

13 (1) [KNOWINGLY] sells, exchanges, or gives a cigarette, a cigar, tobacco, or a  
14 product containing tobacco to a person under 19 years of age; or

15 (2) maintains a vending machine that dispenses cigarettes, cigars, tobacco, or  
16 products containing tobacco [AND THAT IS ACCESSIBLE TO PERSONS UNDER 19 YEARS  
17 OF AGE].

18 \* Sec. 3. AS 11.76.100(a) is amended to read:

19 (a) A person commits the offense of selling or giving tobacco to a minor if the person  
20 is 19 years of age or older and negligently

21 [(1)] sells, exchanges, or gives a cigarette, a cigar, tobacco, or a product  
22 containing tobacco to a person under 19 years of age [; OR

23 (2) MAINTAINS A VENDING MACHINE THAT DISPENSES CIGARETTES,  
24 CIGARS, TOBACCO, OR PRODUCTS CONTAINING TOBACCO].

25 \* Sec. 4. AS 11.76.100(b) is repealed and reenacted to read:

26 (b) Notwithstanding the provisions of (a) of this section, a person who maintains a  
27 vending machine is not in violation of (a)(2) of this section if the vending machine is

28 (1) located on premises licensed as a beverage dispensary under AS 04.11.090;

29 (2) located at least 25 feet from the nearest exit from the licensed premises; the  
30 requirement in this paragraph does not apply to a fire or emergency exit; and

31 (3) in a location that is directly and continually supervised by a person employed

1 on the licensed premises during the hours the vending machine is accessible to the public.

2 \* Sec. 5. AS 11.76.100(d) is amended to read:

3 (d) Selling or giving tobacco to a minor is a violation and upon conviction is  
4 punishable by a fine of not less than \$300.

5 \* Sec. 6. AS 11.76 is amended by adding a new section to read:

6 Sec. 11.76.107. FAILURE TO SUPERVISE CIGARETTE VENDING MACHINE. (a)

7 A person commits the offense of failure to supervise a cigarette vending machine if the person  
8 owns premises licensed as a beverage dispensary under AS 04.11.090 and with criminal  
9 negligence fails to have an employee supervise a vending machine on those premises that  
10 dispenses cigarettes, cigars, tobacco, or products containing tobacco as required by  
11 AS 11.76.100(b)(3).

12 (b) Failure to supervise a vending machine is a violation and upon conviction is  
13 punishable by a fine of not less than \$300.

14 \* Sec. 7. AS 11.76.107 is repealed and reenacted to read:

15 Sec. 11.76.107. SALE OF TOBACCO PRODUCTS BY VENDING MACHINE  
16 PROHIBITED. (a) A person may not sell cigarettes, cigars, tobacco, or tobacco products by  
17 vending machine or permit the sale of cigarettes, cigars, tobacco, or tobacco products by vending  
18 machine on property owned by the person.

19 (b) The court shall forward to the Department of Commerce and Economic Development  
20 a record of each person convicted under this section.

21 (c) A person who violates this section is guilty of a violation and shall be punished by  
22 a fine of not less than \$300.

23 \* Sec. 8. AS 43.50.010(a) is amended to read:

24 (a) A person may not sell, purchase, possess, or acquire cigarettes as a manufacturer,  
25 distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer without a  
26 license.

27 \* Sec. 9. AS 43.50.010(b) is amended to read:

28 (b) The department, upon application and payment of the fee, shall issue a license to each  
29 manufacturer, distributor, direct-buying retailer, [VENDING MACHINE OPERATOR,] or buyer.  
30 The department shall adopt reasonable regulations that it considers necessary in respect to the  
31 application for and the issuance of licenses.

1 \* **Sec. 10.** AS 43.50.020 is amended to read:

2           Sec. 43.50.020. SEPARATE LICENSES. If a person operates more than one place of  
3 business, the person shall [MUST] obtain a separate license for each place of business [,  
4 EXCEPT THAT A PERSON OPERATING ONE OR MORE CIGARETTE VENDING  
5 MACHINES IS CONSIDERED TO HAVE ONLY ONE PLACE OF BUSINESS FOR THE  
6 PURPOSE OF A LICENSE UNDER AS 43.50.010 - 43.50.180]. A person licensed only as a  
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14 AS 11.76.100, 11.76.107 or a violation of AS 43.50.010 - 43.50.180 or a regulation of the  
15 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the  
16 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale  
17 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or  
18 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose  
19 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the  
20 period of the suspension or revocation on the premises occupied or controlled by that person. A  
21 disciplinary proceeding or action is not barred or abated by the expiration, transfer, surrender,  
22 renewal, or extension of a license issued under AS 43.50.010 - 43.50.180. The department shall  
23 comply with the provisions of the Administrative Procedure Act (AS 44.62).

24 \* **Sec. 12.** AS 43.70.075(d) is amended to read:

25           (d) If a person who holds an endorsement issued under this section, or an agent or an  
26 employee of a person who holds an endorsement issued under this section acting within the scope  
27 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
28 violates a provision of this section or a regulation implementing this section adopted under  
29 AS 43.70.090, the department shall suspend the endorsement for a period of

30                       (1) 45 days; or

31                       (2) 90 days, if within the past 24 months the person has been previously convicted

1 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
2 implementing this section adopted under AS 43.70.090.

3 \* Sec. 13. AS 43.70.075 is amended by adding a new subsection to read:

4 (f) A person who holds a license endorsement issued under this section shall post on the  
5 licensed premises a warning sign as described in this subsection. A warning sign required by this  
6 subsection must be at least 11 inches by 14 inches and must read, in lettering at least one-half  
7 inch high, "WARNING: Tobacco products are highly addictive. Cigarettes cause lung disease  
8 and cancer. Smoking during pregnancy may result in fetal injury, premature birth, and low birth  
9 weight. The sale of tobacco products to persons under age 19 is illegal." The sign must also  
10 include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal  
11 diameter within a surrounding red circle. A person holding an endorsement issued under this  
12 section shall display the sign in a manner conspicuous to a person purchasing or consuming  
13 tobacco products on the licensed premises. The department shall, without charge, furnish  
14 warning signs required under this section to a person who holds an endorsement issued under this  
15 section or a person who requests the sign with the intention of displaying it.

16 \* Sec. 14. AS 11.76.100(b), 11.76.100(c), and AS 43.50.030(c) are repealed.

17 \* Sec. 15. The supreme court shall include on a schedule of bail amounts the fine established under  
18 AS 11.76.100(d) and 11.76.107(b) for a violation of those sections.

19 \* Sec. 16. The supreme court shall include on a schedule of bail amounts the fine established under  
20 AS 11.76.107(c) for a violation of that section.

21 \* Sec. 17. Sections 3, 7, 8, 9, 10, 14, and 16 of this Act take effect January 1, 1995.

## Sectional Analysis

Draft CS for CS HB 84 (Judiciary) — Work Draft: LS0139\M (4/30/91)  
Youth Tobacco Addiction Prevention Act

### Section 1

Findings.

### Section 2

Amends AS 11.76.100 (a) to establish that it is a violation to negligently sell, give or exchange tobacco products or to negligently maintain a tobacco product vending machine. This section clarifies that a violation is subject to the negligence standard.

### Section 3

Effective January 1, 1995, amends AS 11.76.100 (a) to delete language referencing the sale of tobacco products through vending machines and provide that it is a violation to sell tobacco products through a vending machine.

### Section 4

Until January 1, 1995, a person may maintain a tobacco vending machine located on premises licensed as a beverage dispensary under AS 04.11.090.

### Section 5

Amends AS 11.76.100(d) to establish that the sale or gift of tobacco to a minor is a violation punishable by a fine of \$300.

### Section 6

Until January 1, 1995, it is a violation for a person to fail to supervise a tobacco vending machine.

### Section 7

Effective January 1, 1995, the sale of tobacco products through vending machines is prohibited. The court shall forward a record of any person

convicted to the Department of Commerce and Economic Development. A violation is punishable by a fine of \$300.

#### Section 8

Conforming amendment. Effective January 1, 1995, amends AS 43.50.010(a) to remove language referencing the sale of tobacco products through vending machines.

#### Section 9

Conforming amendment. Effective January 1, 1995, amends AS 43.50.010(b) to remove language referencing the sale of tobacco products through vending machines.

#### Section 10

Conforming amendment. Effective January 1, 1995, amends AS 43.50.020 to remove language referencing the sale of tobacco products through vending machines.

#### Section 11

Amends AS 43.50.070 to add that violation of the law regarding the criminally negligent sale or gift of tobacco to minors (AS 11.76.100) or the sale of tobacco products through vending machines (AS 11.76.107) are grounds for the suspension or revocation of a tobacco sales license under AS 43.50.010-180.

#### Section 12

Amends AS 43.50.075(d) to reference that a violation of AS 11.76.107 is grounds for suspension of a tobacco license endorsement.

#### Section 13

Amends AS 43.50.010 to add a new subsection to require the posting of warning signs on the premises where tobacco products are sold.

#### Section 14

Conforming amendment. Effective January 1, 1995, AS 11.76.100(b), regarding the interim placement of vending machines on premises licensed as a beverage dispensary; AS 11.76.100(c), language regarding the maintenance of a vending machine; and AS 43.50.030(c), regarding a license fee for tobacco vending machine operators are repealed.

### Section 15

Prior to January 1, 1995, directs the supreme court to include on a schedule of bail amounts the fines resulting from violations of the law regarding tobacco sales or gifts to minors or through vending machines for violations under AS 11.76.100(d) and AS 11.76.107(b).

### Section 16

Effective January 1, 1995, directs the supreme court to include on a schedule of bail amounts the fines resulting from violations of the law regarding tobacco sales through vending machines under AS 11.76.107(c).

### Section 17

Effective date. Sections 3, 7, 8, 9, 10, 14, and 16 take effect January 1, 1995.

## North Star Vending

P.O. BOX 201627 ANCHORAGE, ALASKA 99520  
337-6748 694-1277 FAX (907) 338-7251

April 28, 1991

Representative Kay Brown  
Pouch "V"  
Juneau, Alaska 99811

Dear Representative Brown,

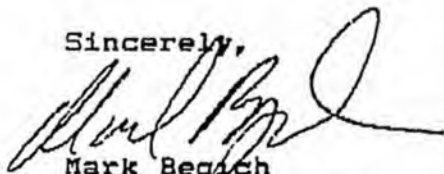
I have reviewed your Committee Substitute for House Bill 84, An Act Relating to the Use, Sale, Exchange, or giving of Tobacco and Tobacco Products, overall I have no objections to the legislation.

The intent of the legislation is very good.. With in the industry we have made strong efforts to prohibit the use of tobacco products among our youth and I believe we have been very successful.

The committee substitute has addressed some of the concerns I had with the original bill. As I had explained to you and your staff the machines that vend cigarettes are very expensive and if the original bill became law it would have been very costly to some businesses. By allowing a phase in of the law you will give a chance for the vendors to amortize out their equipment costs over a reasonable time and at the same time getting to your final goal of limiting access of tobacco products to our young people. This change is appreciated.

Thanks for taking the time to work on these modifications. If there is anything else I can do please don't hesitate to contact me.

Sincerely,

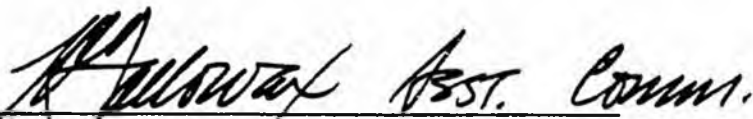


Mark Begich  
Managing Partner

CSHB 84 (L&C): "An Act relating to the offense of selling or giving tobacco to a minor; prohibiting sale of tobacco products by vending machine; requiring certain retailers to post a tobacco warning sign; and relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes."

The bill attempts to reduce the availability of tobacco products by prohibiting the sale of tobacco products by vending machines. The bill also requires the court to notify the business licensing section of the Department of Commerce and Economic Development of any person convicted of violating the prohibition on vending machine sales in order to facilitate suspension of the person's business license tobacco endorsement. The department must also provide a consumer warning sign to be posted by all businesses that are issued the tobacco endorsement on their business license.

CSHB 84 (L&C) will strengthen existing laws concerning the illegal sale of tobacco to minors under the age of 19 by removing the availability of tobacco vending machines and, therefore, the department supports passage of the bill.

  
Glenn A. Olds, Commissioner

Date: 3-22-91

## House Bill No. 84

For an Act entitled: "An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

Summary

This bill amends AS 11.76.100, Selling or giving tobacco to a minor and AS 43.50. Article 1, Cigarette Tax Act, Sections 10 and 20, License and Separate Licenses. The bill repeals Subsection (b) and (c) of AS 11.76.100 and subsection (c) of AS 43.50.030. These subsections refer to the offense committed through the sale of tobacco products to a minor by vending machines and the licensing of vending machine operators to sell tobacco products. Section 107 is added to AS 11.76 prohibiting the sale of tobacco products by vending machines and provides for a fine of not less than \$300.00 for those found in violation. Subsection (d) in AS 11.76.100 is amended to fine persons not less than \$300.00 who are convicted in violation of selling or giving tobacco to a minor. Section 43.50.070(1) is amended to provide for suspension or revocation of license for those found criminally negligent in violation of selling tobacco products to minors or the sale of tobacco products through vending machines.

Subsection (f) is added to AS 43.50.010 and requires persons holding a license to sell tobacco products to post an 11 by 14 inch warning sign that reads "WARNING: Tobacco products are highly addictive. The sale of tobacco products to persons under age 19 is illegal." This sign must also depict a pack of cigarettes defaced by a red diagonal diameter within a surrounding red circle.

Discussion

Only a very small percentage of smokers begin smoking as adults. Efforts at prevention must focus on children. Vending machines are the main source of cigarettes for the youngest children.

Nicotine addiction becomes quickly established in children as evidenced by studies that document the difficulty children have in quitting. Given the prevalence of smoking in the Alaska (33.8%) and the Nation (26.5%), tobacco use is the most widespread form of drug dependency. The sale of tobacco should be considered as seriously as the sale of alcohol and other

addictive drugs.

In addition, tobacco-use represents the most extensively documented cause of disease ever investigated in the history of biomedical research. There are forty-three identified carcinogens present in tobacco smoke and high concentrations of carcinogenic tobacco-specific nitrosamines found in smokeless tobacco.

Maternal smoking is associated with several complications of pregnancy in addition to a 25 to 50 percent high rate of fetal and infant death among women who smoke during pregnancy.

The economic impact of smoking in Alaska, the smoking attributable direct and indirect costs, was 82.3 million in 1985. This includes 2.4 million in pediatric deaths associated with smoking.

Alaska is among the states at highest risk for tobacco use and its devastating health consequences. Alaska has the highest age-adjusted lung cancer death rate in the Nation. Close to 90% of all lung cancer deaths are caused by cigarette smoking and 43.4% of Alaska males over 20 smoke, the highest smoking rate in the country.

Cancer was the second leading cause of death in Alaska in 1986 and 1987, accounting for 21% of all deaths, 30 percent of all cancer deaths and again, 90% of all lung cancer deaths are caused by smoking.

Recent studies by the Centers for Disease Control and the American Cancer Society rank Alaska second in the nation with deaths from oral and pharyngeal cancer and tied for third in our death rate from all cancers. Risk taking behaviors associated with oral and pharyngeal cancer are tobacco use and heavy alcohol consumption.

The elimination of vending machines will make tobacco products less available and reduce children's and adolescent's opportunity to experiment with tobacco products and lessen the likelihood that children will develop a regular pattern of use.

Studies have shown that children and adolescents who start to smoke do not understand the nature of tobacco addiction and are unaware of or underestimate important health consequences of smoking. Children and adolescents decision to smoke is therefore not a fully informed choice.

Studies by states and voluntary health organizations have shown that merchant compliance with tobacco access laws is

low. A recent study reported that 80 percent of the retailers in five states were violating the law and selling to minors.

However, compliance with the law was six times greater in stores where signs were posted compared to stores without signs. The posting of the sign as required by this bill, will increase the difficulty a minor has in obtaining tobacco products through a higher merchant compliance with the law.

The initiatives contained in this bill are becoming more widespread. Legislation restricting the sale of tobacco products through vending machines exists in nine states with Colorado banning the sale of smokeless tobacco products through vending machines.

There are currently 22 cities and/or counties in the U.S. that have a total ban on vending machine sales of tobacco products. In addition, there are 14 states that require the posting of signs relating to prohibiting the sale of tobacco products to minors.

In addition, the 100th Congress introduced legislation, (H.R. 3658), that included the limiting of sales of tobacco products to over-the-counter (prohibiting vending machine sales) and requiring every retail establishment selling tobacco products to post a sign stating "The sale of cigarettes to minors is strictly prohibited".

Given both the highly addictive nature of tobacco use and its adverse health consequences, it is important to protect children and adolescents from using tobacco until they are capable of making a mature and informed decision.

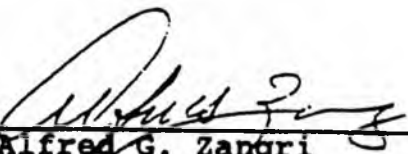
This bill would compliment the laws already in place that are known to reduce the availability of tobacco products to children 1) restricting the sale of tobacco products to minors; 2) banning the use or possession of tobacco by minors; 3) banning vending machines and 4) the posting of signs at the point-of-purchase. Banning the free distribution of tobacco product samples is the fifth policy shown to be effective in preventing initiation of tobacco addiction.

Although addiction is one of the health consequences of the use of tobacco products, the Department recommends strengthening the message on the sign; for example "WARNING: Tobacco products are highly addictive, hazardous to your health and may cause complications during pregnancy. The sale of tobacco products to persons under age 19 is illegal." Stronger language may be substituted such as "a cause of lung disease and cancer".

Recommendation


The Department strongly supports this bill which will help prevent the initiation of smoking among young children and adolescents.

Recommended: \_\_\_\_\_

  
Alfred G. Zangri  
Acting Director  
Division of Public Health

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

Approved: \_\_\_\_\_

  
Theodore Mala, M.D., M.P.H.  
Commissioner  
Department of Health  
and Social Services

Date: 2/25/91

## 10 Reasons to Eliminate Tobacco Vending Machines

1. Cancer-causing, addictive drugs should not be sold as if they were candy or sodapop.
2. No other dangerous, cancer-causing, addictive product or drug that is illegal for children to own is sold through vending machines. Cigarettes should not be the exception.
3. Each day more than 3,000 minors start smoking — approximately one new teenage smoker every 30 seconds — more than one million new teenage smokers each year.
4. According to a survey of high school seniors, the average age for the first use of cigarettes is 13 years. Vending machines are an especially significant source for these youngest of new smokers.
5. Industry sponsored research has documented that teens who illegally buy cigarettes from vending machines find vending machines to be attractive because no one will stop them from buying cigarettes this way.
6. A survey of high school seniors found a strong correlation between those who were cigarette smokers and those who had used harder drugs. Non-smokers were found to be less likely to have used harder drugs.
7. Secretary of Health and Human Services Louis Sullivan and former Surgeon General Koop have called for total ban on cigarette vending machines.
8. The federal Department of Health and Human Services estimates that smoking related illness cost the nation about \$52 billion per year (about \$221 per capita) in health treatment and other costs.
9. In Alaska, it has been estimated that for one year (1985) there were 261 smoking-attributable deaths in Alaskans over age 20 representing 1,363 person-years of potential life lost *direct* costs of \$52.8 million (hospital care, physician services, medication, etc.) and *indirect* morbidity and mortality costs of \$47.7 million — for just one year then, *total costs in excess of \$100 million.*
10. More than twenty local governments in Minnesota have passed total bans on cigarette vending machines.

# Alaska Federation of Natives, Inc.

February 27, 1991

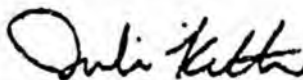
Rep. David Finkelstein, Chairman  
House Labor & Commerce Committee  
ALASKA STATE LEGISLATURE  
P.O. Box V  
Juneau, AK 99811

Dear Rep. Finkelstein:

In October of 1990, delegates to the Alaska Federation of Natives' Annual Convention unanimously passed Resolution 90-13, supporting the inclusion of tobacco in mandates for state and federal drug abuse agencies. This action was taken in recognition of the growing health threat posed by tobacco products to Alaska Natives, especially Alaska Native youth.

As you are aware, House Bill 84, sponsored by Rep. Kay Brown, is pending before your Committee. I am writing to convey the support of AFN for this measure. While we recognize there may be economic costs to some businesses as a result of this legislation, we believe that the resultant health benefits far outweigh any financial loss. Once again, AFN supports the intent of HB84. Thank you for your time.

Sincerely,



Julie Kitka  
President

cc: Rep. Kay Brown  
Anne Walker, ANHB



April 30, 1991

The Honorable Kay Brown  
Alaska House of Representatives  
PO Box V  
Juneau, Alaska 99811

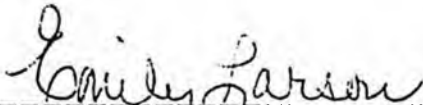
Re: HB84, an Act banning sale of tobacco from vending machines

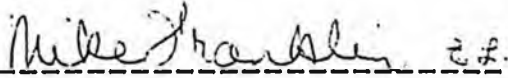
Dear Representative Brown:

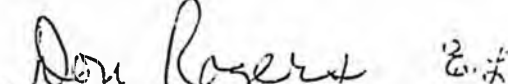
In keeping with our mission to eradicate the dreaded disease of cancer, the Alaska Division of the American Cancer Society wholeheartedly endorses and supports the passage of HB84.

In our view, vending machines have not had the control put upon them to adequately discourage our young people from purchasing tobacco products.

Thank you for your sponsorship and efforts at a measure to help insure the health and well being of Alaska's youth.

  
-----  
Emily Larson, Chairman of Board  
Alaska Division of American Cancer Society

  
-----  
Dr. Michael Franklin, President  
Alaska Division of American Cancer Society

  
-----  
Dr. Don Rodgers, Public Issues Chairman  
Alaska Division of American Cancer Society



## TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE  
FAIRBANKS, ALASKA 99701-4897  
PHONE (907) 452-8251 FAX (907) 451-8936

April 30, 1991

Representatives Eileen MacLean  
& Mike Navarre  
Co-Chairs, House Finance Committee  
P.O. Box V  
Juneau AK 99811

Dear Co-Chairs MacLean & Navarre:

The Tanana Chiefs Conference supports House Bill 84, a bill designed to curb the purchase of tobacco products by teenagers through vending machines.

Tobacco is the nation's leading preventable cause of death and disease. Studies show 18% to 21% of all high school students are smokers. Teenagers spend over one billion dollars a year on tobacco products. One of the major sources of cigarettes for teenagers is the vending machines. Vending machines provide easy and undetected access to cigarettes as these machines do not always have adult supervision even though it is required. The tobacco industry gears their marketing efforts to youth. It is much easier to start smoking at a young age than it is to start as an adult. Furthermore, when a young person becomes addicted to nicotine, that young adult will more than likely continue this habit for many, many years.

Tobacco use is not a free individual choice for teenagers. We want to make it difficult to learn to smoke. We have an opportunity to take away at least one major source of supply to teenage smokers. House Bill 84 has our full support and we hope you give serious consideration to the positive aspects of this bill.

Sincerely,

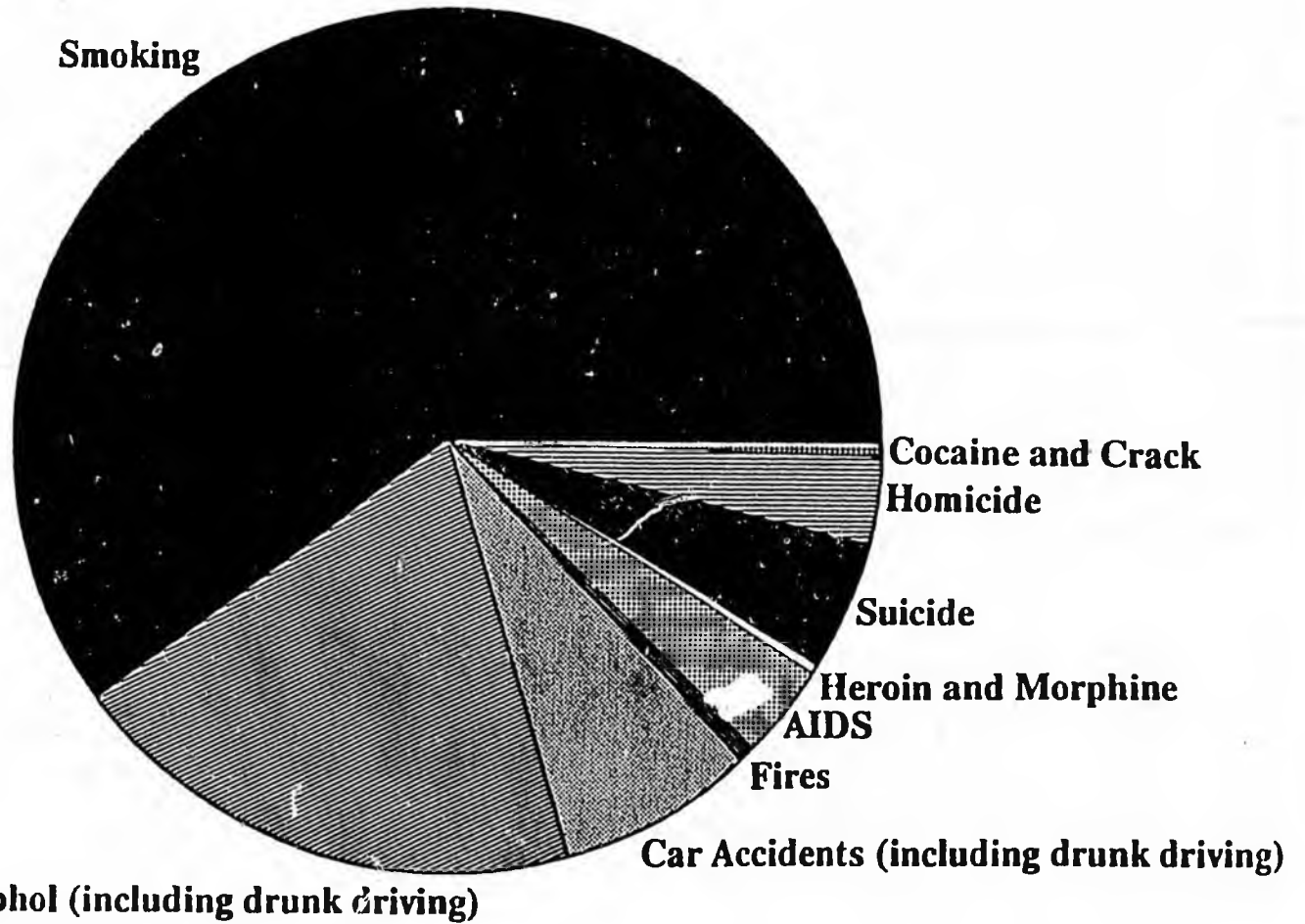
Michael Graf, Ph.D.  
Director, Community Health Services

cc: House Finance Committee Members

Smoking Kills More Americans Each Year Than Alcohol, Cocaine, Crack Heroin, Homicide, Suicide, Car Accidents, Fires, and AIDS combined.

**Approximate Number of Deaths:**

Smoking.....	390,000 <sup>1</sup>
Alcohol (including drunk driving).....	125,000 <sup>2</sup>
Car Accidents (including drunk driving).....	47,000 <sup>3</sup>
Fires.....	4,000 <sup>3</sup>
AIDS.....	23,000 <sup>4</sup>
Heroin and Morphine.....	2,400 <sup>5</sup>
Suicide.....	31,000 <sup>5</sup>
Homicide.....	21,000 <sup>5</sup>
Cocaine and Crack.....	3,300 <sup>5</sup>



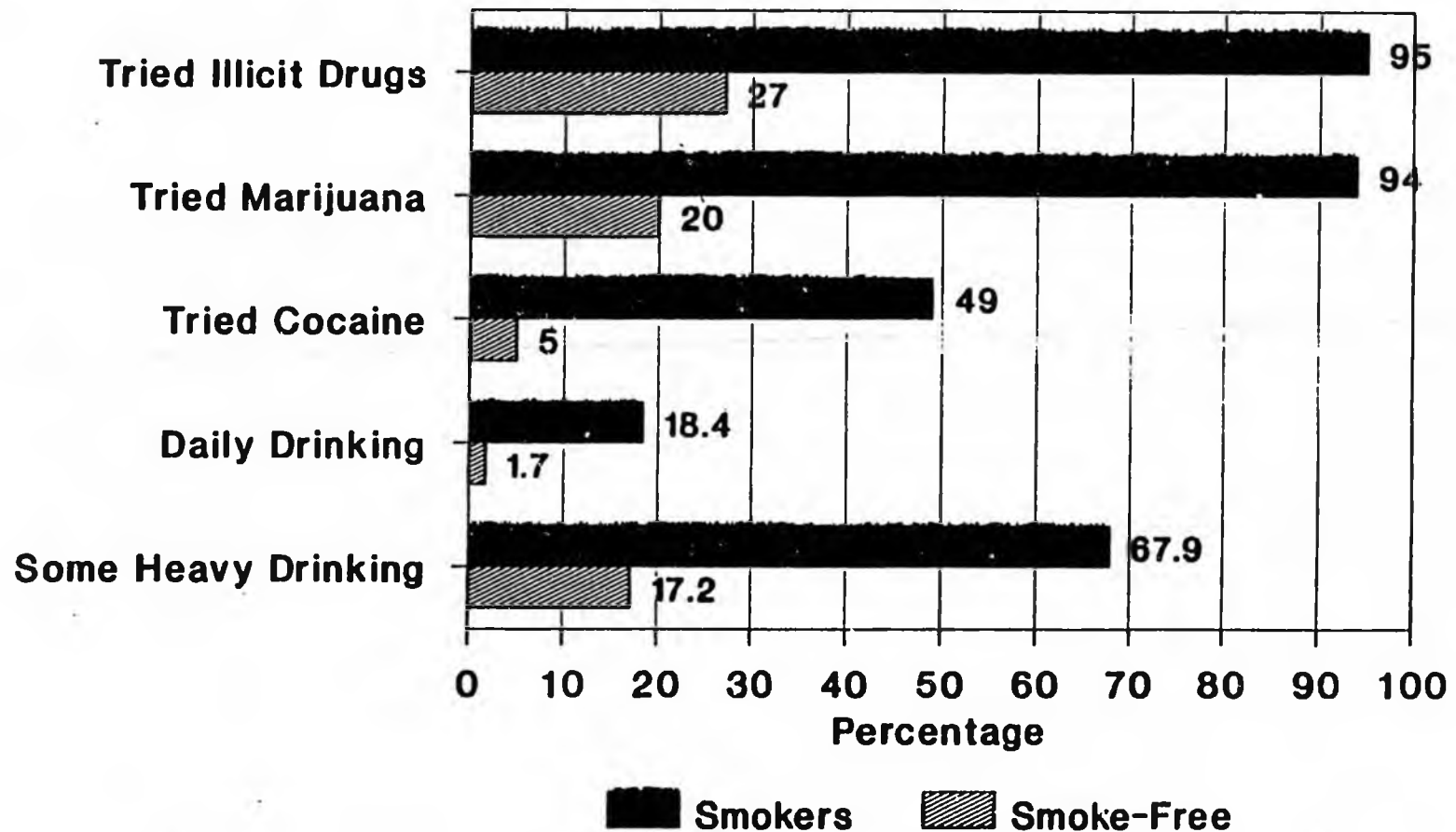
<sup>1</sup>1989 Surgeon General's Report, 1985 data  
<sup>2</sup>Surgeon General's Office, 1985 data  
<sup>3</sup>National Safety Council, 1989 data  
<sup>4</sup>Center For Disease Control, 1989 data  
<sup>5</sup>National Center For Health Statistics, 1987 data

Smokefree Educational Services  
 Incorporated

375 South End Avenue, Suite 321  
 New York, NY 10280  
 Phone: (212) 912-0964  
 Fax: (212) 488-8911

# TOBACCO AS A GATEWAY DRUG

Percentage of High School Seniors Who  
Have Tried Illicit Drugs and Alcohol  
Smokers vs. Smoke-Free



Source: U.S. National Institute on Drug Abuse:  
National Trends in Drug Use and Related Factors Among  
American High School Students and Young Adults 1975-86

Smokefree Educational Services, New York City

PLEASE MICROFILM TOP PAGE ONLY

DOCUMENTS WHICH HAVE NOT BEEN  
FILMED BUT ARE AVAILABLE IN THE  
ORIGINAL FILE INCLUDE:

- miscellaneous reports on the effects of smoking
- news clippings
- letters of support



## Smokefree Educational Services

Incorporated

375 South End Avenue, Suite 32F  
New York, NY 10280

Joseph W. Cherner, President  
Phone: (212) 912-0960  
Fax: (212) 488-8911

### **CIGARETTE VENDING MACHINES SELL CIGARETTES TO CHILDREN, 11-15 YEARS OLD, 100% OF THE TIME**

Six children, ages 11-15, were able to buy cigarettes from 35 of 35 cigarette vending machines tested in Manhattan, Brooklyn, Queens, Staten Island, and the Bronx.

Over 25% of these vending machines were located in bars. Eleven and twelve year olds had no more difficulty buying cigarettes from vending machines in bars than they had buying cigarettes from vending machines in restaurants, pizza parlors, or video arcades. In all instances, the barman and/or patrons watched but did not intervene.

The 35 cigarette vending machines were located in the following establishments:

Restaurants	11	Hotel	1
Bars	8	Video Arcade	1
Pizza Parlors	5	Ice Cream Parlor	1
Supermarkets	4	Other	2
Bowling Alleys	2	Total	35

In one case, a restaurant employee ran after an 11 year old to tell him that he forgot his change. In another case, a gas station attendant told an 11 year old that they did not have a cigarette vending machine, but would have one next week. In almost all cases, adults watched but did not care.

No other dangerous product or drug, addictive product or drug, or cancer-causing product or drug is sold through vending machines. No other product or drug which is illegal to sell to children is sold through vending machines. Dangerous, addictive, cancer-causing drugs should not be sold like candy and soda pop. Cigarettes should not be sold in vending machines.

HB884

# HOUSE COMMITTEE REPORT

(11)

Date Referred: January 14, 1992

FURTHER REFERRALS:

Date of Committee Action: 1/27/92  
(Returned to Finance from Rules)

The FINANCE Committee considered:

HB 84

HOUSE BILL NO. 84

BAN SALE OF TOBACCO IN VENDING MACHINES

"An Act relating to the sale, exchange, or giving of tobacco and tobacco products."

RECOMMENDATIONS:

be replaced with add CS HB 84 (Fin)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

additional referral to the \_\_\_\_\_ Committee

ADOPTS: \_\_\_\_\_ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact DCED 1-21-92  
AK Court System 1-22-92

fiscal note(s) \_\_\_\_\_

zero fiscal note DOR 1-21-92

zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>[Signature]</i> Ulmer		<i>Mike Navarre</i> Navarre		X	
<i>[Signature]</i> Koponen		<i>Robert E. Phillips</i> R Phillips		✓	
<i>Robert J. Larson</i> Larson		<i>Gregory J. Jacko</i> Jacko		X	
<i>Lay Brown</i> Brown		<i>William P. MacLean</i> MacLean		X	
<i>Max Boyer</i> Boyer		<i>Bob [Signature]</i>		X	

*Mike Navarre* Navarre  
CO-CHAIRMAN'S SIGNATURE

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

BILL NO. CSHB 84

Revision Date: January 21, 1992  
Title: Prohibiting sale of tobacco products by vending machine  
Sponsor: Rep. Brown and Rep. Ellis  
Requestor: \_\_\_\_\_

Department Affected: Department of Revenue  
BRU: Revenue Operations  
Component: Income and Excise Audit

COMPONENT SERIAL NO. 1 | 1 | 3

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LANDS & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE FUND SOURCE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
OTHER FUND SOURCE	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME	0.0	0.0	0.0	0.0	0.0	0.0
PART-TIME	0.0	0.0	0.0	0.0	0.0	0.0
TEMPORARY	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of current year impact: 0.0

ANALYSIS: This fiscal note is an update of an earlier note. That fiscal note reflected the fact that there is no longer a fiscal cost to Revenue because the committee substitute deleted the requirement for the Department of Revenue to provide warning signs to licensees under AS 43.50.

Prepared By: Larry E. Meyers, Director Phone: 276-5364  
Division: Income and Excise Audit Division Date: 1-21-92

Approved by Commissioner: Darrel J. Ravivinkal, Commissioner  
Agency: Department of Revenue Date: 1/21/92

Distribution (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill No. CS HB 84 (Finance)

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act relating to the sale, exchange, BRU: Trial Courts  
or giving of tobacco and tobacco products Components: \_\_\_\_\_  
 Sponsor: Brown  
 Requestor: House Finance COMPONENT SERIAL NO. 

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EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)  
  
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel *CSC* Phone: 264-8228  
 Division: Alaska Court System Date: 01/22/92

Approved by: Arthur H. Snowden, II, Administrative Director *AS* Date: 01/22/92  
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

STATE OF ALASKA  
 1992 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Development  
 Title: An Act relating to the offense of selling or giving tobacco to a minor... BRU: Occupational Licensing  
 Component: Administration  
 Sponsor: Reps. Brown, Ellis, B. Davis  
 Requestor: House Finance COMPONENT SERIAL NO. 

0	3	5	6
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL	2.0	2.0	2.0	2.0	2.0	2.0
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	2.0	2.0	2.0	2.0	2.0	2.0

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER - GF/PR	2.0	2.0	2.0	2.0	2.0	2.0
TOTAL	2.0	2.0	2.0	2.0	2.0	2.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)  
 The expenditure identified in this fiscal note results from Section 13 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler *Jennifer Strickler* Phone: 465-2144  
 Division: Occupational Licensing *Ann Boudreau* Date: 01/21/92  
 Approved by Commissioner: Glenn A. Olds *in Gallagher Post. Comm.*  
 Agency: Department of Commerce & Economic Development Date: 1-20-92

## Sectional Analysis

CS HB 84 (Fin)/Youth Tobacco Addiction Prevention Act

### Section 1

Findings.

### Section 2

Amends AS 11.76.100 (a) to establish that it is a violation to negligently sell, give or exchange tobacco products or to negligently maintain a tobacco product vending machine. Establishes a prohibition on vending machine sale of tobacco products unless consistent with the restrictions identified in Sec. 4.

### Section 3

Effective January 1, 1995, amends AS 11.76.100 (a) to delete language referencing the sale of tobacco products through vending machines and provide that it is a violation to sell tobacco products through a vending machine.

### Section 4

Until January 1, 1995, a person may maintain a tobacco vending machine located on premises licensed as a beverage dispensary under AS 04.11.090.

### Section 5

Amends AS 11.76.100(d) to establish that the sale or gift of tobacco to a minor is a violation punishable by a fine of \$300.

### Section 6

Until January 1, 1995, it is a violation for a person to fail to supervise a tobacco vending machine.

### Section 7

Effective January 1, 1995, the sale of tobacco products through vending machines is prohibited. The court shall forward a record of any person