

Leg. Finance-House & Senate Finance Comte Files (1991-1992) 732

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 restriction requiring 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of a vending machine; and AS 43.50.030(c), regarding a license fee for tobacco vending machine operators are repealed.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.

CS FOR HOUSE BILL NO. 84 (2d FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - SECOND 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; requiring certain  
2 retailers to post a tobacco warning sign; relating to the suspension or revocation of a  
3 license to sell, purchase, possess, or acquire cigarettes; and relating to supervision of  
4 cigarette vending machines."

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

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

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

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

12 (3) it has been estimated that approximately 1,000,000,000 packs of cigarettes are sold  
13 illegally to children in this country each year;

14 (4) each year in the state, there are approximately 1,360 person-years of potential life lost

1 as a result of smoking-attributable deaths with direct and indirect costs in excess of \$100,000,000 due  
2 to smoking-related death and disability, contributing to a national cost of about \$52,000,000,000 a year;  
3 and

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

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

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

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

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

16 \* Sec. 3. AS 11.76.100(b) is repealed and reenacted to read:

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

19 (1) located on premises licensed as a beverage dispensary under AS 04.11.090  
20 or licensed as a club under AS 04.11.110;

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

23 (3) in a location that is directly and continually supervised by a person employed  
24 on the licensed premises during the hours the vending machine is accessible to the public.

25 \* Sec. 4. AS 11.76.100(d) is amended to read:

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

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

29 Sec. 11.76.107. FAILURE TO SUPERVISE CIGARETTE VENDING MACHINE. (a)  
30 A person commits the offense of failure to supervise a cigarette vending machine if the person  
31 owns premises licensed as a beverage dispensary under AS 04.11.090 or licensed as a club under

1 AS 04.11.110 and with criminal negligence fails to have an employee supervise a vending  
2 machine on those premises that dispenses cigarettes, cigars, tobacco, or products containing  
3 tobacco as required by AS 11.76.100(b)(3).

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

6 \* Sec. 6. AS 43.50.070 is amended to read:

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

19 \* Sec. 7. AS 43.70.075(d) is amended to read:

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

25 (1) 45 days; or

26 (2) 90 days, if within the past 24 months the person has been previously convicted  
27 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
28 implementing this section adopted under AS 43.70.090.

29 \* Sec. 8. AS 43.70.075 is amended by adding a new subsection to read:

30 (f) A person who holds a license endorsement issued under this section shall post on the  
31 licensed premises a warning sign as described in this subsection. A warning sign required by this

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

11 \* Sec. 9. The supreme court shall include on a schedule of bail amounts the fine established under  
12 AS 11.76.100(d) and 11.76.107(b) for a violation of those sections.

# SPONSOR STATEMENT

## House Bill 84 — Youth Tobacco Addiction Prevention Act

### House Bill 84

HB 84 has three basic elements:

- HB 84 would restrict the sale of tobacco products through vending machines. It is estimated that about sixty percent of current smokers started by age 14, and 90 percent by age 19. Purchasing trials in Alaska as well as other states have found that children routinely succeed in purchasing cigarettes through vending machines. By restricting tobacco product vending machine sales, tobacco product sales to minors would require direct merchant supervision through over-the-counter sales.
- HB 84 would require the placement of warning signs stating that it is illegal to sell tobacco sales to individuals under age 19.
- HB 84 streamlines the enforcement process for illegal tobacco product sales to minors by: 1) setting the fine for illegal tobacco sales at \$300 and allowing for citations to be issued for a violation; and 2) amending the standard of liability (from the current "knowing sale" to minors to a "negligence" standard).

HB 84 has the backing of the American Cancer Society, American Lung Association, Alaska Federation of Natives, the Alaska Native Health Board, Tanana Chiefs Conference, the Bristol Bay Area Health Corporation, the Anchorage Municipal Health and Human Services Commission and other professional health providers and individuals. The legislation was developed in consultation with a representative of vending industry interests.

### Children and Tobacco

According to a report by the U.S. Inspector General, each day more than 3,000 minors start smoking: more than one million new teenage smokers each year, approximately *one new teenage smoker every 30 seconds*.

Sixty percent of current smokers started by age 14, 90 percent by age 19. Studies have found that children routinely succeed in purchasing cigarettes through vending machines. By restricting vending machine sales of tobacco products, children will be subject to direct merchant supervision through over-the-counter sales.

According to a research survey sponsored by the vending machine industry, it is the youngest new smokers (the 13 year olds in the survey population) who rely most heavily on vending machines as a source of tobacco products. As noted in the survey: "Teens who bought from vending machines often or occasionally found this source to be attractive because no one will stop them from buying cigarettes this way."

- Tobacco causes more premature death than AIDS, use of heroine, cocaine and alcohol, fire, automobile accidents, homicides and suicides combined — more Americans die each year from smoking related illness than died in all of World War II.
- It is estimated that some 53,000 Americans die from passive (second-hand) smoke alone — more people than died as a result of dropping the atomic bomb on Nagasaki.
- No other cancer-causing drug or addictive product or drug that it is illegal for children to possess is sold through vending machines.
- Secretary of Health & Human Services Louis Sullivan and former Surgeon General Koop have called for a ban on tobacco vending.
- Studies have found that young children find it relatively easy to purchase cigarettes through vending machines.
- More than 430,000 Americans die each year of illness and diseases caused by tobacco — nearly one person each minute, 1,179 people each day.
- Smoking by pregnant women has been linked to fetal and infant mortality. Low birth weight, often associated with mental retardation and other developmental and health problems, has been conclusively linked to the number of cigarettes smoked during pregnancy. Other effects include premature delivery, retardation in fetal growth, and diminished availability of oxygen to the fetus. These problems may affect a child, often severely, throughout its lifetime.
- 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. In Alaska, it has been estimated that for one year (1985) direct and indirect mortality and morbidity costs were in excess of \$100 million.

While respecting the rights of adults to make informed choices about their personal lives and to bear the consequences, HB 84 is needed to help prevent children from being manipulated by sophisticated advertising practices leading to tobacco product addiction, illness and death.

## 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

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 restriction requiring 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.

## 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.

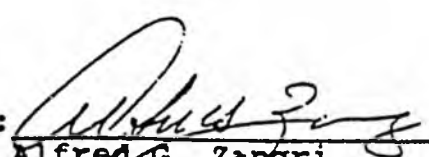
This bill would compliment the laws already in place that are known to reduce the availability of tobacco products to children 1) restricting the sale of tobacco products to minors; 2) banning the use or possession of tobacco by minors; 3) banning vending machines and 4) the posting of signs at the point-of-purchase. 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: \_\_\_\_\_

2/15/91

# STATE OF ALASKA

WALTER J. HICKEL, GOVERNOR

## DEPT. OF HEALTH AND SOCIAL SERVICES

BUREAU OF VITAL STATISTICS  
P.O. BOX H  
JUNEAU, ALASKA 99811-0675  
PHONE: (907) 465-3392

May 15, 1991

Honorable Kay Brown  
House of Representatives  
State of Alaska  
Room 513, Capitol  
PO Box V  
Juneau AK 99811

Dear Representative Brown;

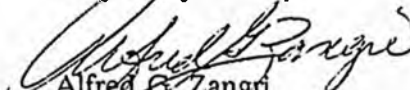
It has come to my attention that questions have been raised about the effectiveness of the warning signs proposed in HB 84. As I indicated in my testimony before the House Labor and Commerce committee, these signs are a vitally important component of the legislation.

The question of the effectiveness of this type of warning sign was directly addressed in a 1989 study undertaken by Altman, Foster, Douss, & Tye in Santa Clara County, California and published in the Journal of the American Medical Association on January 6, 1989. Briefly, this study found that placing signs warning that it is illegal to sell tobacco products to minors in businesses that sell tobacco products reduced illegal sales to minors by the following percentages.

Store Type	% Reduction in Illegal Sales
Vending Machine	0
Gas Station	-35%
Liquor Store	-45%
Convenience Store	-41%
Pharmacy	-53%
Grocery Store	-58%

These reductions are significant.

Very Truly Yours,

  
Alfred G. Langri  
Chief

DEPARTMENT OF NATURAL RESOURCES

OFFICE OF THE COMMISSIONER

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

January 24, 1992

The Honorable Curt Menard, Chair  
Senate Transportation Committee  
State Capitol  
Juneau, AK 99811-1182

Dear Senator Menard:

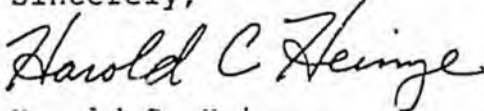
Subject: CSHB 232 (CRA), which relates to sunken and abandoned vessels and cargo.

Position: The Department of Natural Resources supports the intent of this bill, to help tideland owners (state or municipal governments) deal with the problem of shipwrecked vessels within their jurisdictions. However, since the bill passed the House of Representatives last spring we have learned that the existing bill's language may have disastrous effects on the ability of boat owners to obtain insurance for their vessels. We are working with the Department of Commerce and Economic Development, Division of Insurance, to develop new language for this bill that meets the concerns of all involved. We hope to have this language developed in time for the Senate Transportation Committee hearing.

Recommendation: Consider substitute language for the bill that meets the concerns of all involved parties.

We look forward to working with you and the bill's sponsor to resolve any outstanding problems. Please let me or Ron Swanson know if you have questions about this bill.

Sincerely,



Harold C. Heinze,  
Commissioner

cc: Representative Jacko  
Representative Navarre  
Committee Members  
Paul Fuhs, Legislative Liaison, Office of the Governor  
Ron Swanson, Director, Division of Land

## 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,

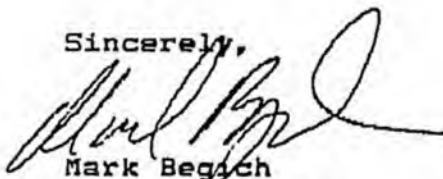
I have reviewed your Committee Substitute for House Bill 84, An Act Relating to the Use, Sale, Exchange, or giving of Tobacco and Tobacco Products, overall I have no objections to the legislation.

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

PLEASE MICROFILM TOP PAGE ONLY

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

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

**HB884**

# SENATE FINANCE COMMITTEE REPORT

DATE: 4/23/92

FURTHER:

DATE TURNED INTO OFFICE: 8-9-92

The Finance Committee considered CS FOR HOUSE BILL NO. 84(2d FINANCE) am

"An Act relating to the offense of selling or giving tobacco to a minor; requiring certain retailers to post a tobacco warning sign; relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes; and relating to supervision of cigarette vending machines."

and recommends:

- replace with CS (FINANCE)
- or  adopt previous \_\_\_\_\_ CS \_\_\_\_\_
- attaches amendment(s)

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

adopts \_\_\_\_\_ Letter of Intent

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

- do pass
- do not pass
- no recommendation
- individual recommendations

SCS CS HB 84(FW)  
to follow  
5-8-92 hcl

NEW FISCAL NOTES: Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

appropriation--no fiscal note

DO PASS

PREVIOUS FISCAL NOTES: Dept/Date

zero fiscal notes \_\_\_\_\_

fiscal notes \_\_\_\_\_

OTHER RECOMMENDATIONS:

1. [Signature]

Co-Chair: Signature/Recommendation

Co-Chair: Signature/Recommendation

05/04/92 S(FIA)

FISCAL NOTE

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Bill No. SCS CSHB 84 (L & C)

Revision Date: 04/21/92  
Title: An Act relating to the sale, exchange,  
or giving of tobacco and tobacco products  
Sponsor: Brown  
Requestor: Labor & Commerce

Department Affected: Alaska Court System  
BRU: Trial Courts  
Components: \_\_\_\_\_

COMPONENT SERIAL NO. 

000   000	000   768
-----------	-----------

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						
REVENUE						

FUNDING: (Thousands of Dollars)

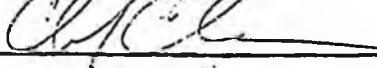
GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

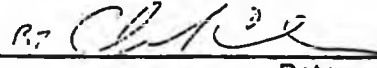
POSITIONS:

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  Phone: 264-8228  
Division: Alaska Court System Date: 04/21/92

Approved by: Arthur H. Snowden, II, Administrative Director  Date: 04/21/92  
Agency: Alaska Court System

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

1992 LEGISLATIVE SESSION

(S) Publish Date: 4-17-92

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: Rep. Brown COMPONENT SERIAL NO. 

0	3	5	6
---	---	---	---

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						
---------	--	--	--	--	--	--

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	Changes in <u>SCS CS HB 84 (FIN)</u> reflect NO FISCAL CHANGE from the original fiscal note. This fiscal note is appropriate. <u>5-8-92</u> date <u>J. Strickler</u> Form 5-8-92 (initial)	
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 8 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 Phone: 465-2144  
 Division: Occupational Licensing Date: 04/10/92  
 Approved by Commissioner: Glenn A. Olds  
 Agency: Department of Commerce & Economic Development Date: 4-18-92

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

FISCAL NOTE No. 11

Bill Version: SCS CS HB 84 (LIC)

(S) Publish Date: 4-17-92

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

Revision Date: April 10, 1992  
Title: Prohibiting Sale of Tobacco

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

Sponsor: Brown  
Requestor: \_\_\_\_\_

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						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LANDS & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL						
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0
FUND SOURCE						

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: \$0.0

ANALYSIS: This fiscal note updates our previous fiscal note of January 21, 1992 due to an amendment by the House of Representatives. This amendment has no impact on the Department of Revenue.

Prepared By: Paul Dick Phone: (907) 465-2320  
Division: Income and Excise Audit Date: April 10, 1992

Approved by Commissioner: Darrel J. Rexwinkel Date: 4/13/92  
Agency: Department of Revenue

Distribution (by preparer): Leg. Fin., Legislative Sponsor

Rev 10/91

Changes in SCS CS HB 84 (LIC) have no fiscal impact. This fiscal note is appropriate.

5-8-92 date J. Luccan Comte Aide (initial)

Agency(ies).

Page 1 of 1

SENATE CS FOR CS FOR HOUSE BILL NO. 84 (FINANCE)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE SENATE FINANCE COMMITTEE

Offered:

Referred:

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the offense of selling or giving tobacco to a minor; requiring certain  
2 retailers to post a tobacco warning sign; relating to the suspension or revocation of a  
3 license to sell, purchase, possess, or acquire cigarettes; and relating to supervision of  
4 cigarette vending machines."

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

6 \* Section 1. AS 11.76.100(a) is amended to read:

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

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

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

14 \* Sec. 2. AS 11.76.100(b) is repealed and reenacted to read:

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

3 (1) on premises licensed as a beverage dispensary under AS 04.11.090, licensed  
4 as a club under AS 04.11.110, or licensed as a package store under AS 04.11.150; and

5 (A) as far as practicable from the primary entrance; and

6 (B) in a place that is directly and continually supervised by a person  
7 employed on the licensed premises during the hours the vending machine is accessible  
8 to the public; or

9 (2) in an employee break room or other controlled area of a private work place  
10 that is not generally considered a public place.

11 \* Sec. 3. AS 11.76.100(d) is amended to read:

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

14 \* Sec. 4. AS 11.76 is amended by adding a new section to read:

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

16 A person commits the offense of failure to supervise a cigarette vending machine if the person  
17 owns premises licensed as a beverage dispensary under AS 04.11.090 or licensed as a club under  
18 AS 04.11.110 or licensed as a package store under AS 04.11.150 and with criminal negligence  
19 fails to have an employee supervise a vending machine on those premises that dispenses  
20 cigarettes, cigars, tobacco, or products containing tobacco as required by AS 11.76.100(b)(1)(B).

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

23 (c) In this section, "supervise" means reasonably monitor the use of.

24 \* Sec. 5. AS 43.50.070 is amended to read:

25 Sec. 43.50.070. REVOCATION OF LICENSES. The department may suspend or revoke  
26 a license issued under AS 43.50.010 - 43.50.180 (1) for a criminally negligent violation of  
27 AS 11.76.100, 11.76.107 or a violation of AS 43.50.010 - 43.50.180 or a regulation of the  
28 department adopted under AS 43.50.010 - 43.50.180; (2) if a licensee ceases to act in the  
29 capacity for which the license was issued; or (3) if a manufacturer, distributor, or wholesale  
30 distributor negligently sells tobacco or products containing tobacco to a nonlicensed retailer or  
31 a retailer whose license endorsement under AS 43.70.075 has been suspended. A person whose

1 license is suspended or revoked may not sell cigarettes or permit cigarettes to be sold during the  
2 period of the suspension or revocation on the premises occupied or controlled by that person. A  
3 disciplinary proceeding or action is not barred or abated by the expiration, transfer, surrender,  
4 renewal, or extension of a license issued under AS 43.50.010 - 43.50.180. The department shall  
5 comply with the provisions of the Administrative Procedure Act (AS 44.62).

6 \* Sec. 6. AS 43.70.075(d) is amended to read:

7 (d) If a person who holds an endorsement issued under this section, or an agent or an  
8 employee of a person who holds an endorsement issued under this section acting within the scope  
9 of the agency or employment, has been convicted of violating AS 11.76.100 or 11.76.107, or  
10 violates a provision of this section or a regulation implementing this section adopted under  
11 AS 43.70.090, the department may [SHALL] suspend the endorsement for a period of not more  
12 than

13 (1) 45 days; or

14 (2) 90 days, if within the past 24 months the person has been previously convicted  
15 of violating AS 11.76.100 or 11.76.107, or a provision of this section or a regulation  
16 implementing this section adopted under AS 43.70.090.

17 \* Sec. 7. AS 43.70.075 is amended by adding a new subsection to read:

18 (f) A person who holds a license endorsement issued under this section shall post on the  
19 licensed premises a warning sign as described in this subsection. A warning sign required by this  
20 subsection must be at least 6 inches by 18 inches and must read, in lettering at least 1.25 inches  
21 high: "The sale of tobacco products to persons under age 19 is illegal." A person holding an  
22 endorsement issued under this section shall display the sign in a manner conspicuous to a person  
23 purchasing or consuming tobacco products on the licensed premises. The department shall,  
24 without charge, furnish warning signs required under this section to a person who holds an  
25 endorsement issued under this section or a person who requests the sign with the intention of  
26 displaying it.

27 \* Sec. 8. The supreme court shall include on a schedule of bail amounts the fine established under  
28 AS 11.76.100(d) and 11.76.107(b) for a violation of those sections.

SFC-92  
5-8-92 PM  
RS

*Adopted*

AMENDMENT # 1 SHULTZ  
*Pg. 2, line*

Page 1, lines 6 through 8: Delete all of Section 1.

Rationale: This language (section) is not essential to the bill. It is a statement. If we want to separate these findings into a resolution for an up or down vote fine, but not everyone voting for this legislation should be expected to agree with these findings.

SFC-92  
5-8-92 pm

Adopted  
~~Rescinded~~

Keep -  
"Neg ligently"

AMENDMENT #2 SHULTZ

*- Keep*  
Page 2, line 11: Replace negligently with intentionally.

Rationale: We should not be punishing people unless they intentionally or deliberately sell tobacco to minors. If a mistake is made a warning should be given before someone is slapped with a \$300.00 fine. If we are going to set out penalties for negligence they should be less onerous than the ones for those who intentionally sell to minors.

SFC-92  
5-8-92 PM  
RS  
Adopted  
4-1

AMENDMENT # 3 SHULTZ

Page 2, line 26: Delete the words not open to the public and replace with "which is not generally considered a public place."

Rationale: Not open to the public implies the public is not permitted in the room. This is too restrictive.

SLC-92  
5-8-92pm  
Adopted

AMENDMENT # 4 SHULTZ

Page 3, line <sup>26</sup>28: Delete th word shall and insert the word  
may.

Rationale: The department should have the option to impose  
penalties not be mandated.

SFC-92  
5-8-92 PM  
RS  
Accepted

AMENDMENT # 5 SHULTZ

Page 3, lines 27 and 28: Before 45 and 90 days insert the words "not more than."

Rationale: Again this give the department the option of the penalty imposed so they can make it match the severity of the infraction.

SFC-92  
5-8-92 PM  
Adopted  
RS

AMENDMENT # 6 SHULTZ

Page 4, add a new section to define "supervise" as it pertains to cigarette vending machines to read as follows:

Supervise in this chapter means reasonably monitor the use of.

# Representative Kay Brown

ALASKA STATE LEGISLATURE

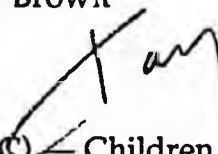
Legislative Information Office  
3111 C Street #435  
Anchorage, Alaska 99503  
(907) 561-7627

During Session  
State Capitol  
Juneau, Alaska 99801-1182  
(907) 465-4998

TO: Senator Pat Pourchot, Co-Chair  
Senate Finance Committee

FROM: Representative Kay Brown

DATE: May 4, 1992

SUBJ: SCS CS HB 84 (L & C)  Children & Tobacco Addiction

Dr. John Allen, president of the American Lung Association said it best:

"If, in the United States, five 727s with 200 people each crashed every day of every week of every month of every year... sooner or later someone would say: 'We've got to do something about this.'"

Significantly, adults only rarely start smoking — children do. Approximately 60% of current smokers started by age 14, some 90% by age 19. The *average* age for first use of cigarettes is 13, for smokeless tobacco it is 10 years old. Clearly, prevention strategies must focus on children.

Tobacco kills some 430,000 Americans each year — more persons each year than are killed by alcohol (including drunk driving), cocaine, crack, heroin, homicide, suicide, car accidents, fires and AIDS combined. Costs attributable to tobacco related death and disability are as high as \$95 billion. At the same time, the tobacco industry spends billions of dollars each year to attract and addict young new "replacement smokers." (In 1988, the industry spent \$3.27 billion on cigarette advertising and promotions.)

SCS CS HB 84 (L & C) has three basic elements. It would: 1) restrict placement of tobacco vending machines to adult only locations; 2) require the placement of warning signs at the point of retail sale; and 3) strengthen current enforcement provisions regarding illegal tobacco sales to children. While respecting the rights of *adults* to make informed choices about their personal lives, SCS CS HB 84 (L & C) is needed to help prevent *children* from being manipulated by sophisticated advertising practices leading to tobacco product addiction, illness and death.

As indicated by the attached listing, SCS CS HB 84 (L & C) has broad support throughout Alaska. I appreciate your consideration of this legislation.

DISTRICT 12

Downtown • Fairview • City View • Bootleggers Cove • Inlet View • South Addition • Thunderbird Terrace  
Eastridge • Penland Park • Airport Heights • Government Hill

*Support for...*

## House Bill 84

### Children & Tobacco Addiction Prevention

American Cancer Society  
Alaska State Medical Association  
Alaska Nurses Association  
Aleutian/Pribilof Islands Association, Inc.  
Substance Abuse Directors Association of Alaska  
Alaskans for Drug-Free Youth  
American Lung Association of Alaska  
Alaska Federation of Natives  
Alaska Native Health Board  
Alaska Family Support Group  
Anchorage Health & Human Services Commission  
Cordova Medical Clinic  
Kodiak Island Hospital & Care Center  
Kodiak Area Native Association  
Ketchikan Task Force on Substance Abuse  
Tanana Chiefs Conference  
North Slope Dept. of Health & Social Services  
Norton Sound Health Corporation  
Bristol Bay Area Health Corporation  
Southcentral Foundation  
Alaska Department of Health and Social Services  
Yukon-Kuskokwin Health Corporation  
North Star Vending

*... as well as numerous doctors, parents, teachers, health care providers  
and other individual Alaskans.*

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.

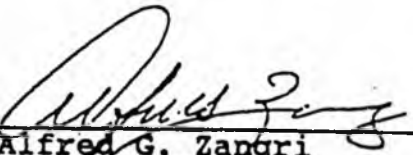
This bill would compliment the laws already in place that are known to reduce the availability of tobacco products to children 1) restricting the sale of tobacco products to minors; 2) banning the use or possession of tobacco by minors; 3) banning vending machines and 4) the posting of signs at the point-of-purchase. 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

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

DIVISION OF LEGAL SERVICES

LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

P.O. Box Y, Juneau, Alaska 99811  
(907) 465-3867 or 465-2450  
FAX (907) 465-2029

Deliveries to: 240 Main Street  
Court Plaza, Room 500  
Mail Stop 3101

MEMORANDUM

April 17, 1991

SUBJECT: Tobacco warning signs - (CSHB 84(L&C))  
TO: Representative Kay Brown  
FROM: Michael F. Ford *M.F.F.*  
Legislative Counsel

You have asked for our review of a memorandum that concludes that the tobacco warning sign required under sec. 10 of CSHB 84(L&C) is preempted by federal law. It is our conclusion that this legal analysis is misapplied to the warning sign required by CSHB 84(L&C).

The legal authority cited by the memorandum would preempt an attempt by the state to alter the package, labeling, or advertising warnings placed on tobacco products. However the warning sign contained in CSHB 84(L&C) is not attached to the cigarette package or label and is not associated with cigarette advertising. The memorandum cites no authority to support the conclusion that this specific form of cigarette warning sign has been preempted by federal law.

The memorandum also states that several other states have declined to require this type of warning sign. The fact that other states have declined to require this form of warning does not preclude this state from doing so.

Please contact me if you have further questions.

MFF:pl  
91-269.plm



Tom Fink,  
Mayor

# Municipality of Anchorage

## Municipal Health & Human Services Commission

825 "L" Street

P.O. Box 196650 • Anchorage, Alaska 99519-6650



Telephone:  
(907) 343-4674

May 1, 1992

Senator Pat Pourchot, Co-Chair  
Senate Finance Committee  
State Capitol  
Juneau, AK 99801-1182

RECEIVED  
MAY 4 1992

Dear Senator Pourchot,

The Municipality of Anchorage Health and Human Services Commission has reviewed CS HB 84 which is designed to reduce the illegal sale of tobacco products to children. We understand that the bill is currently being considered by the Senate Finance Committee and strongly urge you to give it favorable consideration.

The costs of tobacco consumption have been well documented. Tobacco causes more premature deaths than AIDS, alcohol and drug use, automobile accidents, homicides, and suicides combined.

Due to its addictive properties, a variety of strategies must be employed in order to significantly reduce tobacco consumption. Some of the most effective strategies involve reducing the number of new teen-age smokers. (Approximately 60 percent of current smokers started by age 14, 90 percent by age 19.)

Banning cigarette sales through vending machines will eliminate one of the easiest ways for minors to acquire cigarettes. Studies have shown that young smokers rely most heavily on vending machines as a source of tobacco products because no one will stop them from purchasing tobacco from this source.

The compromise which would restrict the placement of vending machines to bars and private adult clubs is reasonable. The rights of adults to make informed choices about their personal lives and bear the consequences are protected as well as the rights of children to be protected from addiction to tobacco products.

Sincerely,

*Rich Towell USA*

Richard Towell, Chair  
Municipal Health and Human Services Commission

cc: Helen D. Beirne, Ph.D., Director  
Municipality of Anchorage  
Department of Health and Human Services

**HB85**

# HOUSE COMMITTEE REPORT

(11)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Date of Committee Action: 4/5/91

The FINANCE Committee considered:

HB 85

HOUSE BILL NO. 85

SCHOOL BUS SAFETY EQUIPMENT

"An Act relating to equipment required on a school bus; and providing for an effective date."

**RECOMMENDATIONS:**

be replaced with CS HB 85 (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 EDUCATION

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

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

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

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Mike Yavane</i>	✓	<i>Robert J. Jan</i>		X	
<i>MARK BULL</i>	X				
<i>Jay Brown</i>	X				
<i>Thompson</i>	✓				
<i>Janet Baxed</i>	✓				
<i>Ken Sharp</i>	✓				
<i>ROD E. COO</i>	✓				
<i>Green Star</i>					
<i>Phillips</i>	-				

*Mike Yavane*  
 \_\_\_\_\_  
 CHAIRMAN'S SIGNATURE

CS FOR HOUSE BILL NO. 85 (FINANCE)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE FINANCE COMMITTEE

Offered:

Referred:

Sponsor(s): REPRESENTATIVES NAVARRE, G.Phillips, B.Davis

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to lighting equipment required on a school bus; and providing for an  
2 effective date."

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

4 \* Section 1. AS 28.05.104(b) is amended to read:

5 (b) The Department of Education, in coordination with the Department of Public Safety,  
6 shall

7 (1) establish equipment requirements for each type of school bus that is used to  
8 transport school children to or from a public school; equipment requirements must include two  
9 alternating red flashing lights attached to the stop arm, a white strobe light attached to the  
10 roof of the school bus and not more than six feet from the rear of the school bus, interior  
11 flammability standards, number and location of emergency exits, seat-back height and padding  
12 requirements, and seat belt standards;

13 (2) at least twice each calendar year, inspect each school bus for compliance with  
14 this subsection; and

1 (3) maintain a record of each accident involving a school bus or other vehicle  
2 transporting school children that is owned, leased, or provided under contract to a school district  
3 or regional educational attendance area; the record must include the date of the accident, a list  
4 of persons injured, whether the person's injury occurred within the school bus, and each type of  
5 injury.

6 \* Sec. 2. SCHOOL BUS RENOVATION. (a) The Department of Education shall reimburse each  
7 school district for the initial cost incurred by each school district between January 1, 1991, and  
8 November 1, 1991, of obtaining and installing stop arm lights and roof strobe lights required by  
9 AS 28.05.104(b), as amended in sec. 1 of this Act. Reimbursement may not exceed \$150 for each stop  
10 arm renovation, \$175 for each roof renovation, and shall be subject to approval by the Department of  
11 Education.

12 (b) The requirement contained in AS 28.05.104(b), as amended in sec. 1 of this Act, that a white  
13 strobe light attached to the roof of the school bus must be not more than six feet from the rear of the  
14 school bus, does not apply to a school bus that has a white strobe light already attached to the roof of  
15 the school bus on November 1, 1991.

16 \* Sec. 3. This Act takes effect November 1, 1991.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB85 (FIN)

Revision Date: 2/21/91 Department Affected: Education  
 Title: Equipment required on a school bus BRU: K-12 Support  
 Component: Pupil Transportation  
 Sponsor: Navarre  
 Requestor: House Transportation COMPONENT SERIAL NO. 

1	4	1
---	---	---

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						
MISCELLANEOUS						
TOTAL OPERATING	173.7	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	173.7	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)  
  
See attached

Prepared By: Romayne Kareen Phone: 465-2865  
 Division: Education Finance & Support Date: 2/21/91  
 Approved by Commissioner: Steve Hole, Acting Commissioner  
 Agency: Education Date: 2/21/91

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

Revision Date: 2/21/91

This fiscal note is updated to reflect revised estimates provided to the department by school districts for the number of Stop Arm Strobes needed under HB85.

Roof Mount Strobes:

630 buses X \$175 = \$110,250

Stop Arm Strobes:

423 buses X \$150 = \$63,450

Total estimated FY92 cost: \$173,700

**ALASKA STATE LEGISLATURE**  
**REPRESENTATIVE MIKE NAVARRE**

Co-Chair  
House Finance Committee  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3779

April 2, 1991

**M E M O R A N D U M**

TO: All members, House Finance Committee

FROM: Representative Mike Navarre *Mike*

SUBJECT: **House Bill 85, "An Act relating to strobe light equipment on a school bus; and providing for an effective date."**

House Bill 85 addresses a long overdue safety issue involving school buses. The legislation requires the installation of two flashing strobe lights on the stop arm, and a white strobe light at least six feet from the rear of the bus. The increased visibility afforded by this additional equipment will without question offer a greater measure of safety for the school children of Alaska.

HB 85 provides funding for the initial installation of the required strobes. The Department of Education will require proper documentation from the school districts for reimbursement.

There are approximately 940 school buses throughout Alaska. Some districts have part of the required equipment, some have none of the safety strobes. The revised fiscal note for HB 85 is \$ 173,700.00.

Deadline for completion of the installation of the safety strobes will be November 1, 1991. In conversations with personnel from some of the larger school districts, this deadline appears to be workable.

I respectfully urge your support for this important safety measure.

DISTRICT 5

34824 K-Beach Road • Soldotna, Alaska 99669 • (907) 262-7842



PRINTED ON RECYCLED PAPER

# STATE OF ALASKA

## DEPARTMENT OF EDUCATION

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL GOVERNOR

GOLDBELT PLACE  
801 WEST 10TH STREET  
P.O. BOX F  
JUNEAU, ALASKA 99811-0500

February 27, 1991

The Honorable Mike Navarre  
Alaska State Representative  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Navarre:

Re: CSHB 85 (Transportation) "An Act relating to strobe light equipment required on a school bus; and providing for an effective date."

Pursuant to conversations yesterday between Tom Ackerly of your staff and Romyne Kareen of mine, the Department of Education offers the following comments regarding CSHB 85 (Transportation):

1. The intent of this legislation is to require that existing public school buses be retrofitted with stop arm and roof mounted strobe lights by November 1, 1991. Funds would be appropriated to cover the cost of installation of strobes on school buses that are not already required by contract to be so equipped. We agree with the intent of the bill and support accompanying funding (the fiscal note).
2. An alternative to the fiscal note would be for the department to reimburse districts at the rates specified in the bill using the current appropriation level. If this is the alternative chosen by the Legislature, the fiscal note should be zeroed out and the legislation passed.
3. We have no objection to the Legislature specifying that strobe lights be included in equipment requirements established by the department. Current equipment requirements, known as Minimum Standards for Alaska School Buses, are contained in publications referenced in 4 AAC 27.110.

The department will be revising the standards to incorporate requirements of AS 28.05.104(b)(1) and recommendations of the 11th National Conference on School Transportation. The revised standards will apply to school buses manufactured after March 1, 1992. A committee comprised of school bus contractors, school district administrators and department staff will meet during September, 1991 to recommend specific revisions to standards. Strobe lights in stop arms and on rooftops of school buses may or may not be recommended

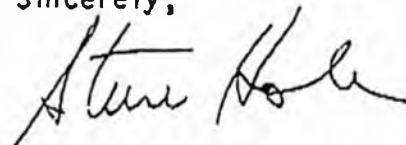
February 27, 1991

by the committee. Passage of CSHB 85 (Transportation) would require inclusion of strobe lights in the standards.

4. The department will notify school districts and bus contractors in March, 1991 that:
  - (1) legislation is in process that would require all public school buses to be retrofitted with stop arm and roof mounted strobe lights by November 1, 1991;
  - (2) the legislation includes funding to reimburse districts for contractor and district costs to install required strobe lights on buses that are not already required by contract to be so equipped; and
  - (3) if the bill is signed into law, installation of strobe lights will be included as mandatory equipment effective November 1, 1991 on all school buses used to transport school children to or from a public school. Installation of strobe lights after November 1, 1991 will not be eligible for state reimbursement.
5. Attached is a listing of school districts with more than 15 buses that have strobe lights required by either the contract between the district and bus contractor, or the reimbursement agreement between the department and the district.

If you have questions, feel free to contact Romaine Kareen at 465-2890.

Sincerely,



Steve Hole  
Acting Commissioner

Attachment

cc: Jim Tozer  
Romaine Kareen

CSHB 85 (Transportation)

Estimated Number of School Buses  
Required by Contract to have Strobe Lights  
2/27/91

SCHOOL DISTRICTS  
(more than 15 buses)

ESTIMATED # BUSES  
REQUIRED BY CONTRACT TO BE EQUIPPED

Roof-Mounted Strobe Lights

Anchorage	170	
Fairbanks	135	
Estimated Total	305	Buses

Stop Arm Strobe Lights

Anchorage	286	
Mat-Su	129	
Kenai	97	
Estimated Total	512	Buses

FY-92 FISCAL NOTE: \$173,700

Roof-Mounted Strobe Lights

Approximate # Buses in State:	935 Buses	
Less Estimated # Required by Contract to be Equipped	305	
Potential # to be Retrofitted	630 Buses @ \$175 =	\$110,250

Stop Arm Strobe Lights

Approximate # Buses in State:	935 Buses	
Less Estimated # Required by Contract to be Equipped	512	
Potential # to be Retrofitted	423 Buses @ \$150 =	\$ 63,450
Potential Cost to State		<u>\$173,700</u>

Tom

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846 • Fax 907/262-1892



FEBRUARY 1, 1991

Representative Mike Navarre  
Box V  
Juneau, AK 99811

Dear Representative Navarre:

The Kenai Peninsula Borough School District supports the introduction of HB 85, making stop arm strobes and white strobes on the roof of the bus part of the standard bus equipment in our state. We feel both lights enhance the safety of student riders.

Our district has used the stop arm strobe for the past three years and because it has proven effective, it was specified as an equipment requirement in our current bus contracts. Other districts in the state are using the white roof strobe and it has proven effective.

We would request that the bill provide districts and contractors with reimbursement for the initial equipment expenses. It appears that DOE will be lacking in funds to reimburse school districts for school bus transportation next year and we would not want to see an additional expense to that fund that would reduce transportation reimbursement even further.

If I can be of further assistance, please let me know.

Sincerely,

Penny Little  
Transportation Coordinator

# FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250

Fairbanks, Alaska 99707-1250

(907) 452-2000

Fairbanks North Star Borough School District

February 1, 1991

Representative Navarre  
PO Box V  
Juneau, Alaska 99811

Dear Representative Navarre:

I would like to take this opportunity to offer my support for your efforts, through House Bill 85, to require strobe lights on school buses.

I am currently the transportation coordinator for the FNSB School District, a position I have held for the past 10 years. I have also been a member of the Alaska delegation to the 1985 and 1990 Conferences on National Minimum Standards for school buses. In addition, I participated in the development of the Alaska School Bus Driver Training Program and the Alaska Enhanced School Bus Inspection Program.

One of the major ways to protect the school bus and its passengers is to ensure that other motorists are aware of its presence. A "safety cushion" around a school bus is created by the unique color and lighting equipment that are part of existing school bus standards. This allows the motorists on the road the opportunity to take extra precautions, knowing that school children are nearby. Strobe lights, in the stop arm and on the roof, increase the effectiveness of this "safety cushion".

We have used white strobe lights on the tops of our school buses in Fairbanks for at least 15 years. (They have been on so long that no one remembers when they were first required.) They are particularly effective in the difficult conditions of darkness, snow, and ice fog in which we operate in Fairbanks. Under adverse conditions drivers are aware of the strobe long before seeing the actual bus itself. This can be a critical safety feature when visibility is reduced to less than 50 feet.

The best measure of the usefulness of strobes that I can offer is the public awareness their presence. The strobes are so much a part of school busing in Fairbanks that monitoring for compliance is not necessary. The public is so accustomed to seeing strobes on our buses that my office receives complaints when a bus

is running around without a strobe.

We have no direct experience with strobe in the stop paddles in Fairbanks. However, they were tested as part of a pilot project of the Alaska School Bus Safety Committee, and proved effective there as well. I have observed them on buses in the Kenai Peninsula area and found the strobes to be a great improvement over standard paddle lights.

Your efforts to increase the "safety cushion" around our school buses through the mandatory use of strobes is supported throughout the pupil transportation industry. The significant increase in safety certainly warrants the small additional cost to the price of an entire school bus. Your efforts to retrofit the existing buses in the state will create an immediate impact for a relatively low cost. Such an approach is far superior to a slow phase-in on new buses. In addition to the several year delay in equipping all buses in the state, the effort to raise public awareness would be diminished by the lack of standardized equipment between buses.

Thank you for your support of safe, effective pupil transportation. Do not hesitate to contact me if I can be of any assistance to your efforts.

Sincerely,



Bob Shefchik  
Transportation Coordinator



# ALASKA SCHOOL BUS SAFETY COMMITTEE

February 5, 1991

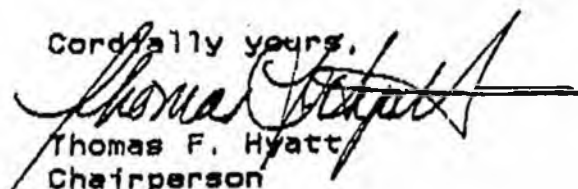
Representative Mike Navarre  
P.O. Box V, Room 515  
Juneau, AK 99811

Dear Sir:

The Alaska School Bus Safety Committee strongly supports House Bill 85, an act requiring school bus stop arms with alternating red strobe lights and a roof mounted white strobe light. The Safety Committee has researched and evaluated aspects of both strobe light systems and found them very effective in the visibility enhancement of school buses during Alaska's inclement weather. Alaska's unique and varied weather conditions severely limit visibility of school buses during their most vulnerable period, the loading and unloading of students.

It is also imperative that the Legislature supply the funding for these projects. Currently, school districts throughout the State are having their pupil transportation reimbursement funds prorated by the Department of Education due to funding short falls. The proposed budget by the Governor suggests further reductions in pupil transportation reimbursement funds. Additionally, school bus operators throughout the State are suffering the effects of extraordinary high fuel costs with no relief from these expenses. It would be unfair to ask either the Districts or Bus Operators to shoulder the expense for these items.

Cordially yours,



Thomas F. Hyatt  
Chairperson

TFH/ec

Tom



**ANCHORAGE  
SCHOOL DISTRICT**

Pupil Transportation  
3580 East Tudor Road  
Anchorage, Alaska 99507  
Area Code 907 — 583-3022

FAX 907-562-3957

February 4, 1991

Representative Mike Navarre  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811  
FAX 465-2278

Dear Representative Navarre,

The Anchorage School District believes that the addition of red strobe lights to the stop arm and white strobe lights to the roof of school buses will enhance school bus safety. All buses in our District, as well as Contracted bus fleets, have been equipped with red strobe lights on the stop arm since September 1989. The addition of these strobe lights has significantly reduced the number of motorists who pass stopped school buses. We also feel that the addition of roof mounted white strobe lights will further increase the visibility of school buses and increase the awareness of the presence of school buses with the general motoring public. Approximately 60% of the fleet have already been equipped with roof mounted strobe lights. The District made roof mounted strobe lights mandatory in our current transportation contracts. After the buses were delivered and began operating the Anchorage Police Department notified me that these lights were illegal and school bus drivers using the lights would be issued citations (see attached letter).

The Anchorage School District would support passage of House Bill 85 if the bill not only mandates installation of white roof mounted strobe lights, but also addresses use of the lights. I would also like to see an exception made on the location of the lights that are already installed. The Anchorage School District has almost fifty buses that have strobe lights mounted in the center of the roof.

Thank you for the interest that you have shown in school bus safety issues. If you need any additional information feel free to contact me at 563-3022.

Sincerely,

Steven Kalnes  
Director of Transportation Services



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

**ANCHORAGE REGIONAL OFFICE**

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

**JUNEAU OFFICE**

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

**FAIRBANKS REGIONAL OFFICE**

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

February 1, 1991

Rep. Mike Navarre  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Rep. Navarre:

NEA-Alaska appreciates and supports your desire to improve school bus safety. It is very important that the safety of our children remain paramount and your legislation appears to meet those needs. If we can be of any assistance please let us know.

Sincerely,

Don Oberg  
President

HB 85

# SENATE FINANCE COMMITTEE REPORT

DATE: 5/14/91

FURTHER:

DATE TURNED INTO OFFICE: 5-16-91

The Finance Committee considered CS FOR HOUSE BILL NO. 85 (FINANCE)

"An Act relating to lighting equipment required on a school bus; and providing for an effective date."

and recommended:

replace with \_\_\_\_\_ CS  
 or adopt \_\_\_\_\_ SCS CSHB 85 (Trans)  
 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):

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_  
DOE 2/21/91 \$173.7  
\_\_\_\_\_  
\_\_\_\_\_

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

SIGNING DO PASS:

Al Adams  
Gregory Hoffman  
John Kelly  
Pat Sanchez  
1. Pat Sanchez do pass

OTHER RECOMMENDATIONS:

John Kelly Do Pass  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
2. John Kelly Do Pass

Co-Chairs: Signatures and Recommendations

FISCAL NOTE

No. 2

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill Version: CSHB 85(FIN)  
(H) Publish Date: 4/8/91

Revision Date: 2/21/91 Department Affected: Education  
Title: Equipment required on a school bus BRU: K-12 Support  
Component: Pupil Transportation

Sponsor: Navarre  
Requestor: House Transportation COMPONENT SERIAL NO. 

	1	4	3
--	---	---	---

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						
MISCELLANEOUS						
TOTAL OPERATING	173.7	-0-	-0-	-0-	-0-	-0-

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

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

FUNDING: (Thousands of Dollars)

GENERAL FUND	173.7	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME			
PART-TIME			
TEMPORARY			

Changes in Senate CSHB 85(Trans) have no fiscal impact. This fiscal note is appropriate.

5/2/91 date AMM Comite Aide (initial)

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

See attached

Prepared By: Romayne Kareen Phone: 465-2865  
Division: Education Finance & Support Date: 2/21/91

Approved by Commissioner: Steve Hole, Acting Commissioner  
Agency: Education Date: 2/21/91

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

This fiscal note is updated to reflect revised estimates provided to the department by school districts for the number of Stop Arm Strobes needed under HB85.

Roof Mount Strobes:  
630 buses X \$175 = \$110,250

Stop Arm Strobes:  
423 buses X \$150 = \$63,450

Total estimated FY92 cost: \$173,700

COMMITTEE COPY

## SENATE CS FOR CS FOR HOUSE BILL NO. 85 (TRANSPORTATION)

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE SENATE TRANSPORTATION COMMITTEE

Offered: 5/3/91  
Referred: HES, Finance

Sponsor(s): REPRESENTATIVES NAVARRE, G.Phillips, B.Davis

## A BILL

## FOR AN ACT ENTITLED

1 "An Act relating to lighting equipment required on a school bus; and providing for an  
2 effective date."

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

4 \* Section 1. AS 28.05.104(b) is amended to read:

5 (b) The Department of Education, in coordination with the Department of Public Safety,  
6 shall

7 (1) establish equipment requirements for each type of school bus that is used to  
8 transport school children to or from a public school; equipment requirements must include two  
9 red strobe lights with alternating flashes attached to the stop arm, a white strobe light  
10 attached to the roof of the school bus and not more than six feet from the rear of the school  
11 bus, interior flammability standards, number and location of emergency exits, seat-back height  
12 and padding requirements, and seat belt standards;

13 (2) at least twice each calendar year, inspect each school bus for compliance with  
14 this subsection; and

1                   (3) maintain a record of each accident involving a school bus or other vehicle  
2 transporting school children that is owned, leased, or provided under contract to a school district  
3 or regional educational attendance area; the record must include the date of the accident, a list  
4 of persons injured, whether the person's injury occurred within the school bus, and each type of  
5 injury.

6 \* **Sec. 2. SCHOOL BUS RENOVATION.** (a) The Department of Education shall reimburse each  
7 school district for the initial cost incurred by each school district between January 1, 1991, and  
8 November 1, 1991, of obtaining and installing stop arm strobe lights and roof strobe lights required by  
9 AS 28.05.104(b), as amended in sec. 1 of this Act. Reimbursement may not exceed \$150 for each stop  
10 arm renovation, \$175 for each roof renovation, and shall be subject to approval by the Department of  
11 Education.

12               (b) The requirement contained in AS 28.05.104(b), as amended in sec. 1 of this Act, that a white  
13 strobe light attached to the roof of the school bus must be not more than six feet from the rear of the  
14 school bus, does not apply to a school bus that has a white strobe light already attached to the roof of  
15 the school bus on November 1, 1991.

16 \* **Sec. 3.** This Act takes effect November 1, 1991.

**ALASKA STATE LEGISLATURE**  
**REPRESENTATIVE MIKE NAVARRE**

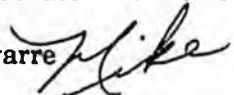
Co-Chair  
House Finance Committee  
P.O. Box V  
Juneau, Alaska 99811  
(907) 465-3779

**SPONSOR STATEMENT**

May 14, 1991

**TO:** Senator Pat Pourchot, Co-Chair, Senate Finance Committee  
Senator Kertulla, Co-Chair, Senate Finance Committee

**FROM:** Representative Mike Navarre



**SUBJECT:** House Bill 85, "An Act relating to lighting equipment on a school bus; and providing for an effective date."

.....

House Bill 85 addresses a long overdue safety issue involving school buses. This legislation will mandate the installation of two flashing red lights on the stop arm and a white strobe at least six feet from the rear of the bus. The visibility afforded by these equipment additions will without question offer a greater measure of safety for the school children of Alaska.

HB 85 provides funding for the initial retrofitting of the required safety lights. The Department of Education will require proper documentation from the school districts for reimbursement. Minimum standards for safety lighting will be adopted by the Department of Education. Deadline for completion of the installation of the safety strobes/lights would be November 1, 1991. All school bus contracts after November 1, 1991 will require contractors to supply buses equipped with the proper safety lighting. In conversations with some of the larger districts this deadline appears to be workable.

The number of buses in Alaska is approximately 940. Some districts have part of the required equipment and some districts have none of the safety lights. The fiscal note is \$ 173,700.00.

The House Finance Committee amended HB 85 to remove the word **strobes** on line 9 after the word flashing. This amendment would allow either lights or strobes on the stop arm. White strobes will be the standard on the roofs of school buses.

The House of Representatives passed HB 85 37-0, on April 19, 1991.

The Senate Transportation Committee amended HB 85 to insert the word strobe (in reference to stop arm) on line 9 preceding the word lights. This amendment returns strength to HB 85, because red flashing lights on the stop arm are the current minimum for school buses, with the addition of strobes to the stop arm the minimum bus lighting standard will provide a greater margin of safety and visibility.

The Senate HESS Committee passed HB 85 out of committee with individual recommendations, on May 14, 1991. There were no changes made in the legislation.

Letters of support are available upon request. There are no known opponents to providing school students with a safer means of travel to school.

DISTRICT 5  
Contact person: Tom Ackley at 37794 Capitol Building, Juneau, Alaska 99869 • (907) 262-7842



# FAIRBANKS NORTH STAR BOROUGH SCHOOL DISTRICT

P.O. Box 71250 Fairbanks, Alaska 99707-1250 (907) 452-2000

February 1, 1991

Representative Navarre  
PO Box V  
Juneau, Alaska 99811

Dear Representative Navarre:

I would like to take this opportunity to offer my support for your efforts, through House Bill 85, to require strobe lights on school buses.

I am currently the transportation coordinator for the FNSB School District, a position I have held for the past 10 years. I have also been a member of the Alaska delegation to the 1985 and 1990 Conferences on National Minimum Standards for school buses. In addition, I participated in the development of the Alaska School Bus Driver Training Program and the Alaska Enhanced School Bus Inspection Program.

One of the major ways to protect the school bus and its passengers is to ensure that other motorists are aware of its presence. A "safety cushion" around a school bus is created by the unique color and lighting equipment that are part of existing school bus standards. This allows the motorists on the road the opportunity to take extra precautions, knowing that school children are nearby. Strobe lights, in the stop arm and on the roof, increase the effectiveness of this "safety cushion".

We have used white strobe lights on the tops of our school buses in Fairbanks for at least 15 years. (They have been on so long that no one remembers when they were first required.) They are particularly effective in the difficult conditions of darkness, snow, and ice fog in which we operate in Fairbanks. Under adverse conditions drivers are aware of the strobe long before seeing the actual bus itself. This can be a critical safety feature when visibility is reduced to less than 50 feet.

The best measure of the usefulness of strobes that I can offer is the public awareness their presence. The strobes are so much a part of school busing in Fairbanks that monitoring for compliance is not necessary. The public is so accustomed to seeing strobes on our buses that my office receives complaints when a bus

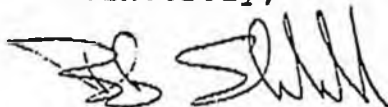
is running around without a strobe.

We have no direct experience with strobe in the stop paddles in Fairbanks. However, they were tested as part of a pilot project of the Alaska School Bus Safety Committee, and proved effective there as well. I have observed them on buses in the Kenai Peninsula area and found the strobes to be a great improvement over standard paddle lights.

Your efforts to increase the "safety cushion" around our school buses through the mandatory use of strobes is supported throughout the pupil transportation industry. The significant increase in safety certainly warrants the small additional cost to the price of an entire school bus. Your efforts to retrofit the existing buses in the state will create an immediate impact for a relatively low cost. Such an approach is far superior to a slow phase-in on new buses. In addition to the several year delay in equipping all buses in the state, the effort to raise public awareness would be diminished by the lack of standardized equipment between buses.

Thank you for your support of safe, effective pupil transportation. Do not hesitate to contact me if I can be of any assistance to your efforts.

Sincerely,



Bob Shefchik  
Transportation Coordinator



ANCHORAGE  
SCHOOL DISTRICT

Pupil Transportation

3580 East Tudor Road

Anchorage, Alaska 99507

Area Code 907 — 563-3022

FAX 907-562-3957

February 4, 1991

Representative Mike Navarre  
Alaska House of Representatives  
Pouch V  
Juneau, Alaska 99811  
FAX 465-2278

Dear Representative Navarre,

The Anchorage School District believes that the addition of red strobe lights to the stop arm and white strobe lights to the roof of school buses will enhance school bus safety. All buses in our District, as well as Contracted bus fleets, have been equipped with red strobe lights on the stop arm since September 1989. The addition of these strobe lights has significantly reduced the number of motorists who pass stopped school buses. We also feel that the addition of roof mounted white strobe lights will further increase the visibility of school buses and increase the awareness of the presence of school buses with the general motoring public. Approximately 60% of the fleet have already been equipped with roof mounted strobe lights. The District made roof mounted strobe lights mandatory in our current transportation contracts. After the buses were delivered and began operating the Anchorage Police Department notified me that these lights were illegal and school bus drivers using the lights would be issued citations (see attached letter).

The Anchorage School District would support passage of House Bill 95 if the bill not only mandates installation of white roof mounted strobe lights, but also addresses use of the lights. I would also like to see an exception made on the location of the lights that are already installed. The Anchorage School District has almost fifty buses that have strobe lights mounted in the center of the roof.

Thank you for the interest that you have shown in school bus safety issues. If you need any additional information feel free to contact me at 563-3022.

Sincerely,

Steven Kalms  
Director of Transportation Services



## ALASKA SCHOOL BUS SAFETY COMMITTEE

February 5, 1991

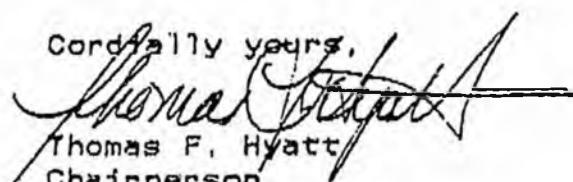
Representative Mike Navarre  
P.O. Box V, Room 515  
Juneau, AK 99811

Dear Sir:

The Alaska School Bus Safety Committee strongly supports House Bill 85, an act requiring school bus stop arms with alternating red strobe lights and a roof mounted white strobe light. The Safety Committee has researched and evaluated aspects of both strobe light systems and found them very effective in the visibility enhancement of school buses during Alaska's inclement weather. Alaska's unique and varied weather conditions severely limit visibility of school buses during their most vulnerable period, the loading and unloading of students.

It is also imperative that the Legislature supply the funding for these projects. Currently, school districts throughout the State are having their pupil transportation reimbursement funds prorated by the Department of Education due to funding short falls. The proposed budget by the Governor suggests further reductions in pupil transportation reimbursement funds. Additionally, school bus operators throughout the State are suffering the effects of extraordinary high fuel costs with no relief from these expenses. It would be unfair to ask either the Districts or Bus Operators to shoulder the expense for these items.

Cordially yours,

  
Thomas F. Hyatt  
Chairperson

TFH/ec



ASTA

Alaska School Transportation  
Association

Box 952

Delta Junction, Alaska

February 7, 1991

Representative Mike Navarre  
Pouch V (MS 3100)  
Juneau, Alaska 99811

RE: HB 85

Dear Representative Navarre:

I regret that I was unable to participate in this morning's scheduled teleconference regarding House Bill 85: "An Act relating to equipment required on a school bus..."

The matter of a statewide requirement for red strobe lights on stop arms and white strobe lights on the roof of buses has not been brought before the membership of this organization. While most would agree that these items provide increased visibility in some areas (such as Fairbanks), one wonders if the requirement is necessary in all areas? Not all areas of the state experience ice fog conditions.

Other vehicles (such as DOT road maintenance equipment and fuel tankers) use the white strobe lights, so their use will not automatically tell motorists there's a school bus in the vicinity.

Retrofitting all buses will certainly be a challenge -- school buses are already electrical and wiring "nightmares". This is not to say it would be impossible.

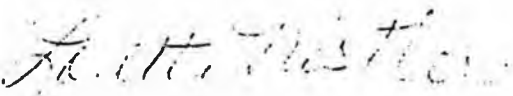
At any rate, if the requirements added to AS 28.05.104(b) (1) are to become law, then most definitely the fiscal appropriation in Sec. 2 is imperative!

If the Legislature adds these requirements, the state must be prepared to pay for same. School districts and school transportation contractors are already working with severe budget constraints due to reductions in funding and fuel costs which have sky-rocketed since the onset of the Persian Gulf crisis last fall.

It would be unreasonable to expect districts and contractors to bear the costs of retrofitting without reimbursement by the state. And I doubt that even the amounts noted in Sec. 2 will be adequate to cover all the costs of parts and installation labor. (There will also be additional maintenance expenses for these items.)

We will appreciate you keeping our association informed of developments as HB 85 proceeds through committees. If we can provide further suggestions or input, please let us know.

Cordially,



Loretta Mistler  
Vice-president

cc: House Committees on Transportation; Health, Education and Social Services;  
Finance

Sen. Dick Shultz; Rep. Johnny Gonzales

Romana Kanoo, Busil Trans. DOE

# ALASKA MOTOR COACHES, Inc.



P.O.Box 952, Delta Junction, Alaska 99737

Telephone (907) 895-4550

February 15, 1991

Representative Mike Navarre  
P. O. Box V  
Juneau, Alaska 99811

Dear Representative Navarre:

I am sending this very quick response to your February 11 reply, which I just received. A more detailed response will follow next week but I'm due in Fairbanks in a couple of hours and must get on the road.

I am disappointed that you attempt to read more into and out of the letter I sent as ASTA vice-president than was contained in the letter! I am most certainly interested in school bus safety and the safety of the children we transport.

I have devoted countless hours to this very purpose -- all volunteer time, with no reimbursement from anyone for my expenses incurred.

You are construing my letter to suit your own purposes.

Until later,

Loretta Nistler

*Specializing in Safe, Dependable School Transportation Since 1956*

*At the End of the Alaska Highway*



# ANCHORAGE POLICE DEPARTMENT

4501 SOUTH BRAGAW STREET • ANCHORAGE, ALASKA 99507-1599  
TELEPHONE (907) 786-8500



TOM FINK  
MAYOR

Steve Kalmes  
Director of Transportation Services  
3580 E. Tudor  
Anchorage, Alaska  
99507

August 4, 1988

Dear Director Kalmes,

You recently made an inquiry of Sergeant Greg Stewart regarding the use of a white strobe light on top of school buses.

A review of Anchorage Municipal Code of Ordinances title 9.44.210 (C) relating to vehicular hazard warning signals states that a dual lateral lighting system facing the front and rear of a bus is allowed.

The front lamps may flash simultaneously a white or amber light, or any color between white and amber. The rear lamps may only show simultaneously flashing amber or red light.

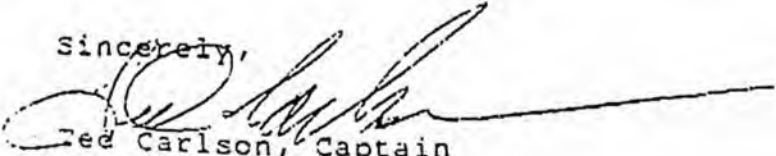
Municipal Prosecutor Jim Wolf interprets the lighting equipment ordinances of title 9 to mean that no white light may be displayed to the rear of any vehicle, regardless of the mounted position.

A review of the State of Alaska statutes indicates a similar finding.

School buses equipped with the roof mounted white strobe lighting system should be modified with an amber lens or removed completely. Any buses with a white strobe light activated to the rear may receive a traffic citation if observed by an officer.

If you have additional questions or comments please don't hesitate to contact sergeant Greg Stewart at 786-1703.

Sincerely,

  
Ted Carlson, Captain  
Uniform Field Services



# NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

**ANCHORAGE REGIONAL OFFICE**

1411 W. 33RD AVENUE  
ANCHORAGE, ALASKA 99503  
(907) 274-0536

**JUNEAU OFFICE**

105 MUNICIPAL WAY, SUITE 302  
JUNEAU, ALASKA 99801  
(907) 586-3090

**FAIRBANKS REGIONAL OFFICE**

2118 CUSHMAN STREET  
FAIRBANKS, ALASKA 99701  
(907) 456-4435

February 1, 1991

Rep. Mike Navarre  
Alaska State Legislature  
P.O. Box V  
Juneau, AK 99811

Dear Rep. Navarre:

NEA-Alaska appreciates and supports your desire to improve school bus safety. It is very important that the safety of our children remain paramount and your legislation appears to meet those needs. If we can be of any assistance please let us know.

Sincerely,

Don Oberg  
President

Tom

# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

148 North Binkley Street • Soldotna, AK 99669 • Phone 907/262-5846 • Fax 907 262-1882

FEBRUARY 1, 1991

Representative Mike Navarre  
Box V  
Juneau, AK 99811

Dear Representative Navarre:

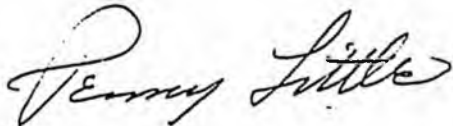
The Kenai Peninsula Borough School District supports the introduction of HB 85, making stop arm strobes and white strobes on the roof of the bus part of the standard bus equipment in our state. We feel both lights enhance the safety of student riders.

Our district has used the stop arm strobe for the past three years and because it has proven effective, it was specified as an equipment requirement in our current bus contracts. Other districts in the state are using the white roof strobe and it has proven effective.

We would request that the bill provide districts and contractors with reimbursement for the initial equipment expenses. It appears that DOE will be lacking in funds to reimburse school districts for school bus transportation next year and we would not want to see an additional expense to that fund that would reduce transportation reimbursement even further.

If I can be of further assistance, please let me know.

Sincerely,



Penny Little  
Transportation Coordinator

**HB 88**