

**ALASKA LEGISLATURE COMMITTEE FILES**  
**6918 HOUSE JUDICIARY**

**1991-1992**

**8672**

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### A National Program for Retailers:

The Tobacco Institute program for the retail industry is designed to encourage strict adherence to state laws prohibiting the sale of cigarettes to minors. With the active involvement of retail organizations throughout the country, The Institute will further spread the word that tobacco products, in accordance with most state laws, should only be sold to those 18 years of age or older.

The theme of the campaign -- **IT'S THE LAW: WE DO NOT SELL TOBACCO PRODUCTS TO PERSONS UNDER 18** -- is incorporated into all program point-of-purchase materials, including signs, decals, stickers and lapel buttons. In three states, the materials will indicate that the law sets 19 as the minimum age for the sale of cigarettes.

The program materials also include tips for retail employees on complying with the laws. Materials will be made available free of charge to retail outlets and will be promoted through advertisements in national and state retail publications.

### New State Laws:

The tobacco industry supports passage of legislation establishing 18 as the minimum age for sale of cigarettes in those eleven states and the District of Columbia that have no age limit or one lower than 18. Thirty-nine states currently have legislation setting a minimum age of 18 or 19 for the sale of cigarettes.

The industry also will support state legislation to require supervision of cigarette vending machines located in places frequented by minors. While cigarette vending machines are not a popular source for cigarette purchases by young people, the industry will support legislation prohibiting unsupervised machines in places frequented by minors.

### Additional Youth Guidelines:

New youth guidelines supplement those already adhered to by the industry. In the past, the tobacco industry's efforts have included an offer to Congress -- made in 1969 and subsequently passed into law -- voluntarily to remove cigarette advertising from radio and television. Additionally, for example, the manufacturers do not advertise in publications directed primarily to persons under 21.

New guidelines include restrictions on product sampling. Cigarette product samples will not be distributed in or on public streets, sidewalks or parks, except in places that are open only to persons to whom cigarettes lawfully may be sold. Cigarette samples will be distributed in such places only to persons 21 or older. No mail distribution of cigarette product samples will be made without a written, signed certification that the addressee is 21 or older, a smoker and wishes to receive a product sample.

The new guidelines also require cigarette advertising on billboards to be no less than 500 feet from any elementary, junior or senior high school or any children's playground.

The distribution of nontobacco premium items bearing cigarette brand names, logos, etc., also will be limited. Mail distribution of premium items will require a written, signed certification that the addressee is 21 or older, a smoker and wishes to receive the premium. Other distribution of nontobacco premium items will only take place to persons 21 or older, or with the purchase of a package or carton of cigarettes. Clothing bearing cigarette brand names, logos, etc., will be in adult sizes only. Paid product placements in movies have been formally eliminated.

Materials to Assist Families:

In a widely promoted program, the industry will provide direct assistance to parents to help their children resist peer pressure to smoke. The third in a series, "Tobacco: Helping Youth Say No" specifically addresses the problems children and parents face on the issue of youth smoking. The booklet is an extension of the industry's popular Responsible Living Program, whose materials have already been distributed to more than 700,000 families.

The availability of the free materials will be promoted through a multi-million dollar advertising campaign in major publications, including Family Circle, Parade, Ebony, People, TV Guide, and others.

# # #

**... ON YOUTH SMOKING**

**TOBACCO INDUSTRY INITIATIVES**

The tobacco industry has long taken the position that smoking is an adult practice to be considered solely by mature, informed persons. For this reason, the industry has taken strict measures to address youth smoking. For example:

- o The tobacco industry ended advertising and promotion in school and college publications and on campuses in 1963.
- o In 1964, the industry adopted a code prohibiting advertising and promotion in publications directed primarily to persons under 21. The code also forbids the use of endorsements by noted sports figures and other celebrities with appeal to youth in advertising. It also requires that any models in ads must be, and appear to be, at least 25 years old.
- o The tobacco industry offered voluntarily to end commercials on radio and television in 1969. Cigarette ads left the air in early 1971 as a result of Congressional action passed the industry's offer into law.
- o A code of cigarette sampling practices was adopted in 1981. The cigarette industry's code of sampling practices is brief and to the point. People who engage in sampling are instructed to refuse to give a sample to anyone whom they know to be under 21 years of age or who, without reasonable identification to the contrary, appears to be less than 21 years of age.

No sampling activity is done in any public place within two blocks of youth activity centers such as playgrounds or schools. If an adult declines or refuses to accept a sample pack, he or she will not be urged to accept it. All of the independent sampling firms sign a contract which sets forth standards that are at least as strict as the ones in this code. All of the sampling personnel must be advised, orally and in writing, of the sampling rules. All of the sampling activities are monitored to ensure compliance with the code. Any individual who violates the articles of the sampling code is subject to disciplinary action.

- o In 1982, on the industry's behalf, The Tobacco Institute conducted a nationwide advertising campaign which reached 110 million Americans with the message, "Do tobacco companies want kids to smoke? No. As a matter of policy. No. As a matter of practice. No. As a matter of fact. No."

## Youth Smoking Initiatives

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- o In 1984, The Institute launched its "Responsible Living" program, offering a free parental guidebook, "Helping Youth Decide." Another booklet, "Helping Youth Say No," followed. Both provide guidance on family communication to enable parents to help youngsters develop decision-making skills needed to deal wisely with everyday choices and with lifestyle decisions such as smoking.
- o The Institute expanded the "Responsible Living" program in 1986 by providing unrestricted grants to fund Community Alliance Programs (CAPs) at the rate of ten a year. Towns and cities throughout the U.S. were invited to apply for the grants, which provide the impetus for a broad community-based effort to improve parent-youth interaction, using "Helping Youth Decide" and "Helping Youth Say No" booklets.

More than 700,000 booklets have been distributed nationwide, and demand continues to be high among parents and community organizations.

The most recent Surgeon General's Report states that the prevalence of daily smoking among high school seniors dropped from 29% to 20% between 1976 and 1983, fluctuating between 18% and 19% ever since.

Daily smoking among black high school seniors fell from 26% in 1976 to 8% in 1987. Among white high school seniors, smoking declined from 29% to 20% during the same period.

**... ON YOUTH SMOKING**

**TOBACCO ADVERTISING ... AND WHY KIDS SMOKE**

As anti-smoking advocates themselves have long acknowledged, and experience from around the world has confirmed, cigarette advertising has no significant effect on the prevalence of smoking by young people and banning cigarette advertising will not directly reduce youth smoking.

A number of experts have explained in Congressional testimony that the purpose and function of advertising for any "mature" product like cigarettes is not to stimulate overall demand for the product category, but to (1) increase the market share of a particular brand at the expense of competing brands and (2) retain brand loyalty against other brands.

- o The President's Council of Economic Advisors said that tobacco product advertising "mainly shifts consumers among brands."
- o A study by researchers for the World Health Organization reported "no systematic differences" between the smoking behavior of young people in countries where tobacco advertising is completely banned and in countries where it is not.
  - In Finland, where tobacco product advertising has been banned completely since 1978, University of Helsinki researchers discovered that smoking among minors, which had been declining sharply before the ban was imposed, increased after the imposition of the ban -- especially among teenage girls.
  - In Sweden, where tobacco product advertising on billboards and in most other media was banned in 1979, smoking is on the rise among teenagers and their use of smokeless tobacco has nearly quadrupled since 1976.
- o Even Surgeon General C. Everett Koop, in his 25th anniversary report on smoking, acknowledged there was no proven link between smoking and advertising.

The Surgeon General stated that there is "no scientifically rigorous study available to the public that provides a definitive answer to the basic question of whether advertising and promotion increase the level of tobacco consumption."

The principal factors that impact youth smoking are peer pressure and parental/sibling influence.

Advertising and Youth  
page 2

- o In 1987, The President's Council of Economic Advisors made that point clear in its Annual Report to the President: "Studies of why people start smoking identify the influences of parents, siblings and friends as the most important factors."
- o The director of the National Institute of Child Health and Human Development told Congress in 1983 that, "The most forceful determinants of smoking [by young people] are parents, peers and older siblings."

For years, vigorous efforts have been made by the tobacco industry, government and other public and private organizations to discourage youth smoking. The 1989 Surgeon General's report states that the prevalence of daily smoking among high school seniors dropped from 29% to 20% between 1976 and 1983, and has fluctuated between 18% and 19% ever since.

- o The U.S. Surgeon General has frequently noted the close association between underage smoking and peer pressure. In 1987, for example, he said, "A variety of psychological influences may interact to influence some children to begin smoking."

Yet foes of the tobacco industry -- to support their calls for a ban on tobacco advertising -- charge that tobacco advertising "causes" young people to start smoking. Prominent marketing experts are quick to dispute that claim.

- o Dr. Scott Ward, professor of marketing at the Wharton School of Business, told Congress recently, "The available evidence indicates that advertising is among the least influential factors involved in youth smoking."
- o In 1989, Jean Boddewyn, professor of marketing at Baruch College (City University of New York), edited an international survey on juvenile smoking conducted by The Children's Research Unit in London, England. He concluded, "[The study] provides strong evidence that advertising plays a minuscule role in the initiation of smoking by the young...family and peer influences appear to be the determining factors in juvenile smoking initiation."
- o Former Federal Trade Commission Chairman Michael Pertschuk--who as head of The Advocacy Institute is one of America's most prominent anti-smoking activists -- said in 1983, "No one really pretends that advertising is a major determinant of smoking in this country or any other."

... ON YOUTH SMOKING

**REDUCING ACCESS**

Health and Human Services Secretary Louis Sullivan has proposed measures whereby states would take new legislative action on proposals such as licensing tobacco retailers and banning vending machines.

Such measures are misdirected. The National Automatic Merchandising Association, the national trade association of the vending industry, indicates that nearly 80 percent of all cigarette vending machines are located where persons under the age of 18 are not allowed access or rarely frequent.

- o Almost a third of all cigarette vending machines are located in bars and cocktail lounges. Nearly 40 percent are found in industrial plants and offices, and almost 8 percent are found in hotels, motels and other generally adult settings. Thus, a ban on cigarette vending machines would primarily remove adult -- not youth -- access.

**Those few vending machines that are located in places where youth may frequent should be supervised. The tobacco industry will support legislation in the states to accomplish this goal. This action -- not a ban on vending machines in workplaces or bars -- will help reduce youth access.**

Licensing of tobacco retailers is also suggested as a regulatory approach to reducing purchase of cigarettes by young people. However, the logic used -- that tobacco should be sold in the same restrictive manner as alcohol -- also argues against this as an effective solution.

- o A 1989 Health and Human Services report tells us that "despite the fact that it is illegal for virtually all high school students and most college students to purchase alcoholic beverages, experience with alcohol is almost universal among them and active use is widespread." The report indicates that two of every three high school seniors report alcohol use in the last month.

**Right now, it is illegal for cigarettes to be sold to minors in almost every state in the country. Laws are already in place. Enforcement of these laws is the best way to keep adult products, like cigarettes, from being sold to young people.**

In the past -- and for the future -- the tobacco industry has maintained responsible positions on the issue of smoking by young people. The longstanding policy of cigarette manufacturers is that the choice to smoke or not to smoke is to be made by informed adults.

**... ON YOUTH SMOKING**

**TOBACCO INDUSTRY GUIDELINES**

Long holding the view that smoking is for adults who choose to smoke -- and an activity that should not be engaged in by youth -- the tobacco industry has taken measures to address public concerns about youth smoking. For example, cigarette manufacturers:

- o do not advertise in publications directed primarily to persons under 21;
- o do not use models in cigarette advertisements who are, or appear to be, under 25;
- o do not distribute cigarette samples to persons under age 21; and
- o do not distribute cigarette samples within two blocks of any centers of youth activity, such as playgrounds and schools.

**NEW, ADDITIONAL INDUSTRY GUIDELINES FOR YOUTH**

To supplement these steps, the industry will:

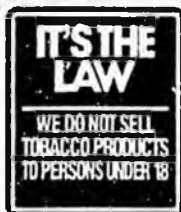
- o not advertise cigarettes on billboards within 500 feet of schools and playgrounds;
- o conduct no mail distribution of cigarette product samples without written, signed certification that the addressee is 21 or older, a smoker and wishes to receive a product sample;
- o not distribute cigarette product samples in or on public streets, sidewalks or parks, except in places that are open only to persons to whom cigarettes lawfully may be sold. Samples will be distributed in such places only to persons 21 or older;
- o not distribute cigarette samples in direct response to requests by telephone;
- o conduct no mail distribution of nontobacco premium items bearing cigarette brand names, logos, etc., without written, signed certification that the addressee is 21 or older, a smoker and wishes to receive the premium;
- o conduct no other distribution of nontobacco premium items bearing the cigarette brand names, logos, etc., except with the purchase of a package or carton of cigarettes or to persons 21 or older;
- o distribute clothing bearing cigarette brand names, logos, etc., in adult sizes only; and
- o ~~not engage in paid movie product or cigarette advertising placements.~~

# *The Tobacco Institute*

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## MINIMUM AGE LAWS FOR SALE OF CIGARETTES

<u>State</u>	<u>Minimum Age</u>	<u>State</u>	<u>Minimum Age</u>
Alabama	19 years	Missouri	local option
Alaska	19	Montana	none
Arizona	18	Nebraska	18
Arkansas	18	Nevada	18
California	18	New Hampshire	18
Colorado	18	New Jersey	18
Connecticut	18	New Mexico	none
Delaware	17	New York	18
District of Columbia	16	North Carolina	17
Florida	18	North Dakota	18
Georgia	17	Ohio	18
Hawaii	18	Oklahoma	18
Idaho	18	Oregon	18
Illinois	18	Pennsylvania	18
Indiana	18	Rhode Island	18
Iowa	18	South Carolina	18
Kansas	18	South Dakota	18
Kentucky	16	Tennessee	18
Louisiana	none	Texas	18
Maine	18	Utah	19
Maryland	18	Vermont	17
Massachusetts	18	Virginia	16
Michigan	18	Washington	18
Minnesota	18	West Virginia	18
Mississippi	18	Wisconsin	18
		Wyoming	none



## **PROGRAM SUMMARY:**

# **A Tobacco Product Retailing Program for Retail/Vending Industries**

### **Objectives**

- To continue to discourage those who are underage from purchasing tobacco products.
- To reaffirm that the tobacco industry does not want young people to use tobacco products -- and continues to take affirmative steps to reinforce this position.

### **Background**

In the face of growing concerns about smoking by those who are underage, the tobacco industry is calling upon the retailers and vending machine operators who sell tobacco products to visibly demonstrate adherence to both state laws and our own conviction that the use of tobacco products is an adult decision.

The issue of smoking by those who are underage is attracting increased attention around the country. In some localities, "sting" operations designed to trap retailers selling tobacco products to those who are underage have been staged. Violators are being prosecuted. The penalties, which vary among localities, may include stiff fines and jail terms. Those who have a retail tobacco license may face the loss of that license.

This program is designed to assist the retailing and vending machine industries, and to enlist their support and cooperation in discouraging the sale of tobacco products to those who are underage.

### **Participants**

The primary audiences for this tobacco retailing program include:

- Convenience stores
- Grocery stores
- Drug stores
- Discount stores
- Small independent businesses (e.g., "mom and pop stores")
- Gas stations
- Vending machine industry
- Other retail outlets (e.g., truck stops, etc.)

### **Messages**

This program is designed to convey several messages, including:

- Smoking is an adult custom based on informed choice.

(over please)

- It is against the law in most states to sell tobacco products to those who are underage. Due to growing anti-tobacco activities and the focus on sales to youth, the law can and should be enforced. Retailers are therefore urged to participate in the program.
- Publicly participating in a program such as this can enhance and improve the retailer's image in the community, and help ensure that store owners and employees comply with the law.
- Non-compliance by retailers and the vending machine industry with current laws could lead to tighter restrictions on tobacco sales, including outright bans.

### **Theme**

The theme of the campaign, which will be incorporated into all program materials, is as follows:

**IT'S THE LAW;  
WE DO NOT SELL TOBACCO PRODUCTS  
TO PERSONS UNDER 18**

(OR 19, IF THE STATE LAW DESIGNATES 19 AS THE MINIMUM AGE)

### **Program Materials**

We have designed a package of print and display materials for use by the tobacco product retailer. Materials include:

- A state specific brochure describing the program and applicable laws. The brochure, in addition to detailing minimum age laws for a state and penalties for violation, provides tips to the retailer and the employee on verification of age, acceptable forms of identification, and how to deal with a customer who becomes upset when asked for identification.
- A tip sheet on how to verify age, for display at the cash register as a reminder when employees prepare to ring up a sale.
- Store front and window display signs and point-of-purchase materials, all bearing the program theme: "It's the law: We do not sell tobacco products to persons under 18." These colorful blue, orange and white signs and decals will assist store owners in reminding employees and customers of the state law and their compliance with it.
- Lapel buttons, also using the blue-orange-white colors and the program theme, for store employees to wear while on duty.
- Employee Acknowledgement Form.

Materials are available only in states whose minimum age for purchase of cigarettes is 18 or 19.

### **Distribution**

Distribution will be through the membership of the co-sponsoring organizations. The Tobacco Institute will provide promotional kits in numbers requested by the sponsoring organization. All program materials will be provided at no cost to the co-sponsoring organization and its members.

**SMOKING AND PREGNANCY**  
**Legislative Hearing - Feb 28, 1991**

My name is Dr. Kenneth Kesler. Address 3340 Providence Dr. Ste 366, Anchorage, AK. I am a Neonatologist which is a Pediatrician trained to deal with sick or prematurely born infants. I have reviewed medical literature regarding the effects of cigarette smoking on both the mother and fetus during pregnancy and have lectured for the Alaska Lung Association on this topic.

The number of women in the reproductive ages who smoke has increased from 5% in 1920 to nearly 40% today. There is great interest in the effects of smoking on pregnancy and since 1966 over 2000 articles have been written on this subject, most of which have demonstrated adverse effects of smoking on the mother and fetus. I will try to briefly describe 12 of those effects to you.

1. Two major components of cigarette smoke are carbon monoxide and nicotine, both of which cross the placenta and invade the fetus when the mother smokes. Increased carbon monoxide levels in the fetus and mother decreases the amount of oxygen delivered to the fetus. If a woman is a moderate smoker the effect on the fetus is similar to decreasing 40% of the fetal blood flow.  
  
Nicotine accumulates to high levels in the fetus and results in decreased blood flow to the fetus. This effect of nicotine on the placenta is very similar to effect of cocaine.
2. Increased number of cleft lips, heart defects and severe brain abnormalities have been reported among infants born to women who smoke.
3. Spontaneous abortions are more frequent among women who smoke.
4. There is an increase in the number of pregnancies complicated by placenta problems such as separation of the placenta from the uterine wall which may result in fetal distress or death.
5. The incidence of premature rupture of membranes is doubled in women who smoke.
6. There is a higher rate of stillbirths and neonatal deaths among women who smoke. Some have estimated that maternal smoking is strongly associated with 4600 infant deaths in the United States per year.
7. There are over 50 studies confirming the trend that women who smoke have babies of lower birth weight. Dr. Michael Kramer in association with the World Health Organization demonstrated that "In the developed country, the most important single factor, by far, is cigarette smoking" accounting for nearly one third of all low birth weight infants (meaning infants who weigh

less than 5 1/2 pounds).

Limited information is available on smoking during pregnancy in Alaska. I reviewed the information for a recent 3 years period in the Newborn Intensive Care Unit at Providence Hospital. Of the nearly 900 admission 28 % of the mothers admitted to smoking during pregnancy. The number increased to 32% of mothers whose infants weighed less than 5 1/2 pounds which suggests that here in Alaska among women with high risk pregnancies the effect of smoking on birthweight is similar to studies elsewhere in the US. (These numbers are probably artificially low because they are based on self reporting.)

8. The risk of delivering a baby prematurely (by 6 weeks) may be nearly 2 times higher among smoking mothers. The costs of caring for premature infants is extremely high. In 1983 it was estimated that over 3 billion dollars was spend on infants admitted to Intensive Care Nurseries in the United States per year.
9. Breast milk contains nicotine and may produce mild to severe symptions in the newborn and so0me cases of nicotine poisoning has occurred in babies breastfed by mothers who smoked heavily.
10. Some preliminary evidence suggest that children born to women who smoke are at higher risk for various cancers when they are adults. This effect of smoking during pregnancy will probably not be scientifically proven for many years because of problems related to designing an adequate study.
11. Some studies have demonstrated various deficiencies in school performance among children born to mothers who smoke. (independent of confounding variables)
12. Nicotine is transferred to growing children in households where smoking occurs. This results in a two fold increase in the rate of Sudden Infant Death Syndrome. Also the incidence of pneumonia and bronchitis are increased in children where the parents smoke.

I have not had time to site the references for the above information. I have made a list of some of these references from journals such as the New England Journal of Medicine, the American Journal of Obstetrics and Gynecology, Pediatrics, and The British Medical Journal, which I would be glad to share with the committee.

No one should leave here with a misunderstanding of the impact of smoking on the fetus and newborn infant. The effects are not trivial. They are significant and may be severe even lethal to the fetus.

This amendment should be considered carefully. If we are to have an impact on

the wellbeing of the unborn, society must address the human behaviors which can adversely affect the fetus and seek methods to alter those behaviors. Smoking and its effect on the fetus is perhaps one of the best documented and easily targeted of these behaviors.

I urge you to give serious consideration to this amendment.

*Rand K. Kish*

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Members of the committee:

My name is Jim Pate. I am a student at Bartlett High School and President of the Sophomore Class. I am involved in student government at Bartlett as President of the Spanish Club. I also serve Chair of the Anchorage School District's Foreign Language Council. My number one task in these positions is to motivate students to get them involved in issues outside themselves. It is not an easy task. I believe I have helped accomplish some very positive results, but it has been a real struggle. The reason I share this information is to *let* you know who I am and where I am coming from. The point: youth today are under tremendous pressure from a host of negative influences that undercut and challenge the kind of positive and responsible behavior that I would like to see and that our society desires.

The sale and use of tobacco products is a prime example. Young people are having the message presented to them that they are independent, in control, and have an exciting, macho lifestyle if they smoke. Joe Camel is a smooth character and we can be too.

The tobacco industry spends some \$3 Billion per year on advertising -- a great deal on rock concerts, sporting events (like stock car races), and give-away T-shirts, posters and accessory items that are clearly aimed at young people.

The sad fact is that over 3,000 teenagers start smoking every day. In our nation over three million children under 18 use tobacco products. Here are the facts:

Today, 60 per cent of smokers start by the age of 14 and 90% by the the age of 19. Very few people begin to smoke after the age of 21. The younger one starts to smoke, the more likely one will:

- . remain a smoker;
- . smoke heavily, and
- . die prematurely

The tobacco industry is very seductive. They may say that they promote smoking as an adult choice or "adult custom". I'm only 17 years old but it doesn't take a rocket scientist to see through their smoke-screen. The issue is money. The name of the game is marketing. You don't spend \$3 Billion per year to attract and keep the 10% of the population that starts smoking after the legal age of 19. The industry makes \$250 million a year off the cigarettes they sell to children. Youth don't get out of bed on their 19th birthday and say "Well, I'm an adult now -- all grown up; I think I'll be a pack a day smoker". It is a gradual and addictive process. Most kids start experimenting with cigarettes at about age 11.

The tobacco industry advertising plays to the emotions with sex, scenery and excitement. The beautiful, tanned, young woman in the bikini and the bulk of the ads project a fantasy world. "Have a girl like this, a car like this, an exciting life like this when you smoke".

As you can tell, I am speaking in favor of House Bill 84 that would limit access of youth to tobacco by banning vending machines and setting tough standards for retailers who sell tobacco products and fines for those

who are negligent by selling tobacco products to minors.

I do not buy for one minute the slick new advertising campaign of the Tobacco Institute "Tobacco: Helping Youth Say No". To believe that retailers will take strong voluntary action to stop youth purchases and that the Marketing monster -- we know as the Tobacco Industry -- will be involved in strict self-regulation without the need for strong local and state laws to regulate tobacco products is like letting the fox guard the henhouse.

We put strict laws on the books controlling the access of youth to Alcohol and we have inspectors. It's a bitter irony that we are so casual about tobacco when every year it causes more premature deaths than the use of heroin, cocaine, alcohol, AIDS, fire and auto accidents, homicides and suicides combined.

The simple fact is that youth -- both junior high and senior high -- can easily get cigarettes. At Barlett High we have "a smoking section"; 50 kids a day (all under 19) gather outside on their lunch break to smoke. Where do they get their smokes? Are they put in the brown bag by their parents when they pack their lunch? No Way. They buy cigarettes at the convenience store or vending machine of their choice with little or no hassle. (Trials in Anchorage have demonstrated that youth as young as 13 are able to purchase cigarettes at these locations at least 70% of the time.)

My observation is that youth who smoke in schools are losers. They have poor grades, low self-esteem and often have family problems. Smoking is a crutch and a deadly, addictive escape that helps keep them from dealing with the important issues they face.

Let me share one other important fact about myself. I am one of 6,000 young people in Alaska with Asthma. This pulmonary disease can be life threatening. I have learned to cope with my asthma and manage it effectively. For the past several years I have served as a volunteer teacher at both summer camps and Saturday workshops teaching younger children to understand and manage their asthma effectively. It has given me great satisfaction to work with these kids as a teacher and role model. You can bet that we teach that cigarette smoking is absolutely deadly to the person with asthma. (In the spring of 1990 I received the First Lady Award for voluntary service from Michael Cowper in recognition of my volunteer teaching; I understand that I am the youngest person in Alaska ever to receive this award.)

I'm proud to be a member of the class of '93 but in many ways I'd like to be a part of the Class of 2000. Why? Not because it will be the start of a new century but because that class (today's third graders) in response to the challenge of our former Surgeon General C. Everett Koop has a chance to graduate as the "Smoke Free Class of 2000". That movement is underway across the nation and you are well aware that we are moving toward a smoke free society.

Young people need proper, factual information about the deadly health risks of tobacco use and nicotine addiction. They also need strong laws to protect them, as a very vulnerable public, from easy access and illegal sale of tobacco products.

As one spokesperson for Alaska's youth, I look to your committee for leadership and decisive action. I urge passage of House Bill 870.

Vim Pate  
2316 Oklahoma St  
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HB 84

# AMERICAN LUNG ASSOCIATION of ALASKA

Members of the Labor and Commerce Committee:

My name is Anne Morris. I am a physician in private practice in Anchorage. I am the current President of the Alaska Thoracic Society, the medical arm of the American Lung Association of Alaska. I serve on the board of the Alaska Association, am the Alaska representative to the American Thoracic Society and have been a member of the national board of the American Lung Association.

I am here to support HB 84 as amended as one who sees daily patients whose life, health and happiness have been ruined by years of smoking and the deadly toll of nicotine addiction.

I want to urge your support for the required warning signs that would not only state that purchase by those under 19 is illegal but affirm that tobacco products are highly addictive, a cause of lung disease and a severe health threat to pregnant women.

Let me share with you the summary findings from the 1990 Report of the Surgeon General (The Health Benefits of Smoking Cessation). These are findings from the chapter on Smoking Cessation and Reproduction - the section on Benefits For the Fetus. I quote from the summary of the report.

"Smoking is probably the most important modifiable cause of poor pregnancy outcome among women in the United States ... the elimination of smoking during pregnancy could prevent about 5% of perinatal deaths, about 20% of low birthweight births, and about 8% of preterm deliveries in the United States.

In groups with with a high prevalence of smoking (e.g. women who have not completed high school), the elimination of smoking during pregnancy could prevent about 10% of perinatal deaths, about 35% of low birthweight births, and about 15% of preterm deliveries." (I have appended a copy of the five paragraph summary on this subject to these written remarks. I also want to stress that these are not casual assumptions but findings based on hard scientific data. A primary source for these statistics is a article "The Association of Maternal Smoking With Age and Cause of Infant Death" by Malloy, Kleinman, Land & Schramm found in the American Journal of Epidemiology ( Vol 128, # 1, Pages 46-55, 1988); this prestigious journal is published by the John Hopkins University School of Hygiene and Public Health.)

Some of the most gratifying work we do at the American Lung Association is with our "Smoke Free Family" program when we are able to help pregnant women overcome nicotine addition for their own health and benefit and the welfare of their unborn child.

To this end our Associaiton has asked Senator Arliss Sturgulweski and the Senate HESS committee to introduce legislaiton that would ammend existing state law to include language about the dangers of smoking during pregnancy on the signs that are required in locations that sell alcoholic beverages. The ammended sign would read: "Warning: Drinking distilled spirits, beer wine, coolers, and other alcoholic beverages or smoking cigarettes during pregnancy may cause birth defects." This request is modeled on action

that was taken by King County (Washington) by rule in December of 1988 and the City of Seattle by ordinance in July of 1989. Thier actions was based on similar action that was taken in San Mateo County (CA) some months before. Recent contact with leadership of the King County Health Department <sup>Reports</sup> very positive acceptance of these pro-health decisions.

In a like manner a warning regarding the dangers of smoking and pregnancy on the signage that must be required in outlets that sell tobacco is another positive, pro-health, pro-family step in the right direction. Alaska has the opportunity to be one of the first states in the nation to pass such positive model legislation.

(I have included copies of the Seattle and King County action with my written testimony for your information.)

My understanding of public office is that your are custodians of our great state on behalf of its people. As elected officials, you are charged to keep the public trust and the serve the public good -- that certainly includes the public health.

At his swearing-in ceremony Gov. Walter Hickel spoke of Alaska's children as our greatest wealth. I urge you to conserve and protect that precious wealth by the prompt passage of HB 84 with this important ammendment.

smoking. Smoking cessation reduces the risk of respiratory infections such as pneumonia, which are often the immediate causes of death in patients with an underlying chronic disease.

The important role of health care providers in counseling patients to quit smoking is well recognized. Health care providers should give smoking cessation advice and assistance to all patients who smoke, including those with existing illness.

### Benefits for the Fetus

Maternal smoking is associated with several complications of pregnancy including abruptio placentae, placenta previa, bleeding during pregnancy, premature and prolonged rupture of the membranes, and preterm delivery. Maternal smoking retards fetal growth, causes an average reduction in birthweight of 200 g, and doubles the risk of having a low birthweight baby. Studies have shown a 25- to 50-percent higher rate of fetal and infant deaths among women who smoke during pregnancy compared with those who do not.

Women who stop smoking before becoming pregnant have infants of the same birthweight as those born to women who have never smoked. The same benefit accrues to women who quit smoking in the first 3 to 4 months of pregnancy and who remain abstinent throughout the remainder of pregnancy. Women who quit smoking at later stages of pregnancy, up to the 30th week of gestation, have infants with higher birthweight than do women who smoke throughout pregnancy.

Smoking is probably the most important modifiable cause of poor pregnancy outcome among women in the United States. Recent estimates suggest that the elimination of smoking during pregnancy could prevent about 5 percent of perinatal deaths, about 20 percent of low birthweight births, and about 8 percent of preterm deliveries in the United States. In groups with a high prevalence of smoking (e.g., women who have not completed high school), the elimination of smoking during pregnancy could prevent about 10 percent of perinatal deaths, about 35 percent of low birthweight births, and about 15 percent of preterm deliveries.

The prevalence of smoking during pregnancy has declined over time but remains unacceptably high. Approximately 30 percent of U.S. women who are cigarette smokers quit after recognition of pregnancy, and others quit later in pregnancy. However, about 25 percent of pregnant women in the United States smoke throughout pregnancy. A shocking statistic is that half of pregnant women who have not completed high school smoke throughout pregnancy. Many women who do not quit smoking during pregnancy reduce their daily cigarette consumption. However, reduced consumption without quitting may have little or no benefit for birthweight. Of the women who quit smoking during pregnancy, 70 percent resume smoking within 1 year of delivery.

Initiatives have been launched in the public and private sectors to reduce smoking during pregnancy. These programs should be expanded, and less educated pregnant women should be a special target of these efforts. Strategies need to be developed to address the problem of relapse after delivery.

# The Health Benefits of SMOKING CESSATION

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*a report of the  
Surgeon General*

1990

Executive Summary



U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Public Health Service  
Centers for Disease Control  
Center for Chronic Disease Prevention and Health Promotion  
Office on Smoking and Health  
Rockville, Maryland 20857

**CDC**  
CENTERS FOR DISEASE CONTROL

AMERICAN  LUNG ASSOCIATION of ALASKA  
December 10, 1990 *Dedicated to the prevention and control of lung disease*

Senator Arliss Sturgulewski, Chair  
HESS Committee, Alaska State Senate

Representative Patrick Carney, Chair  
HESS Committee, Alaska State House

Dear Friends:

We are writing to seek your good offices in introducing concurrent legislation in your respective committees to amend existing state law to warn women about the dangers of smoking during pregnancy.

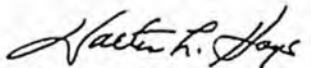
Enclosed you will find copies of a city ordinance (Seattle) and county rule and regulation (King) that have been in effect for over a year and one-half in the State of Washington.

There is conclusive medical evidence that drinking during pregnancy is dangerous; smoking is also highly toxic on the fetus. The combined impact of smoking and drinking places the pregnant woman and her unborn child in double jeopardy. In fact the medical evidence is even stronger since the passage of the above ordinance and regulation. Note the highlighted fact from the enclosed summary document (based on "The Health Benefits Of Smoking Cessation: A Report of the Surgeon General, 1990) ... "if all women quit smoking during pregnancy, about 5% of deaths among new born infants could be prevented".

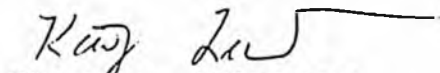
By copy of this letter we are also asking Heather Flynn to consider introducing this expanded warning signage as an ordinance for consideration by the Anchorage Municipal Assembly.

We have advised Mr. Patrick Sharrock of the Alcohol Beverage Control Board of our decision to ask that this legislation be introduced. Further, we are prepared to bring expert medical opinion and nationally validated medical research findings to public hearings that may be held in conjunction with this proposed legislation.

Feel free to call on our Association as you consider this matter.



Walter L. Hays  
Executive Director



Kitty Lew (Volunteer)  
Legislative Issues Coordinator

CC: Heather Flynn

# Warning:

Drinking distilled spirits, beer, wine, coolers and other alcoholic beverages or smoking cigarettes during pregnancy may cause birth defects.

• King County Board of Health Rule & Regulation 42

• Seattle City Ordinance 114582

Before the Board of Health of King County, Washington:

RULE AND REGULATION NO. 42

Amendment to King County Code of the Board of Health, Title 5 (Rule and Regulation No. 2), adding a new section relating to posting warning signs, Section 5.60.060.

BE IT ORDAINED BY THE BOARD OF HEALTH OF KING COUNTY:

SECTION 1. Purpose. The Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages or smoke cigarettes. Recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure. In addition, research indicates that maternal cigarette smoking during pregnancy slows fetal growth, lowers birth weight and increases the risk of stillbirths. The King County Board of Health finds that strategically located warnings to deter consumption of alcohol and cigarettes by pregnant woman will reduce the incidence of these health effects. The King County Board of Health supports these findings and seeks to educate the public of this health problem.

SECTION 2. Section 5.60.060 (Part 69 of Rule and Regulation 2) of the King County Code of the Board of Health is hereby added as follows:

SECTION 5.60.060. WARNING SIGNS.

A. After February 1, 1989, signs, warning of the effects of alcoholic consumption and cigarette smoking during pregnancy, shall be posted in all establishments serving alcoholic beverages for consumption on premises. Alcoholic beverages shall include wine, beer, malt beverages and distilled spirits.

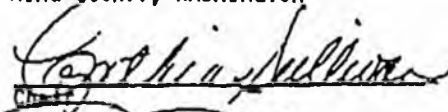
B. The sign or notice shall read as follows: "WARNING: DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING PREGNANCY MAY CAUSE BIRTH DEFECTS."

C. Signs shall be either menu notations at least two inches high, table placards at least three by three inches or signs at least eight and one half inches by eleven inches and posted conspicuously at the bar or point of sale.

SECTION 3. Effective date. This chapter shall take effect on February 2, 1989.

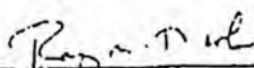
Passed this 15th day of December, 19 88.

KING COUNTY BOARD OF HEALTH  
KING COUNTY, WASHINGTON

  
\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

  
\_\_\_\_\_  
Secretary

GBD:bjw  
4/25/89

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ORDINANCE 114582

AN ORDINANCE relating to the Seattle Food Code, amending SMC Chapter 10.11 by the addition of Section 10.11.696 requiring the posting of warning signs or notices in establishments serving alcoholic beverages.

WHEREAS, the Surgeon General of the United States has advised women who are pregnant, or considering pregnancy, not to drink alcoholic beverages or smoke cigarettes; and

WHEREAS, recent research indicates that alcohol consumption during pregnancy, especially in the early months, can harm the fetus, and result in birth defects including mental retardation, facial abnormalities and other defects involving heart and bone structure; and

WHEREAS, research indicates that maternal cigarette smoking during pregnancy slows fetal growth, lowers birth weight and increases the risk of stillbirths; and

WHEREAS, The City of Seattle finds that strategically located warnings to deter consumption of alcohol and cigarette smoking by pregnant women will reduce the incidence of these health effects and seeks to educate the public of this health problem; Now, Therefore,

BE IT ORDAINED BY THE CITY OF SEATTLE AS FOLLOWS:

Section 1. The Seattle Food Code (Seattle Municipal Code Chapter 10.11) is amended by adding thereto new section 10.11.696, as follows:

10.11.696. WARNING SIGNS OR NOTICES

A. Signs or notices, warning of the effects of alcohol consumption and cigarette smoking during pregnancy, shall be posted in all food service establishments serving any alcoholic beverage for consumption on premises. For the purpose of this section, the term "alcoholic beverage" means and includes wine, beer, malt beverage, liquor, and distilled spirits, each as defined in RCW Ch. 66.04.

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B. Each such sign or notice shall read as follows:  
"WARNING: DRINKING DISTILLED SPIRITS, BEER, WINE, COOLERS AND  
OTHER ALCOHOLIC BEVERAGES OR SMOKING CIGARETTES DURING  
PREGNANCY MAY CAUSE BIRTH DEFECTS."

C. Each such sign or notice shall be of the following  
size: at least two inches (2") high if printed or included in  
a menu; at least three inches by three inches (3" x 3") per  
side if set forth on a single, double, or multi-sided placard  
or display "tent" on any table provided for the  
establishment's customers; and not less than eight and  
one-half inches by eleven inches (8 1/2" x 11") if included on a  
sign that is posted conspicuously at a bar or other point of  
sale that is clearly visible to the public.

Section 2... This ordinance shall take effect and be in force thirty days from and after its passage and approval, if approved by the Mayor; otherwise it shall take effect at the time it shall become a law under the provisions of the city charter.

Passed by the City Council the 3<sup>rd</sup> day of July 1989,  
and signed by me in open session in authentication of its passage this 3<sup>rd</sup> day of July 1989.  
President of the City Council.

Approved by me this 13<sup>th</sup> day of July 1989.  
Mayor.

Filed by me this 13<sup>th</sup> day of July 1989.  
Attest: *Norman G. Brooks*  
City Comptroller and City Clerk.

(SEAL)  
Published *Theresa Dunbar*  
Deputy Clerk.

HOUSE COMMITTEE REPORT

(7)

Date Referred: January 30, 1991

FURTHER REFERRALS:

Judiciary  
Finance

Date of Committee Action: 2-28-91

The LABOR AND COMMERCE Committee considered:

HB 84

HOUSE BILL NO. 84

BAN SALE OF TOBACCO IN VENDING MACHINES

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

RECOMMENDATIONS:

be replaced with CS HB 84 (LTC)  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 Dept. of Revenue

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

zero fiscal note Dept of Commerce And Courts  zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<i>Kevin P. Parnell</i>				
<i>Jim Moran</i>				
<i>Don J. Hite</i>	<i>Jim Moran</i>	<input checked="" type="checkbox"/>		
	<i>Ed Bruce</i>		<input checked="" type="checkbox"/>	

*Don J. Hite*  
Chairman's Signature



# Alaska State Legislature

Please enter into the record my testimony to the House Labor & Commerce committee name

committee on H.B. 84, dated 2-28-91  
bill/subject

I am listening to the testimony on H.B. 84 but cannot stay to testify. I agree with Rep Robin Taylor.

Another point is that the drug alcohol is not provided to people under 21 because drugs affect the growing body in a more destructive manner... but we allow ~~the~~ <sup>people</sup> under 21 to use tobacco; which is the same kind of unhealthy affects as alcohol.

Also please keep in mind that nicotine is a mind altering addictive drug. If we want to eliminate the sickness of drug addiction lets continue restrict the sale of nicotine. H.B. 84 is a good avenue of continuing the war on Drugs.

Signed: Proves Young  
Testifier

I am a member of Al. for Assoc. Local 1400  
Representing (Optional) but I am just speaking for myself

537 Tamm Rd.  
Address

907-225-3528  
Phone No.



# Alaska State Legislature

Please enter into the record my testimony to the House LABOR & COMMERCE committee name  
 committee on HB 84 BAN OF SALE IN VENDING MACHINE dated 2-28-91  
 bill/subject

I urge passage of this bill as a youth-health measure.

① As a parent of 3 school-aged children, I would be infuriated if alcohol products were sold through vending machines.

Tobacco is more addictive than alcohol and the sale of tobacco in vending machines is equally as infuriating.

② Almost every young person who uses alcohol or other drugs began their addictive behavior by smoking Cigarettes.

\*③ The vending machine industry needs to realize that occupations change as civilization progresses. We have very few people who make their living shoeing horses these days. Typewriter manufacturers have declined as computer sales have increased. Tobacco sales thru vending machines are no longer acceptable in our society which is enlightened about the risks of tobacco to health.

Signed: Kate Berntson (Kathleen A. Berntson)  
 Testifier

Representing (Optional)  
1260 Sayles Street, Ketchikan 99901  
 Address  
907-225-2944  
 Phone No.

# Alaska Federation of Natives, Inc.

February 27, 1991

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

Dear Rep. Finkelstein:

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

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

Sincerely,



Julie Kitka  
President

cc: Rep. Kay Brown  
Anne Walker, ANHB

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. HB 84

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

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EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

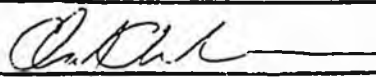
POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

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

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

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

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB 84 (L&C)

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Dev.

Title: An Act relating to the offense BRU: Occupational Licensing

of selling or giving tobacco.... Component: Administration

Sponsor: Reps. Brown and Ellis

Requestor: Rep. Brown COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

The expenditure identified in the fiscal note result from Section 10 of the bill which requires making a consumer warning sign available to businesses that obtain the tobacco endorsement on their business license. An authorization from program receipts collected in the business licensing program is requested.

Prepared By: Jennifer Strickler, Administrative Officer Phone: 465-2144

Division: Occupational Licensing Date: March 22, 1991

Approved by Commissioner: Glenn A. Olds *[Signature]* Asst. Comm.

Agency: Commerce and Economic Development Date: 3-22-91

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

FISCAL NOTE

No. 1

Bill Version: CSHB 84(L&C)

(H) Publish Date: 3/1/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: Original  
Title: Sale, exchange or giving of tobacco  
Sponsor: Brown, Ellis  
Requestor: \_\_\_\_\_

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

COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	0.0					
TRAVEL	0.0					
CONTRACTUAL	1.0					
SUPPLIES	0.0					
EQUIPMENT	0.0					
LANDS & STRUCTURES	0.0					
GRANTS, CLAIMS	0.0					
MISCELLANEOUS	0.0					
<b>TOTAL OPERATING</b>	<b>1.0</b>					
<b>CAPITAL</b>	<b>0.0</b>					
<b>REVENUE</b>	<b>0.0</b>					

FUNDING: (Thousands of Dollars)

GENERAL FUND	1.0					
FEDERAL FUNDS	0.0					
OTHER	0.0					
<b>TOTAL</b>	<b>1.0</b>					

POSITIONS:

FULL-TIME	0.0					
PART-TIME	0.0					
TEMPORARY	0.0					

Estimate of current year impact: \$0.0

ANALYSIS: Attach a separate page for analysis.

Prepared By: Carl Meyer *Carl Meyer* Phone: (907) 465-2320  
Division: Income and Excise Audit Division Date: February 20, 1991

Approved by Commissioner: Lee E. Fisher *Lee E. Fisher*  
Agency: Department of Revenue Date: \_\_\_\_\_

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

FISCAL NOTE

.o. 2

Bill Version: CSHB 84(L&C)

(H) Publish Date: 3/1/91

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Revision Date: \_\_\_\_\_ Department Affected: Commerce & Economic Dev.

Title: An Act relating to the sale, exchange, or giving of tobacco products BRU: Occupational Licensing

Sponsor: Representatives Brown and Ellis Component: \_\_\_\_\_

Requestor: House L&C, Judiciary, Finance COMPONENT SERIAL NO. 

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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

HB 84 prohibits the sale of tobacco products by vending machine, provides for the suspension of business license tobacco endorsements, requires posting of warning signs. New funds are not required to implement this bill.

Prepared By: Kevin Henderson, Regulations Specialist Phone: 465-2537

Division: Occupational Licensing Date: February 14, 1991

Approved by Commissioner: Glenn A. Olds

Agency: Department of Commerce & Economic Development Date: February 14, 1991

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

COMMITTEE COPY

## FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. HB 84

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

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## EXPENDITURES/REVENUES: (Thousands of Dollars)

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

CAPITAL						
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REVENUE						
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## FUNDING: (Thousands of Dollars)

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

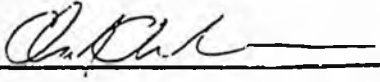
## POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

## ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

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

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

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

**FISCAL NOTE**

No. 3

Bill Version: CSHB 84(L&C)

(H) Publish Date: 3/1/91

**STATE OF ALASKA  
1991 LEGISLATIVE SESSION**

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

000   000	000   768
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**EXPENDITURES/REVENUES: (Thousands of Dollars)**

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

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

**FUNDING: (Thousands of Dollars)**

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


**POSITIONS:**

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: 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: 02/28/91

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

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

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB84

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

Department Affected: Department of Revenue  
BRU: Revenue Operations  
Component: Income and Excise Audit  
COMPONENT SERIAL NO. | 1 | 1 | 3 |

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
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	0.0	0.0	0.0	0.0	0.0	0.0
REVENUE	0.0	0.0	0.0	0.0	0.0	0.0

FUNDING: (Thousands of Dollars)

GENERAL FUND						
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: 0.0

ANALYSIS:

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

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

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

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

# HOUSE COMMITTEE REPORT

(7)

Date Referred: March 1, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 3-26-91

The JUDICIARY Committee considered:

HB 84

HOUSE BILL NO. 84

BAN SALE OF TOBACCO IN VENDING MACHINES

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

**RECOMMENDATIONS:**

be replaced with \_\_\_\_\_

CSHB84 (JUD)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

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

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

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

zero fiscal note(s) Dept. of Rev 3-1-91, Comm. 3-1-91, Court System 3-1-91

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>Dave Douley</i>	✓				
		<i>Mark Stanley</i>		X	
		<i>Terry Martin</i>	X	<del>X</del>	
		<i>Mitch Miller</i>	<del>X</del>	X	
<i>Kevin Padraic</i>	✓				
<i>H. Ellis</i>	✓				
<i>Bob G... ..</i>	-				

*Dave Douley*  
 CHAIRMAN'S SIGNATURE

H B

8 6

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

HB 86

### SPONSOR STATEMENT

Under present law, year-end campaign finance reports are required to be submitted to the Alaska Public Offices Commission on December 31.

This requirement is impractical and works a hardship on candidates and groups, as well as on the staff of A.P.O.C., for the following reasons:

- 1) contributions received on December 31 have to be submitted in an amended report;
- 2) bank statements verifying expenditures, receipts, and interest earned for the month of December are not received until late January or early February, often requiring the submission of amended reports;
- 3) the filing and processing of amended reports is an unnecessary burden on candidates, groups and staff of A.P.O.C.;
- 4) the public's "right to know" is not well-served by the present requirement because any elections are over and certified by December 31; and
- 5) in recognition of the impracticality of the December 31 deadline, A.P.O.C. has for several years allowed year-end reports to be filed well after the statutory date.

I ask your support for this technical, but helpful, change in our campaign finance reporting law.

1991 LEGISLATION  
POSITION PAPER  
DEPARTMENT OF ADMINISTRATION

Division Alaska Public Offices Commission Bill Number HB 86

Bill Title An Act relating to the date for filing of year-end campaign finance reports.

Position Statement: Explain briefly what bill does, its impacts and Department's position, i.e.  
a) support, b) do not support, c) neutral or d) oppose.

SEE ATTACHED

APPROVED:

Director Karen Boorman Division AK Public Offices Commission  
print name

Signature Karen Boorman Date 2/12/91

Commissioner Millett Keller

Signature \_\_\_\_\_ Date \_\_\_\_\_

(For more information, call Barbara Pritchett 465-2200)

Rev. 1/23/91

Annie Laurie Howard Date 2-12-91  
Annie Laurie Howard, Chair  
Alaska Public Offices Commission

**2 AAC 50.330. REPORTING CAMPAIGN EXPENDITURES FOR TRANSPORTATION.**  
Repealed 1/4/86.

**2 AAC 50.332. REPORTING ZERO CONTRIBUTION OR EXPENDITURE ACTIVITY.** (a) Each candidate or group required to file a full report of all contributions received and expenditures made in accordance with AS 15.13 and this chapter shall report in accordance with the reporting schedule set out in AS 15.13.110(a), regardless of the amount of their reportable contributions or expenditures. In the absence of any contribution or expenditure activity whatsoever during a reporting period, each candidate or group not already exempt from reporting under (b) or (c) of this section shall submit by the appropriate due date the "Short Form" on Schedule A of the Campaign Disclosure Statement certifying that no contributions have been received or expenditures made.

(b) A candidate who does not intend to receive or accept contributions, or make expenditures during his campaign for municipal or state public office, including any personal campaign contributions or expenditures, may file APOC Form 15-0, the "Campaign Reporting Exemption Form." A candidate who files the exemption form is not required to submit any other reports to the commission concerning his campaign. The reporting exemption is revoked if a candidate accepts contributions or spends money to influence his election. A candidate whose exemption is revoked must immediately register his change of status on APOC Form 15-1 and, in accordance with AS 15.13.110, must disclose his campaign contribution and expenditure activity beginning with the first campaign disclosure report due following his change in status. Failure to report campaign contribution or expenditure activity after the reporting exemption is revoked subjects the candidate to both civil and criminal penalties for noncompliance with the reporting requirements of AS 15.13 and 2 AAC 50.

(c) The treasurer of a political party subdivision or political action committee previously registered with the commission which does not intend to receive or accept contributions, or make expenditures, during a municipal campaign may, in accordance with the requirements set forth in (b) of this section, file APOC Form 15-0. (Eff. 7/22/78, Reg. 67; am 5/14/80, Reg. 74)

Authority: AS 15.13.030(10)  
AS 15.13.040(a) and (b)  
AS 15.13.110

**2 AAC 50.333. REPORTABLE DATE OF A CONTRIBUTION.** A contribution is considered received, and reportable as such, on the day in which that contribution is in the possession of a candidate, or a treasurer or deputy treasurer of a candidate or group, in accordance with AS 15.13.070(e) and this chapter. (Eff. 7/22/78, Reg. 67)

Authority: AS 15.13.030(10)  
AS 15.13.070(e)

## REPORTING DATES

<u>REPORT TITLE</u>	<u>REPORTING PERIOD</u>	<u>DUE DATE</u>
1989 YEAR END	BEGINNING OF CAMPAIGN OR JANUARY 1 - DECEMBER 31, 1989	JANUARY 16, 1990
	<u>PRIMARY ELECTION</u> <u>AUGUST 28, 1990</u>	
30 DAY PRE-PRIMARY	BEGINNING OF CAMPAIGN - JANUARY 1, 1990 - JULY 26, 1990	JULY 30, 1990
7 DAY PRE-PRIMARY two day gap	JULY 27, 1990 - AUGUST 18, 1990	AUGUST 21, 1990
24 HOUR REPORT	AUGUST 21, 1990 - AUGUST 27, 1990	WITHIN 24 HOURS OF RECEIPT OF +\$250.
10 DAY POST-PRIMARY	AUGUST 19, 1990 - SEPTEMBER 4, 1990	SEPTEMBER 7, 1990
	<u>GENERAL ELECTION</u> <u>NOVEMBER 6, 1990</u>	
30 DAY PRE-GENERAL	SEPTEMBER 5, 1990 - OCTOBER 4, 1990	OCTOBER 9, 1990
7 DAY PRE-GENERAL two day gap	OCTOBER 5, 1990 - OCTOBER 27, 1990	OCTOBER 30, 1990
24 HOUR REPORT	OCTOBER 30, 1990 - NOVEMBER 5, 1990	WITHIN 24 HOURS OF RECEIPT OF +\$250.
10 DAY POST-GENERAL	OCTOBER 28, 1990 - NOVEMBER 13, 1990	NOVEMBER 16, 1990
1990 YEAR-END	NOVEMBER 14, 1990 - DECEMBER 31, 1990	JANUARY 15, 1991

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

N 1  
Bill Version CSHB 86(STA)  
(H) Publish Date: 2/25/91

Revision Date: \_\_\_\_\_ Department Affected: Dept. of Administration  
Title: An Act relating to the date for BRU: Alaska Public Offices Commission  
filing year-end campaign finance reports Component: \_\_\_\_\_  
Sponsor: Judiciary Committee  
Requester: House State Affairs COMPONENT SERIAL NO 

		7	0
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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

There will be no fiscal impact

Prepared By: Karen Boorman *Karen Boorman* Phone: 276-4176  
 Division: Alaska Public Offices Commission Date: 2/12/91  
 Approved by Commissioner: Annie Laurie Howard, Chair *Annie Laurie Howard*  
 Agency: Alaska Public Offices Commission Date: 2/12/91

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

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. CSHB86

Revision Date: \_\_\_\_\_ Department Affected: Administration  
 Title: Year-end Campaign Finance BRU: AK Public Offices Commission  
Reports Component: \_\_\_\_\_  
 Sponsor: (H) Judiciary  
 Requestor: (S) ETR COMPONENT SERIAL NO. 

		7	0
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Expenditures/Revenues: (Thousands of Dollars)

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

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

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

POSITIONS:

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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

There will be no fiscal impact.

Prepared By: Karen Boorman Phone: 276-4176  
 Division: AK Public Offices Commission Date: 3/20/91  
 Approved by Commissioner: Annie Laurie Howard, Chair  
 Agency: Alaska Public Offices Commission Date: 3/20/91

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

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 86

Revision Date: \_\_\_\_\_ Department Affected: Dept. of Administration  
 Title: An Act relating to the date for BRU: Alaska Public Offices Commission  
filing year-end campaign finance reports Component: \_\_\_\_\_  
 Sponsor: Judiciary Committee  
 Requester: House State Affairs COMPONENT SERIAL NO 

		7	0
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 96	FY 98	FY 97
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

There will be no fiscal impact

Prepared By: Karen Boorman *Karen Boorman* Phone: 276-4176  
 Division: Alaska Public Offices Commission Date: 2/12/91  
 Approved by Commissioner: Annis Laurie Howard, Chair *Annis Laurie Howard*  
 Agency: Alaska Public Offices Commission Date: 2/12/91

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

# HOUSE COMMITTEE REPORT

(7)  
Date Referred: January 30, 1991

FURTHER REFERRALS:

Judiciary

Date of Committee Action: 2-22-91

The STATE AFFAIRS Committee considered:

HB 86

HOUSE BILL NO. 86

YEAR-END CAMPAIGN FINANCE REPORTS

"An Act relating to the date for filing of year-end campaign finance reports."

RECOMMENDATIONS:

be-replaced with CS HB 86 (State Affairs)

the same title  
 a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

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

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

zero fiscal note Admin. 2-12-91

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

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>J. M. ...</i>				
<i>David ...</i>				
<i>Tony ...</i>				
<i>K. J. ...</i>				
<i>Eugene G. Kubina</i>				

*Eugene G. Kubina*  
Chairman's Signature

(7) Edith  
Date Referred: February 25, 1991

HOUSE COMMITTEE REPORT  
FURTHER REFERRALS:

3-6-91  
Rules

Date of Committee Action: 2-25-91

The JUDICIARY Committee considered:

HB 86

HOUSE BILL NO. 86

YEAR-END CAMPAIGN FINANCE REPORTS

"An Act relating to the date for filing of year-end campaign finance reports."

RECOMMENDATIONS:

be replaced with CS HB 86 (JUD)  the same title  a new title

have attached amendments(s)

do pass

do not pass

no recommendations

individual recommendations

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

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

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

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

fiscal note(s) (1)

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

zero fiscal note(s) Dept. of Administration

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<u>David Donley</u> DONLEY					
<u>Mark Hanley</u> HANLEY					
<u>Kevin Parnell</u> PARNELL					

David Donley

7-LS0374G  
Gaguine  
2/19/91

*Rep. Kukina*

CS FOR HOUSE BILL NO. 86 (STATE AFFAIRS)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered:  
Referred:

Sponsor(s): HOUSE JUDICIARY COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act setting the date of February 15 for filing year-end campaign finance reports;  
2 requiring reporting of zero year-end reports; and closing the two-day reporting gap in  
3 preelection reports."

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

5 \* Section 1. AS 15.13.110(a) is amended to read:

6 (a) Each candidate and group shall make a full report in accordance with AS 15.13.040  
7 for [DURING] the period ending three days before the due date of the report and beginning on  
8 the last day covered by the most recent previous report. If the report is a first report, it shall  
9 cover the period from the beginning of the campaign to the date [, OR, IF A FIRST  
10 REPORT, ALL CONTRIBUTIONS RECEIVED AND EXPENDITURES MADE BEFORE] three  
11 days before the due date of the report. If the report is a report due February 15, it shall  
12 cover the period beginning on the last day covered by the most recent previous report or  
13 on the day that the campaign started, whichever is later, and ending on December 31 of the  
14 prior year. The report shall be filed [AT THE FOLLOWING TIMES:]

- 1 (1) 30 days before the election; however, this report is not required if the deadline  
2 for filing a nominating petition or declaration of candidacy is within 30 days of the election;  
3 (2) one week before the election;  
4 (3) 10 [TEN] days after the election; and  
5 (4) February 15 [DECEMBER 31 OF EACH YEAR] for expenditures made and  
6 contributions received that [WHICH] were not reported during the previous [THAT] year or  
7 when no expenditures were made or contributions received during the previous year.

8 \* Sec. 2. AS 15.13.110(b) is amended to read:

- 9 (b) Each contribution or expenditure that [WHICH] exceeds \$250 and that [WHICH]  
10 is made within nine days [ONE WEEK] of the election shall be reported to the commission by  
11 date, amount, and contributor or recipient within 24 hours of receipt or expenditure by the  
12 candidate or campaign treasurer.

HB

87

# STATE OF ALASKA

DEPT. OF COMMUNITY & REGIONAL AFFAIRS

OFFICE OF THE COMMISSIONER

WALTER J. HICKEL, GOVERNOR

- P.O. BOX B  
JUNEAU, ALASKA 99811-2100  
PHONE: (907) 465-4700
- 949 E. 36TH AVENUE, SUITE 400  
ANCHORAGE, ALASKA 99508-4302  
PHONE: (907) 563-1073

February 12, 1991

## POSITION PAPER

RE: House Bill No. 87

SPONSOR: House Judiciary Committee

### Program Effects of Bill

This bill would have no major effect on the Department of Community and Regional Affairs.

### Comments

The Department of Community and Regional Affairs (DCRA) supports the amended language described in Section 1 and Section 2 of this legislation.

Notice of sale on execution [AS 09.35.140 (1)] deals only with execution on personal property after a judgment has been obtained through the judicial foreclosure process. The Department has the right to pursue this type of collection; however, to date, we have chosen not to execute on personal property. The area in which the property is located usually does not provide storage for personal property.

AS 09.35.140 (2). This section is strictly adhered to by the attorneys representing DCRA through our seller/servicers.

AS 09.34.20.070 (b). The Department adheres to this section whenever possible. DCRA deals strictly with rural areas of the state, and not all properties have a street address. Frequently the address will appear "NHN" and street name, or even just a legal description. A street address is included whenever possible.

*E. Blatchford*

Edgar Blatchford, Commissioner

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 87

Revision Date: \_\_\_\_\_ Department Affected: Community & Regional Affairs  
 Title: "An Act..street address of real BRU: \_\_\_\_\_  
property..notices of sale.." Component: \_\_\_\_\_  
 Sponsor: House Judiciary Committee  
 Requestor: \_\_\_\_\_ COMPONENT SERIAL NO. 

0	6	8	7
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Expenditures/Revenues: (Thousands of Dollars)

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

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Remond Henderson, Director *Remond Henderson* Phone: 465-4708  
 Division: Administrative Services Date: 2/12/91

Approved by Commissioner: \_\_\_\_\_  
 Agency: Community & Regional Affairs Date: \_\_\_\_\_

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

# Alaska State Legislature



## House of Representatives House Judiciary Committee

P. O. Box V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-4990  
(907) 465-4712

HB 87

### SPONSOR STATEMENT

Present state law requires that notices of sale of real property on execution and notices of default used to execute or foreclose on real property describe the property. The description used is the legal description with which you are all familiar.

Unless a person is a party at interest in a particular sale or default, an ordinary citizen would never know the actual physical location of the real property from its legal description.

In the interest of providing meaningful notice to the general public, the House Judiciary Committee felt that, whenever possible, the legal description of real property should include the property's street address, if any.

I ask your support for this technical, but meaningful, change in our real property laws.

HOUSE COMMITTEE REPORT

(7) Date Referred: January 30, 1991 FURTHER REFERRALS: Judiciary

Date of Committee Action: 2-13-91

The COMMUNITY AND REGIONAL AFFAIRS Committee considered: HB 87

HOUSE BILL NO. 87 FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

- RECOMMENDATIONS: [ ] the same title be replaced with [ ] a new title [ ] have attached amendments(s) [x] do pass [ ] do not pass [ ] no recommendations [ ] individual recommendations [ ] additional referral to the \_\_\_\_\_ Committee

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

ATTACHES NEW FISCAL NOTE(S): (Dept) APPROVES PREVIOUS: (Dept/Date) [ ] fiscal impact \_\_\_\_\_ [ ] fiscal note(s) \_\_\_\_\_ [x] zero fiscal note Ak. Court System [ ] zero fiscal note(s) \_\_\_\_\_

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

Table with 5 columns: Name, Check appropriate column:, Do Not Pass, No Rec, Amend. Rows include signatures of Bettye Davis, John C. Samples, Neil Phillips, Larry M. Sale, Cheri Davis, and Larry M. Sale.

Chairman's Signature

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 19, 1991

FURTHER REFERRALS:

Date of Committee Action: 2-20-91

The JUDICIARY Committee considered:

HB 87

HOUSE BILL NO. 87

FORECLOSURE/EXECUTION NOTICE REQUIREMENTS

"An Act requiring the street address of real property to be included in certain notices of sale and notices of default used to execute or foreclose on real property interests."

RECOMMENDATIONS:

be replaced with \_\_\_\_\_ [ ] the same title

[ ] have attached amendments(s)

do pass

[ ] do not pass

[ ] no recommendations

[ ] individual recommendations

[ ] additional referral to the \_\_\_\_\_ Committee

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

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

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

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

[ ] zero fiscal note \_\_\_\_\_

zero fiscal note(s) AK. Court System 2-19-91

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<i>Dave Donley</i>				
<i>H. Ellis</i>				
<i>Mark Hamley</i>				
<i>Larry Martin</i>				

*Dave Donley*  
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

Bill No. HB 87

Revision Date: \_\_\_\_\_ Department Affected: Alaska Court System  
 Title: An Act requiring the street address of BRU: Trial Courts  
real property to be included in certain notices of sale... Components: \_\_\_\_\_  
 Sponsor: Judiciary  
 Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 000 | 768

EXPENDITURES/REVENUES: (Thousands of Dollars)

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

FUNDING: (Thousands of Dollars)


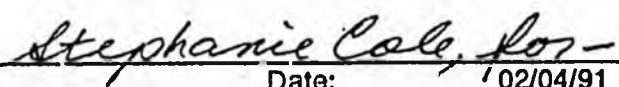
GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

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

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228  
 Division: Alaska Court System Date: 02/04/91  
 Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/04/91  
 Agency: Alaska Court System

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

H B

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# Alaska State Legislature

## HOUSE OF REPRESENTATIVES



### REPRESENTATIVE FRAN ULMER

#### MEMORANDUM

February 4, 1991

To: Representative Dave Donley, Chair  
House Judiciary Committee

From: Representative Fran Ulmer

Subject: HB90, relating to fines and restitution in criminal cases

HB90 deals with fines and restitution ordered by the court in criminal cases. The amendments are somewhat technical, but will improve efficiency and will benefit the victims of crime. The bill includes:

1. An amendment to statutes to require the court to consider whether a defendant has the ability to pay fines and restitution at a hearing held after the defendant has failed to pay, rather than at the time of sentencing. This will make the court's ability to pay inquiry more meaningful than it is now. The court will no longer have to guess at what the defendant's financial situation might be in the future when the fine or restitution is due.
2. An amendment requiring the defendant who has failed to pay a fine or restitution to present evidence justifying why payment has not been made. The defendant's financial situation is best known to the defendant, and inability to pay is best addressed by the defendant.
3. An amendment to empower the court to award restitution to persons other than "the victim," who suffered a loss as a result of the defendant's conduct.
4. An amendment to empower the court to award restitution for a victim's future expenses, incurred after the date of sentencing.

District 4B — Juneau

P.O. Box V • Juneau, Alaska 99811-3100 • (907) 465-4947



Recycled Paper

# Memorandum

Alaska Court System

TO: Arthur H. Snowden, II  
Administrative Director

DATE: February 13, 1991

FROM: Susan Miller  
Special Projects

SUBJ: House Bill 90  
on Fines and  
Restitution

## Comments from Judge Hunt

Section 3, lines 10-13 and line 20. In this section, the court is allowed to consider restitution to an "other person injured by the offense" and to organizations who provide services to such an "other person." To the extent that such other persons come forward (or are brought forward by probation officers doing presentence reports), it is expected that it will take additional hearing time to establish the nature and extent of their injury and its connection to the defendant's offense.

Lines 11 and 12 of this section also add the words "or is or will be providing" to the sentence about who may receive restitution. Thus, the new law will allow restitution not only to organizations that have provided services to the victim, but also to organizations that are currently providing services or will in the future provide services. The need to present evidence to establish the need for and the cost of such future services will likely require additional time at the sentencing hearings.

## Comments from Judge Beckwith

Section 1. To the extent that the intent of this legislation as expressed in the "Purpose" section is accomplished, it appears that there will be more post-judgment hearings. Currently, defendants who cannot pay their fines sometimes ask the court (either at sentencing or later) to convert the fine to community work service. To the extent that the judges stop considering ability to pay at the time of sentencing, there will probably be an increase in the number of such requests and other requests to modify sentences.

Arthur H. Snowden, II  
February 13, 1991  
Page 2

It will probably still be necessary for judges to consider the defendant's ability to pay at the time of sentencing in order to frame an appropriate sentence. Although the apparent purposes of this legislation are laudable, defendants often do not have the resources to adequately compensate even the main victim.

*Susan*

Judge Justin Ripley called this a.m. to comment upon Uhlmer's bill, HB90. As far as I could follow him, he related the following:

Section 3(a) - In the second line "or other person injured" is vague. There will be additional litigation to define scope, more hearing time.

Section 4(a) - In the sixth line "it is an affirmative defense" shifts the burden to the defendant. The defense will argue this is an unfair shift. If it was the State's burden they might or might not pursue, but the defense will consider not to assert defense as malpractice. This will cause more hearing time.

Section 4(a), page 3 of bill, line numbered 9, the language that is being taken out is that the court finds by preponderance of the evidence. The change lowers the standard, which will require more argument, more hearing time to decide.

He went on to talk about that in felony cases there are people like the p.o. to check up on people and make sure they are paying their fines and restitution, but in misdemeanors there is no one to do that so the courts will have to, and that will cause a lot more hearings, especially in district court and magistrateland. He also said that it is his understanding that the AG will follow-up on fines, but they do not do restitution, so the courts will have to do restitution.

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1991

FURTHER REFERRALS:

Finance

Date of Committee Action: 2-13-91

The JUDICIARY Committee considered:

HB 90

HOUSE BILL NO. 90

FINES AND RESTITUTION IN CRIMINAL CASES

"An Act relating to fines and restitution in criminal cases."

- RECOMMENDATIONS: [ ] the same title  
 be replaced with \_\_\_\_\_ [ ] a new title  
 [ ] have attached amendments(s)  
 do pass  
 [ ] do not pass  
 [ ] no recommendations  
 [ ] individual recommendations  
 [ ] additional referral to the \_\_\_\_\_ Committee

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

ATTACHES NEW FISCAL NOTE(s): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[ ] fiscal impact \_\_\_\_\_

[ ] fiscal note(s) \_\_\_\_\_

2 each  zero fiscal note public safety, law

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

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not	No Rec	Amend
		Pass		
<i>David Donley</i>				
<i>Kevin Pad Parnell</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				

*David Donley*  
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 90

Revision Date: \_\_\_\_\_ Department Affected: Department of Law  
 Title: "An Act relating to fines and restitution in criminal cases." BRU: Prosecution/Legal Services  
 Sponsor: Representative Ulmer Component: Prosecution/Criminal Justice Litigation  
 Requestor: House Judiciary Legal Services/Operations  
 COMPONENT SERIAL NO. 

		8	9
		9	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	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: \_\_\_\_\_

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared By: Richard I. Pegues, Director Phone: 465-3672

Division: Administrative Services Date: February 12, 1991

Approved by Commissioner: Charles E. Cole, Attorney General

Agency: Department of Law Date: February 12, 1991

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 90

This bill amends AS 12.55 to clarify existing laws regarding the imposition of fines and restitution in criminal cases to ensure the full payment of fines and to make full restitution available to all persons who have been injured as a result of criminal behavior.

In so doing, the bill requires courts to consider whether a defendant has the ability to pay fines and restitution at hearing held after a defendant has failed to pay, rather than asking courts to predict at the time of sentencing whether a defendant will have the ability to pay in the future. It also requires a defendant who has failed to pay to come forward with evidence justifying why the fine or restitution was not paid. It allows courts to order that restitution be made to all persons who have suffered a loss as a result of a defendant's conduct. And it allows courts to order restitution for expenses that will be incurred after the date of sentencing.

As a consequence of these changes, it is likely that more fines and restitution orders will be imposed, and at higher amounts. These are sentencing provisions and they will not have a fiscal impact of the Department of Law's prosecution activities. These changes will, however, have a positive impact on the department's Legal Services activities, which include the collection of unpaid criminal and civil fines that are owed to the state. Although we cannot predict the amount of additional funds that will be collected, there will certainly be an increase. Furthermore, the penalty provisions provided in the bill will also provide a needed incentive to defendants to pay overdue fines to the state, as well as an incentive to pay restitution to victims and others who have suffered a loss as a result of a defendant's criminal behavior.

FISCAL NOTE

STATE OF ALASKA  
1991 LEGISLATIVE SESSION

BILL NO. HB 90

Revision Date: \_\_\_\_\_  
Title: An act relating to fines and  
restitution in criminal cases.  
Sponsor: Rep. Ulmer  
Requestor: House Judiciary

Department Affected: Public Safety  
BRU: Alaska State Troopers  
Component: Detachments

COMPONENT SERIAL NO. 

	7	9	9
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EXPENDITURES/REVENUES: (Thousands of Dollars) (Inflation not Included)

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

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

GENERAL FUND						
FEDERAL FUNDS						
OTHER/PROG RCPT						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

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

Estimate of current year impact none

ANALYSIS: (Attach a separate page if necessary)

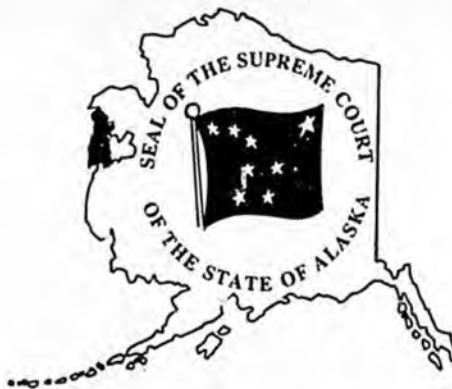
No fiscal impact anticipated.

Prepared by: Gayle A. Horetski Phone: 465-4322  
 Division: Commissioner's Office Date: 2/13/91  
 Approved by Commissioner: *Gayle A. Horetski for* Richard L. Burton  
 Agency: Department of Public Safety Date: 2/13/91

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

HB

91



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III  
Staff Counsel

303 K Street  
Anchorage, AK 99501  
(907) 264-8228

April 16, 1991

The Honorable Dave Donley  
Chairman, House Judiciary Committee  
P.O. Box V  
Juneau, Alaska 99811

Dear Representative Donley:

I am writing to request that the Judiciary Committee schedule a hearing on House Bill 91, relating to the jurisdiction of the district court, at its earliest convenience. This bill was introduced at the request of the Alaska Court System.

Current law provides that the superior court has jurisdiction in civil cases exceeding \$50,000 in value; the district court has jurisdiction over claims not exceeding that amount. However, current law also requires that all actions against the state be brought in superior court, regardless of the size of the claim. This has resulted in situations like one which took place recently in Fairbanks, when the superior court was used to try a \$2000 claim against the state. Not only is \$2000 significantly less than the maximum amount of the district court's jurisdiction, it is significantly less than the maximum amount of a small claims case (\$5,000).

This restriction on district court jurisdiction was enacted at the time of statehood, when district court judges were not required to be attorneys. The prevailing view was that cases in which the state was a defendant should not be decided by a court presided over by a person who was not learned in the law. Today, however, this distinction is an anachronism, since a district court judge must be licensed to practice law in Alaska, and is subject to the same appointive and retention election processes as are judges of the superior court.

The Honorable Dave Donley  
April 16, 1991  
Page 2

HB 91 proposes to treat the state like any other litigant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

As drafted, HB 91 would make the following changes to existing law:

Section 1. Amends AS 09.50.250, relating to sovereign immunity. The existing statute requires that a contract, quasi-contract or tort claim against the state be brought in superior court. This section deletes that requirement.

Section 2. Amends AS 22.15.050, relating to the jurisdiction of the district court. The existing statute provides that the jurisdiction of that court does not extend to cases in which the state is a defendant. This section deletes that restriction on jurisdiction.

Please feel free to contact me if you have any questions or comments.

Very truly yours,



C. S. Christensen III  
Staff Counsel

CSC:bh