

ALASKA LEGISLATURE COMMITTEE FILES 1991-1992 8672
7043 HOUSE LABOR & COMMERCE

line into something nearly as good as a new line let's examine what it will do for the new line and what the additional benefits of rebuilding the old line are if we have an enhanced new line. Looking at the benefits shown, the major ones are for reduced transmission losses, increased economy energy, capacity sharing and reliability improvements. These constituted 92% of the benefits of building the new line. Starting with losses and assuming the 138Kv new line was in place there would be very minor loss reduction from rebuilding the old line because it is so much longer. There would be little if any reliability improvements. In fact, I believe rebuilding the old line would likely make reliability worse. On capacity sharing, the longer length of the old line makes it of marginal value and finally, it's effect on economy energy would be marginal. Therefore, at least qualitatively, using the study logic, we can see there is very little value in rebuilding the old line so under this premise it would not be done. But the study assumed it would be done so the study impeaches itself.

At this point, I want to make it clear that we have not determined that the old line should or should not be rebuilt. What we have determined is that the cost of rebuilding the old line cannot be ignored and it either must be included in the benefits of the new line or the benefit of the existing line with the high tech fixes are not as great as assumed. Thus, the benefits of a real new line are much greater than represented. I am convinced either of these resolutions to the logical fallacy will result in a benefit to cost ratio well in excess of one.

I urge you to fund the Interties so we can obtain needed transmission lines which will continue to benefit railbelt ratepayers for years to come.

ATTACHMENT E
Energy Planning in Alaska: Past Efforts and A Future Direction,
House Research Agency Report 88-B
pp 20 to 28

ENERGY PLANNING

Statewide Overview Approach

The statewide overview focuses on a comparison of utility plans with a continuously updated statewide analysis of energy supply and demand. The premise underlying this approach is that utility plans are acceptable if they do not conflict with an independent, integrated statewide overview of demand forecasts, conservation and other demand-management measures, and supply alternatives. This statewide analysis is conducted by the utility regulatory commission or state energy office. The state overview need not include a plan, but must at least provide a general assessment of opportunities for cost reductions and risk management from a statewide societal perspective as opposed to a strictly utility perspective.²⁶

The states of Wisconsin, Vermont, New York, Indiana, Kentucky, and Texas have adopted a statewide approach. The need for a statewide approach is described by the Kentucky Public Service Commission as follows:

"Kentucky's electric utilities have traditionally concerned themselves with meeting the needs of their separate service areas. But given the enormous cost of building new power plants and the uncertainties of a changing economy, the time has come to explore a more cooperative approach in which utilities work together to meet the needs of the entire state. The commission strongly believes that a statewide strategy may generate significant long-term savings for ratepayers, utility companies, and their stockholders. These savings occur through improved long-range planning and better use of the current abundance in Kentucky of electric generating capacity."²⁷

Countervailing Recommendation Approach

The countervailing recommendation approach works on the theory that the utilities will present reasonable integrated resource planning options if they face the threat that the commission staff or independent parties will present credible conservation, demand management, and supply-side alternatives in rate cases and other proceedings before the commission. To reply to that threat, the utilities must develop their own credible plans. West Virginia, the District of Columbia, and Maine use aspects of this approach. In addition, the states of Nevada and Pennsylvania have used this approach when the utility planning approach has not been productive.

²⁶Ibid.

²⁷Kentucky Public Service Commission, Order, Adm. Case No. 308, p. 2.

Countervailing recommendations are also part of a statewide approach to insure that utility proposals are compatible with statewide overviews and objectives.

The three prototypical approaches to integrated resource planning are three points along a continuum. At one end (utility planning approach), planning consists of the state developing utility reporting requirements and reviewing utility reports for compliance with requirements. In this case, the utility regulatory commission is heavily dependent on the utility to do the planning. At the other end (statewide and countervailing approaches), planning consists of the commission developing plans or analyses against which utility plans are compared for consistency. This approach gives the public planning entity the greatest degree of independence in the planning process.

The State of Nevada, a leader in the development of integrated resource planning, has developed comprehensive statutes and rules which establish integrated planning. Additionally, Nevada has reviewed the statutes of other states implementing integrated planning and identified components important to the planning process as follows:²⁸

- 1) **Planning Process Integration:** Integration involves two aspects; substance and procedure. Substantively, integration includes a forecast of future demand and a comprehensive analysis of demand and supply options available to meet or alter demand which are then unified to derive the "least-cost" resource plan. On a procedural level, regulators strive for integration of utility rate making and utility construction permit proceedings to ensure that the resource process actually takes hold and leads to long-term economic benefits to ratepayers and financial health for the utility.
- 2) **Sufficient Methodological Specification:** Specification of the methodology and models to be used by the utilities is necessary to insure: 1) use of state-of-the-art approaches; 2) consistency over time between plan filings by various utilities; and 3) the establishment of a systematic review process for interested parties and regulators. This methodological specification must not be so rigorous, however, as to thwart innovation by utility resource planning staffs.

²⁸Jon B. Wellinghoff and Cynthia K. Mitchell, "A Model for Statewide Integrated Resource Planning," Public Utilities Fortnightly, August 8, 1985, p. 20.

ENERGY PLANNING

- 3) **Required Implementation:** Integrated planning is accompanied by action plans detailing the means by which utilities plan to acquire and implement resource options with cost-effectiveness being the key priority.
- 4) **Utility Responsibility for Plan Creation:** If the expertise and data for plan development originate within the utilities, utilities are likely to stand behind their plans and use them in a variety of internal and external decision making processes. By placing primary responsibility for creation and coordination of plan components within the individual utilities, successful plan implementation is more readily assured.
- 5) **Plan Enforcement:** Unless the regulatory process provides for an effective enforcement mechanism to ensure that utilities adequately conduct the planning process and follow through with the acquisition and implementation of resource options, the entire process becomes little more than a futile exercise. Regulatory integration of the planning process can greatly facilitate enforcement of the planning process.

EXAMPLES OF INTEGRATED RESOURCE PLANNING AT WORK

This section provides practical examples of integrated resource planning in the Pacific Northwest and Southern California. The Northwest Power Planning Council was developed following the very expensive Washington Public Power Supply System construction "mistakes" in the late 1970s. Southern California Edison is an excellent example of one utility's creative response to state legislation requiring utility planning. These examples were chosen because each emphasizes planning for uncertainty to maximize flexibility and minimize costs. Because of the volatility of Alaska's economy, this approach to planning is especially pertinent. In addition, the Pacific Northwest has considerable surplus electrical generating capacity--similar to conditions in many Alaska communities.

Pacific Northwest Planning

The Northwest Power Planning Council is responsible for electrical energy planning for the Northwest Region (Washington, Oregon, Idaho, and Montana) as required by the Federal Northwest Power Act.²⁹ The council's planning strategies are particularly relevant to the Railbelt and some other areas of Alaska, because the Northwest, like the Railbelt, currently has a large surplus of power and future demand levels are uncertain. The council utilizes an integrated resources and risk minimization planning approach. All potential demand- and supply-side options are evaluated for their ability to provide an adequate and reliable supply of electrical energy at the lowest possible cost; most efficient options are added to the region's energy portfolio. Risk minimization is accomplished through the recognition of the shifting nature of energy demand projections and addressing this uncertainty by defining the probable boundaries of potential energy growth. To do this, the council develops high, medium-high, medium-low, and low electrical growth forecasts for twenty-year periods. These forecasts are continually monitored and updated on a two-year cycle.

The range of forecasts serves two important functions. First, it is an explicit statement that the future is uncertain and that the council does not base decisions on the traditional "most likely" forecast. Rather, the council evaluates the consequences of specific actions across a wide range of possible futures. Second, the forecast range represents the council's judgment on the potential futures for which the region should plan and invest.

The council attempts to maximize flexibility by identifying options with short lead times, small sizes, and/or low capital costs. Short lead times allow for greater adaptability to unforeseen changes in demand. Smaller plant sizes make it easier to match resources to loads. Options with lower capital costs tend to reduce risk because they reduce the amount of money that has to be committed to any one project. Conservation is considered a highly flexible option in the Pacific Northwest. The region has a large supply of potential conservation measures which cost much less than building generating capacity. Conservation also helps reduce uncertainty because more energy efficient building and end uses are more resistant to changes in energy prices and are therefore less likely to contribute to fluctuations in power demand or switching to other fuels.

²⁹Chapter 12H-Pacific Northwest Electric Planning and Conservation Act, Bonneville Power Administration, U.S. Department of Energy, December 5, 1980.

ENERGY PLANNING

The Pacific Northwest region also uses a resource options strategy to add flexibility to the scheduling of options that require a great deal of time from inception to completion. Under this strategy, an option moves through the time-consuming but relatively inexpensive siting, design, and licensing, after which it can be scheduled, placed on hold, constructed, or terminated, depending on the demand for electricity. The cost of developing resource options is typically very small compared to the costs associated with construction. Furthermore, options substantially reduce the lead time required for constructing generation capacity. By having a licensed or readily licensable power project effectively "on hold," the period over which electricity needs must be forecast can be reduced to the construction period, which is as little as half of the total time that is now needed. The objective of the effective options planning strategy is to move decisions involving the commitment of large sums of capital as close as possible to the anticipated time power will be needed. This significantly reduces the likelihood of beginning construction on a project that is not needed. The council has analyzed the value to the region of being able to option resources. It found that this two-stage decision making process could save the region \$700 million across the 20-year range of future load growths.

The council's planning process consists of three steps: 1) initial determination of resource needs; 2) selection of cost-effective supply- and demand-side options; and 3) selection of the final resource portfolio and action plan. The council's planning begins with an extensive analysis to determine the range of future electrical energy growth in the region over the next 20-year horizon, based on economic and demographic projections and the price of alternative fuels. Forecasts of future electricity prices are also a key factor in forecasting future electricity use. As previously described, the forecasts characterize the range of uncertainty by providing estimates of four growth patterns for electrical demand (high, medium-high, medium-low, and low).

In the second step, the council estimates the availability, reliability, and cost of both generating and conservation resources; cost analyses include environmental impacts or costs. To most accurately estimate the costs of potential resources, their use is simulated with the existing power system to determine the actual costs to the region. This analysis also determines the compatibility of each alternative with the existing power system. The council then analyzes the lowest cost combinations of all resources to meet the entire range of potential energy needs. Non-discretionary resources are first added into the portfolio. These are cost-effective resources whose timing cannot be scheduled or controlled by the power system. For example, the opportunity for energy savings in new residential and commercial buildings will occur when the buildings are built. In contrast, discretionary resources can be scheduled by the power system to produce energy when they are needed.

The council also identifies "lost opportunity resources." A lost opportunity resource is a potential electrical power generating or conservation option currently available to the region which, if not acquired or currently secured, will no longer be available and cost-effective. If a lost opportunity is not secured, it will have to be replaced in the future by a less cost-effective option. Conservation standards for energy efficient construction of new residential and commercial buildings are an example of a lost opportunity resource the Northwest Region is currently pursuing.

The final step in the planning process is the application of electricity costs (from the resource portfolio determined in step two) to the forecasting system. The resulting forecasts of energy needs are then used to fine tune the amount of options needed.

The council's planning strategy is based on a societal perspective. The objective of the council's plan is to minimize total system costs, whether these costs are borne by utilities--and thus reflected in electric rates--or by individuals, businesses and governments acting in their own self-interest. This approach does not necessarily result in the lowest electrical rates in the short term; but instead minimizes the long-term cost of serving all ratepayers in the region.

Southern California Edison

As at many other utilities, resource planning at Southern California Edison (SCE) had traditionally been dominated by a single load forecast which defined the resource requirements necessary to meet the load with an adequate safety margin. This process worked quite well during decades of steady growth and few surprises. As the business environment began to change, starting in the late 1960s, the process of load forecasting and resource planning became more complicated. The SCE's initial response to this new planning environment was to develop more sophisticated forecasting models and more extensive data bases. It took some time to realize that more sophisticated forecasting methods were not the problem's cure. Planning had become more complicated not because the forecasting models were inadequate, but because frequent surprise events made their underlying assumptions inappropriate. This observation led to SCE's new resource planning philosophy: planning for uncertainty.

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A review of SCE's resource plans since 1965 indicates that out of a total of 34,000 megawatts of "planned" resource additions, only 9,000 megawatts were actually built. In all cases, the cancellations took place with projects in early stages of conceptual planning or design. As a result, SCE did not incur any major engineering or construction costs in canceling these planned resources. Despite the fact that forecasts were, on average, twice as high as actual growth rates experienced, the separation of forecasting functions from planning functions--and consequent consideration of alternative scenarios and responses--allowed SCE to respond to "low" demand in time to come up with the "correct" plan of action. Learning from this experience, SCE changed the focus of their planning from predicting future events to responding efficiently to change.

The SCE analysis starts with an effort to identify how the future could unfold under a wide range of assumptions. Alternative economic conditions, growth rates, and regulatory, environmental, technological, social, political and business environments are considered. Future scenarios consisting of plausible combinations of these parameters, including many surprise events, are postulated and their potential impact on electrical service and customers are evaluated. Each scenario leads to a set of outcomes affecting economic growth, employment, income, housing, trade, financial services, industrial activity, and so on. Since demand for electrical services is a derived demand, SCE's growth rate is a function of these other variables.

In the early stages of SCE's analysis, it became clear that many alternative scenarios result in similar consequences relative to the need for new resources. That is, even though they were caused by different factors, their impact on SCE's resource requirements would be similar. This reinforced the importance of focusing on the consequence of scenarios as opposed to the events or scenarios themselves. Subsequently, the scenarios were grouped based on their consequences. In 1986, the outcome of this consolidation process was 12 sets of scenarios or consequences which encompassed a wide range of potential futures. These consequences formed the boundaries of a forecast range similar to the council's forecast range previously described.

Since there is no way of knowing which one, if any, of the scenarios will occur, SCE's resource planning process focuses on developing a flexible action plan which covers the entire set of possible outcomes. To achieve this objective, the resource plan consists of a number of strategic elements that can be rearranged in a variety of ways to accommodate any plausible scenario. Using these strategic "building blocks," SCE can accommodate a range of growth outcomes from four percent annual growth to one-half of one percent annual decline during the next ten-year period. The strategic elements in SCE's plan include:

- **Extended or Shortened Use of Oil and Gas Units--**This offers a number of options that may be exercised in relatively short order depending on the need for capacity and the type of load. The useful life of many aging plants may be extended or plants may be mothballed as needed. In addition, units can be modified to meet base, intermediate, or peaking load requirements.
- **Transmission Network--**The availability of excess capacity at other utilities allows SCE to use their existing and planned transmission network for purchases of economy energy. In recent years, this has saved SCE customers billions of dollars.
- **Qualifying Facility Resources--**Power generated by independent entities and sold to SCE under PURPA-type contracts has grown in significance during the past several years. Qualifying facility (QF) projects are generally nonutility financed and have short development times. Managing QF development to conform to changing requirements through appropriate price signals provides an additional element of flexibility to SCE's resource planning process.
- **Energy Management--**During decades of demand-driven, generation-focused planning, customer demand was considered as a "given" and supplies were planned to meet it no matter what the cost. The SCE is increasingly focusing its attention on managing and modifying its load with a variety of load management options. The SCE believes that the key to customer-side load management is time-of-use differentiated pricing and marketing strategies which provide sufficient incentives for customers to modify their consumption patterns.
- **New Resources--**In addition to the above-mentioned options, SCE maintains a number of conventional and nonconventional new resources in its inventory. Many are modular in nature and can be brought on line in a relatively short period of time. These include all types of capacity: base load, intermediate, and peaking.

ENERGY PLANNING

The use of strategic elements to develop alternatives provides the basic ingredients of SCE's flexible integrated resource plan. The success of SCE's planning process is evident in its ability to respond to a wide range of possible growth scenarios in the future. The SCE's planning methods have been widely acclaimed and emulated by other utilities.

CONCLUSION

In theory, integrated resource planning is a framework within which all reasonable options for meeting electrical power demand are considered to provide the most cost effective system. In practice, states and utilities are finding that IRP maximizes flexibility in addressing the uncertainties of future power needs in the late 1980s and beyond. Integrated resource planning is worthy of consideration in Alaska's energy future. Alaska's economy and its dependence on natural resource development and extraction makes the demand for electricity particularly subject to volatility. Therefore, an energy program that plans for uncertainty and maximizes flexibility is likely to provide maximum benefits to all consumers of electricity in Alaska.

In the following chapters, the history of energy planning in urban (Chapter Two) and rural (Chapter Three) Alaska is reviewed. Then, the current energy situation and programs are assessed from an IRP perspective and suggestions are offered for near-term efforts. The final chapter explores the implementation of IRP for future energy planning in Alaska.

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FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO : HB 78

Revision Date: _____
 Title: "An Act relating to employment rights based on family leave."
 Sponsor: Brown, et al.
 Requestor: House Labor & Commerce

Department Affected: Labor
 BRU: Labor Standards & Safety
 Component: Wage & Hour
 COMPONENT SERIAL NO. 345

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES	56.7	56.7	56.7	56.7	56.7	56.7
TRAVEL	6.0	6.0	6.0	6.0	6.0	6.0
CONTRACTUAL	5.4	5.4	5.4	5.4	5.4	5.4
SUPPLIES	0.4	0.4	0.4	0.4	0.4	0.4
EQUIPMENT	1.2					
LAND&STRUCTURES						
GRANTS,CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	69.7	68.5	68.5	68.5	68.5	68.5

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	69.7	68.5	68.5	68.5	68.5	68.5
FEDERAL FUNDS						
OTHER						
TOTAL	69.7	68.5	68.5	68.5	68.5	68.5

POSITIONS:

FULL-TIME	1.0	1.0	1.0	1.0	1.0	1.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

Under the provisions of this bill, the department would investigate alleged violations of the family leave law and attempt reconciliation. In order to do this, a Wage & Hour Investigator II located in Anchorage would be hired. This position would travel throughout the state to investigate the complaints. An effective date of July 1, 1991 is assumed.

Prepared by: Robert W. Libbey, Director Phone: 264-2452
 Division: Labor Standards & Safety Date: 2/5/91

Approved by Commissioner: Nancy Bear Userra Date: 2/5/91
 Agency: Department of Labor

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

Position Title Wage & Hour Investigator II		No. of Positions 1	Range/Step 18A	Barg. Unit GGU	
Time Status PFT	Staff Months 12	Location Anchorage		Election District 99	
Type of Expenditure		Justification			
Amount		<p>This position would investigate alleged violations of the family leave law. The investigator would attempt to resolve violations by conference, conciliation, and persuasion.</p> <p>Travel costs would allow the investigator to cover complaints in all parts of the state.</p> <p>Contractual and commodity costs are average per-employee costs. Equipment would be a one-time expense for desk, chair, cabinets, etc.</p>			
1	2				3
Salary	\$40,521				
Benefits	16,187				
Premium Pay					
Other					
Total Personal Services					\$56,708
Travel					6,000
Contractual					5,400
Commodities					400
Equipment		1,200			
Other					
Total Cost		\$69,708			
Funding Source for Total Cost					
Federal Receipts	1002				
G. F. Match	1003				
General Fund	1004	\$69,708			
GP Program Receipts	1005				
Other					

**Request For
New Position**

Agency Labor
 BRU Labor Standards & Safety
 Component Wage & Hour

Page 2 of 2
 Revised Date

FY 91

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB78

Revision Date: _____ Department Affected: Education
 Title: Employment rights based on BRU: K-12 Support
pregnancy childbirth and related Component: Foundation
 Sponsor: Brown
 Requestor: House 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						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Prepared By: Mary Hakala Phone: 465-2800
 Division: Commissioner's Office Date: 1/31/91
 Approved by Commissioner: Steve Hole, Acting Commissioner
 Agency: Education Date: 1/31/91

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

Kay Brown

Alaska State Legislature House of Representatives

TO: Members, House Labor and Commerce Committee

FROM: Representative Kay Brown

DATE: February 8, 1991

RE: House Bill 78, Alaska Family Protection Act

On January 25, I introduced HB 78 which is similar to legislation I introduced in the 16th Legislature (HB 155) relating to family and medical leave. This measure allows employees to take unpaid leave for the birth or adoption of a child, for the serious illness of the employee, or for the care of the employee's sick child, spouse or parent. It would grant re-employment rights to employees taking unpaid family leave, and would promote the stability and economic security of families.

The bill applies to both private and public employers:

- State: Executive/Legislative/Judicial
University of Alaska
Authorities and Corporations
- Political Subdivisions of the State
- Private Employers

This legislation balances the demand of the workplace with the needs of families:

- allows up to 18 weeks of unpaid leave within a 12-month period for each birth or adoption in a family;
- allows up to 18 weeks of unpaid leave to care for the employee's own serious health condition, or serious medical condition of the employee's child, spouse, or parent during any 24-month period;
- allows both male and female employees family leave benefits;
- requires that an employer reinstate the employee in the same or a substantially similar position at the end of the leave;

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During Session:
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- protects the health of a pregnant woman and her baby by requiring that an employer transfer a pregnant employee to a less hazardous or strenuous position if an unfilled position exists in the same administrative division, and if the transfer is requested by a health care provider;
- provides for investigation and conciliation of complaints by the Department of Labor; and
- requires that labor negotiation agreements contain terms that are at least as beneficial as the legislation

House Bill 78 accommodates the interests of employers, and includes the following "pro-business" provisions:

- applies only to employers with 21 or more employees; does not apply where there are fewer than 21 employees working within 50 road miles of a small facility;
- requires that an employee work part-time at least 17 1/2 hours per week for 12 consecutive months, or full-time at least 35 hours per week for 6 consecutive months to qualify for family leave;
- disallows simultaneous leave to care for a sick family member if both parents work for the same employer;
- defines "serious health conditions" that is the basis for entitlement to family leave;
- allows the employer to require the employee to use up any accrued, paid leave and to take maternity or adoption leave in one block of time;
- requires the employee to give reasonable prior notice of anticipated leave;
- exempts employer from reinstating the employee in the same or a similar position after returning from family leave if the employer's business circumstances have changed to make it impossible or unreasonable;

- provides that collective bargaining agreements in effect remain valid until they expire; subsequent agreements must be at least as beneficial as the provisions of this legislation;
- during the unpaid family leave, the employer may require the employee to pay for continuation of health insurance coverage; and
- allows the Commissioner of Education to approve a collective bargaining agreement which does not contain these benefits when a regional educational attendance area or a school district can demonstrate that the variance is necessary to avoid a hardship due to the lack of qualified substitute teachers or a lack of available housing for substitute teachers.

I would be happy to respond to any questions or comments you may have for this bill. My office phone is 465-4998.

WALTER J HICKEL
GOVERNOR



PHONE
(907) 581-4227

STATE OF ALASKA
OFFICE OF THE GOVERNOR

ALASKA WOMEN'S COMMISSION
3601 C STREET - SUITE 742
ANCHORAGE, ALASKA 99503

FEB 12 1991

February 12, 1991

Representative David Finkelstein
House Labor and Commerce Committee
Alaska State Legislature
P.O. Box V (MS 3100)
Juneau, Alaska 99811

Dear Rep. Finkelstein and Members of the House Labor and Commerce Committee:

The Alaska Women's Commission is in strong support of HB78, the parental leave bill. HB78 seeks to enable people working outside the home to take unpaid leave without fear of losing their job so that they can provide the care to infants, sick children and elderly parents that is so critical for healthy families.

It is necessary to address in a positive way the impact on our families of the increasing number of women in the work force. Nationally less than 7% of families have a father working outside the home while the mother stays at home to take care of the children.

The cost to women of our lack of family leave policies is decreased earning capacity and decreased ability to nurture their families. The cost to society is increased welfare, unemployment and government funded care for elderly. Yet the costs to employers are minimal and, as shown by a recent U.S. General Accounting Office study, there are savings in training and hiring costs and increased employee loyalty and productivity. In Oregon, a year after parental leave was initiated, only 20 cases of non-compliance had been reported and one litigated. Virtually no businesses reported that they would reduce other benefits and only 1 in 3 employees using leave was replaced. States with parental leave policies have been shown to have higher job growth in the small business sector than states with anti-regulatory policies.

Two thirds of women who work are single, divorced, widowed or married to men earning less than \$15,000/year. In Alaska 68% of women aged 20 to 34 years are employed, and 78% of women aged 35 to 44 years. While Alaska has one of the highest birth rates in the nation, we also have the second highest participation rate of females in the work force.

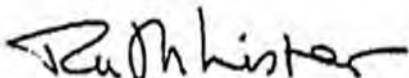
When working full time, married women earn on average half of what married men earn. It is not surprising therefore that women disrupt their career or risk loss of their job to look after sick children and elderly parents. This creates a vicious cycle that prevents women from attaining promotions and seniority and thus reduces their earning capacity. Yet with over two out of three marriages in Alaska ending in divorce, it is critical for women, who often become the sole provider for their family, to earn an adequate income and to not risk losing their job or leaving sick children at home alone. Otherwise reliance on various forms of public assistance becomes their alternative, at considerable cost to the state.

Several national studies have looked at what private businesses now provide. These studies indicate that at least half of employers provide maternity leave. The Alaska Women's Commission conducted a study of Anchorage businesses with over 20 employees. In all sizes of business, 50 to 60% provided job protected maternity leave. In larger businesses the leave was often paid. When maternity leave is available for two parent families, 37% of women return to work in less than 8 weeks and 32% in 9 to 18 weeks. Thus, the impact of mandated leave is diminished by economic reality for most families since it is not fully used.

The National Association of Working Women recently made a multivariate analysis of business employment in seven states with parental leave compared with seven states considered to be pro-business because of anti-regulatory policies. The study addressed the question: Have small businesses grown more slowly or declined in those states which have mandated a family leave policy? The results of this study indicate that family leave policies have had no negative effect on job growth in the small business sector. In fact, family leave policies are associated with higher job growth in the small business sector. Businesses with less than fifty workers were estimated to hire approximately 21% more employees if these enterprises were located in a parental leave state. A second finding of this study is the positive association between a high rate of women's labor force participation and employment growth in all size firms. The well-being of employees, which correlates with productivity, decreases when family obligations clash with work responsibilities.

I look forward to your support of this bill. Family leave is a critical issue for families that needs to be addressed now.

Sincerely,



Ruth Lister
Executive Director

RL/bh

FAMILY LEAVE IN THE ANCHORAGE PRIVATE SECTOR

In March of 1990 the Alaska Women's Commission, in conjunction with the School of Social Work, surveyed a 20% sample of Anchorage businesses with over 20 employees. Their responses to questions on family and medical leave provide some valuable information on what is happening in the private sector. The results were broken down by number of employees (20-35, 36-50, 51-100 and 100+) and by industry.

The following are highlights from our research:

- In all categories of number of employees, between 50 and 59% of businesses have a maternity leave policy.
- By industry, retail, manufacturing and construction all have at least 50% of businesses with a maternity leave policy.
- For businesses with a maternity leave policy, 17% of businesses with 20 to 35 employees have paid leave, 28% with 35-50 and 51-100 employees have paid leave, and 60% with 100+ employees have paid leave.
- Unpaid maternity leave averages 12 weeks with little variation for number of employees in the business.
- 35% of businesses have paternity leave (19% did not know).
- Maternity leave is job protected for 92% of businesses with a policy.
- Maternity leave applies to part time employees in 38% of businesses with a policy.
- A maternity leave policy helped retain employees and increase employee morale for 75% of businesses with a policy (18% did not know).
- Maternity leave increased training costs for 17% of businesses and decreased productivity for 24% of businesses with a policy.
- 81% of businesses stated that their policy is positive overall for their business (19% did not know).
- 80% of businesses have a sick leave policy. There is little variation for number of employees.
- 75% of businesses with a sick leave policy allow leave to be used to look after a sick family member. These businesses also allow unpaid leave for this purpose.

At this time, just over half of businesses with over 20 employees have policies in place which are substantially similar to those proposed by Alaska's family and medical leave bill. Size of business affects the amount of paid leave, not the amount of unpaid leave that can be used. Smaller businesses rate their leave policy as positively as larger businesses.

These findings concur with recent research by the Families and Work Institute on four states that have implemented family leave legislation. For businesses in these states, 75% had no change in training costs and 83% had no changes in employment insurance costs. For parents in these states, 93% rated the effect of the law on family life as positive.

ALASKA WOMEN'S COMMISSION
(907) 561-4227
3601 C Street, Suite 742
Anchorage, Alaska 99503



801 Lincoln Street
 Sitka, Alaska 99835
 907/747-3523 Home; 907/747-8672 Work
 February 12, 1991

House Labor and Commerce Committee Members
 Alaska State Legislature
 P.O. Box V
 Juneau, AK 99811

Dear Representatives Finkelstein, Parnell, Ivan, Donley, Bruckman, Taylor, and Zawacki,

The League of Women Voters of Alaska supports House Bill 78, "The Alaska Family Protection Act," recently introduced by Representative Kay Brown and co-sponsored by Representatives Ulmer, Donley, Ellis, Koponen, Kubina, Finkelstein, Gruenberg, and Bettye Davis. The purposes of this bill are consistent with the social policy positions adopted by the League of Women Voters of the United States.

First, one of the purposes of HB 78 recognizes that "the number of single-parent households and two-parent households in which the single parent or both parents work outside the home is increasing significantly" and that "the lack of employment opportunities to accommodate working parents can force individuals to choose between job security and parenting." HB 78 would aid in insuring access to employment for parents, thus being consistent with the LWVUS position which supports equal access to education, employment, and housing.

Second, and perhaps more importantly, HB 78 recognizes that "generally, parents are the best providers of care for their children" and that parents should be able to participate in early childrearing and health care for family members who need it. This is consistent with the LWVUS Meeting Basic Human Needs policy that "supports programs and policies to prevent or reduce poverty and to promote self-sufficiency for individuals and families." The leave policies provided for in the Family Protection Act would help prevent poverty by allowing family members to care for one another with both the security of employment (renewed income upon return to work) and the maintenance of an employee's group health plan.

Thank you for your consideration of our statement of support of this important bill.

Sincerely yours,

Jody Smothers Marcello
 Vice-President and Social Policy Chair
 League of Women Voters of Alaska

cc: Representative Kay Brown
 Representative Ben Grussendorf
 LWVAK President Marge Hays



NEA-ALASKA

AFFILIATED WITH THE NATIONAL EDUCATION ASSOCIATION

ANCHORAGE REGIONAL OFFICE

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

JUNEAU OFFICE

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

FAIRBANKS REGIONAL OFFICE

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

February 6, 1991

To: **Representative Finkelstein, Chair**
Members, House Labor & Commerce Committee

Re: **HB 78; "An Act relating to employment rights**
based on pregnancy, childbirth, and related
conditions, sick leave, and family leave."

NEA-Alaska strongly supports HB 78 and encourages favorable consideration by the Committee.

The Findings and Purpose section of the bill quite accurately describes the need for this kind of legislation. Further, this legislation enhances critical continuity in programs and services in that it facilitates longer range planning.

In K-12 public education the assurance of access to such leave will enable employees and employers to better anticipate specific requirements relative to substitute teacher needs.

There are three areas of technical concern which may require some clarification. Relative to provisions of existing collective bargaining agreements which currently exist it is our assumption that the reference is only to the provision(s) of the agreement which pertains to access to leave.

As you read the language in Sec. 5, page 2, line 24; Sec. 6, page 5, lines 13 & 16; Sec. 7, page 6, line 25; and, Sec. 10, page 8, line 15, it could be construed to mean that entire collective bargaining agreement is void if any provision of it were inconsistent with AS 23.10.500-550. We would, of course, have a serious problem with that interpretation.

In Sec. 6, page 4, lines 1-3, we also assume that if a collective bargaining agreement has specific language relative to health insurance premiums and benefits coverage for leaves of absence that it would prevail?

In Sec. 6, page 5, line 2, we would like to have some clarification of what kind of employer legal liability might be constrained or protected by this language.

Thank you for your consideration of our position.

Respectfully submitted,

Bob Manners
Executive Director

Don Oberg
President

cc: Representative Brown

C C E

Cooper Consulting Engineers

8183 THREADNEEDLE • JUNEAU, ALASKA 99801 • 907-788-3422

February 8, 1991

TO: Representative Ulmer
 Representative Hudson
~~Representative Frankelstein~~
 Representative Donloy
 Representative Farnell
 Representative Bruckley
 Representative Ivan
 Representative Taylor
 Representative Zawacki

FEB 08 1991

SUBJECT: House Bill 78 - Alaska Family Protection Act

We encourage you to not recommend passage of this bill in its present form. The bill in its present form mandates leave policies in the guise of family protection that are less protective of the family than are other policies that most employers would practice if the business consequences of those policies were mitigated. The bill does not address any mitigating measures, while mandating the leave policies. The ultimate effect of the bill will be to discourage business growth in this state at a time when that growth is most necessary.

The leave policies required are possibly justified, but only because other state laws and regulations so tightly restrict work schedules, overtime and shift work that other arrangements are not possible. Unpaid leave should be the last resort as it has the maximum negative impact on both the employee and employer. Instead of mandating the course of maximum negative impact, the bill should stipulate the goals for private sector employers and that for the 18 week period the employer and employee are exempt from various requirements of state law and regulation covering hours, shift differential, and other work place rules so that neither is unnecessarily impacted.

The Legislature should be considering methods to encourage and assist employers, through incentives, regulatory exemptions, and restrictions on liability, to meet the needs of employees and families; not methods that ultimately penalize both as does this bill.

Sincerely,

John D. Cooper
 John D. Cooper, P.E.
 Principal

FAX TRANSMITTAL MEMO

TO: LEGISLATIVE INFORMATION

DEPT: _____ FAX #: 469-5661

FROM: John Cooper PHONE: 789-3422

CO: CCE FAX #: 789-3422

Post-it brand fax transmittal memo 7071

NO. OF PAGES
1

LARRY'S QUALITY HEATING & PLUMBING, INC.
2531 BARRETT AVE.
JUNEAU, ALASKA 99801
907-789-2939

FEB 07 1991

REP. DAVID FINKELSTEIN
P.O. BOX V
JUNEAU, ALASKA 99811

FEBRUARY 5, 1991

DEAR REP. FINKELSTEIN,

I AM ENCLOSING A COPY OF MY LETTER TO FRAN ULMER SO THAT YOU WILL BE AWARE OF OUR FEELINGS AGAINST HOUSE BILL 78. THIS BILL PUTS STATE GOVERNMENT IN THE ROLE OF A UNION WITHOUT THE BENEFIT OF EMPLOYER INPUT. ALTHOUGH WE DO NOT HAVE OVER TWENTY EMPLOYEES AT THIS TIME, IT IS POSSIBLE THAT WE COULD IN THE FUTURE AND HAVING TO MEET THE CONDITIONS OF THIS BILL COULD IMPOSE A GREAT HARDSHIP ON OUR OPERATION.

PLEASE CONSIDER THIS AND DO WHATEVER POSSIBLE TO PREVENT PASSAGE OF THIS BILL.

SINCERELY,

Larry Schultz
Janice Schultz

LARRY & JANICE SCHULTZ

enc

LARRY'S QUALITY HEATING & PLUMBING, INC.
2531 BARRETT AVE.
JUNEAU, ALASKA 99801
907-789-2939

REP. FRAN ULMER
P.O. BOX V
JUNEAU, ALASKA 99811-3100

FEBRUARY 5, 1991

DEAR FRAN,

I AM WRITING TO LET YOU KNOW THAT WE FEEL VERY STRONGLY AGAINST HOUSE BILL NO. 78. THIS SEEMS LIKE A PERFECT EXAMPLE OF THE STATE INTERFERENCE IN AN AREA THAT SHOULD BE LEFT UP TO COLLECTIVE BARGAINING OR THE PRIVATE SECTOR AND NOT THE GOVERNMENT. IN TODAY'S MARKET, WHERE GOOD EMPLOYEES ARE IN DEMAND, IT SHOULD BE LEFT UP TO EMPLOYER TO SET THEIR OWN POLICIES WHICH ARE WORKABLE TO BOTH THEM AND THE EMPLOYEE AND NOT HAVE TO DEAL WITH ANOTHER GOVERNMENT AGENCY.

PLEASE RECONSIDER YOUR SUPPORT OF THIS BILL. THANK YOU FOR YOUR TIME.

SINCERELY,

Larry Schultz
Janice Schultz
LARRY & JANICE SCHULTZ

HB

84

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.

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						
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: 02/28/91

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. HB 84

Revision Date: _____ Department Affected: Commerce & Economic Dev.
 Title: An Act relating to the sale, exchange, or giving of tobacco products BRU: Occupational Licensing
 Component: _____
 Sponsor: Representatives Brown and Ellis
 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
---------	---	---	---	---	---	---

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

FUNDING: (Thousands of Dollars)

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

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
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: Revin Henderson, Regulations Specialist Phone: 465-2537
 Division: Occupational Licensing Date: February 14, 1991
 Approved by Commissioner: Glenn A. Olds *[Signature]* Secy Asst
 Agency: Department of Commerce & Economic Development Date: February 14, 1991

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB84

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					
TOTAL OPERATING	1.0					
CAPITAL	0.0					
REVENUE	0.0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	1.0					
FEDERAL FUNDS	0.0					
OTHER	0.0					
TOTAL	1.0					

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).



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box 4
State Capitol
Juneau, Alaska 99811

TO: Representative David Finkelstein, Chair
House Labor and Commerce Committee

Representative Pat Parnell
Representative Ivan Ivan
Representative Dave Donley
Representative Betty Bruckman
Representative Robin Taylor
Representative Jim Zawacki

FROM: Representative Kay Brown *efm*

DATE: February 27, 1991

SUBJ: HB 84 — Youth Tobacco Addiction Prevention Act

In anticipation of the House Labor and Commerce Committee hearing tomorrow on HB 84, I wanted to take this opportunity to provide you with a brief explanation of why I feel that this legislation is so important.

Smoking is more than just a nuisance or bad habit. More Americans die each year from smoking related illness than died in all of World War II — nearly one each minute. At the same time, there is a new teenage smoker approximately every 30 seconds. Alaska has the highest age-adjusted lung cancer death rate in the Nation; close to 90% of all lung cancer deaths are caused by cigarettes. The adverse health impacts of tobacco addiction are not only tragic in terms of human lives lost, there are also substantial economic impacts. The federal Department of Health and Human Services estimates that smoking related illness costs the nation about \$52 billion per year in health treatment and other costs — about \$221 per capita.

Finally, I would like to add I do not dislike smokers. In fact, I myself am a cigarette smoker. And, as a smoker, I know how hard it is to quit (I am in the process right now of trying — once again — to quit). While respecting the rights of informed adults to make choices about their personal lives, we must also work to prevent young children from falling victim to tobacco product addiction, illness and death.

I have attached a short "quiz" on tobacco. I think you may find it interesting.

CORRECTION

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

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. H884

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					
TOTAL OPERATING	1.0					
CAPITAL	0.0					
REVENUE	0.0					

FUNDING: (Thousands of Dollars)

GENERAL FUND	1.0					
FEDERAL FUNDS	0.0					
OTHER	0.0					
TOTAL	1.0					

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).

HB 84
Fiscal Note Analysis
Income & Excise Audit Division
February 20, 1991

HB 84 would amend and add a new section to AS 11.76 that would prohibit the sale of tobacco products by vending machine. A record of persons convicted of selling tobacco products by vending machine and holding business license endorsements would be forwarded by the court to the Department of Commerce and Economic Development.

Pursuant to AS 43.70.075, a person may not sell tobacco products as a retailer without a license endorsement issued by the Department of Commerce and Economic Development. Further, the endorsement may be suspended for 45 to 90 days for a conviction under AS 11.76.100 of selling tobacco to a minor.

The legislation would also amend AS 43.50, the tobacco tax provisions, to delete references to vending machines and vending machine operators, and it would add a new subsection requiring licensees to post warning signs on their premises. The warning signs would be provided by the Department of Revenue at no charge to licensees and other persons. We have estimated the cost to provide the signs to be approximately \$1000.

It should be emphasized that the Department under AS 43.50 only licenses manufacturers, distributors, direct buying retailers, vending machine operators, and buyers who import cigarettes into the state. In FY 90, for example, licenses were issued to 6 manufacturers, 15 distributors, 89 direct buying retailers, 34 vending machine operators, and 1 buyer. Therefore, this illustrates that retail establishments that routinely obtain their cigarettes from distributors are not required to be licensed under AS 43.50 nor will they be required to post the warning signs. However, we do anticipate that some of the retail establishments may voluntarily post the signs.

The bill also amends AS 43.50.070 by limiting the basis for the suspension or revocation of cigarette licenses to only criminally negligent violations of selling tobacco to minors or selling tobacco by vending machines.



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box 4
State Capitol
Juneau, Alaska 99811

TO: Representative David Finkelstein, Chair
House Labor and Commerce Committee

Representative Pat Parnell
Representative Ivan Ivan
Representative Dave Donley
Representative Betty Bruckman
Representative Robin Taylor
Representative Jim Zawacki

FROM: Representative Kay Brown *efm*

DATE: February 27, 1991

SUBJ: HB 84 — Youth Tobacco Addiction Prevention Act

In anticipation of the House Labor and Commerce Committee hearing tomorrow on HB 84, I wanted to take this opportunity to provide you with a brief explanation of why I feel that this legislation is so important.

Smoking is more than just a nuisance or bad habit. More Americans die each year from smoking related illness than died in all of World War II — nearly one each minute. At the same time, there is a new teenage smoker approximately every 30 seconds. Alaska has the highest age-adjusted lung cancer death rate in the Nation; close to 90% of all lung cancer deaths are caused by cigarettes. The adverse health impacts of tobacco addiction are not only tragic in terms of human lives lost, there are also substantial economic impacts. The federal Department of Health and Human Services estimates that smoking related illness costs the nation about \$52 billion per year in health treatment and other costs — about \$221 per capita.

Finally, I would like to add I do not dislike smokers. In fact, I myself am a cigarette smoker. And, as a smoker, I know how hard it is to quit (I am in the process right now of trying — once again — to quit). While respecting the rights of informed adults to make choices about their personal lives, we must also work to prevent young children from falling victim to tobacco product addiction, illness and death.

I have attached a short "quiz" on tobacco. I think you may find it interesting.

Tobacco Quiz

True or False

1. More Americans die each year from smoking related causes than died in all of World War II.

True False

2. The use of cigarettes in America causes more premature death than AIDS, use of heroine, cocaine, alcohol, fire, automobile accidents, homicides and suicides combined.

True False

3. Low birth weight, often associated with mental retardation and other developmental and health problems has been conclusively linked to the number of cigarettes smoked during pregnancy.

True False

4. The success rate of efforts to quit smoking is lower than the success rate of efforts to stop using heroine.

True False

Multiple Choice

5. Passive smoke (ie, environmental tobacco smoke from others smoking) is responsible for how many deaths each year?

- a) 5,000
- b) 12,000
- c) 22,000
- d) 53,000

6. How many chemicals in tobacco smoke have been confirmed as carcinogenic?

- a) 1
- b) 12
- c) 43
- d) none

7. Trials observing minors attempting to purchase cigarettes have found that minor succeed what percent of the time?

- a) 10%
- b) 25%
- c) 50%
- d) 70%

8. Smoking related illness costs the nation how much each year?

- a) \$25 million
- b) \$100 million
- c) \$10 billion
- d) \$52 billion

9. What is the rate of tobacco related deaths in America?

- a) 1 per hour
- b) 10 per hour
- c) 20 per hour
- d) 49 per hour



Alaska State Legislature

HOUSE OF REPRESENTATIVES

Official Business

P.O. Box V
State Capitol
Juneau, Alaska 99811

TO: Representative David Finkels^tein, Chair
House Labor and Commerce Committee

FROM: Representative Kay Brown *dfm*

DATE: February 26, 1991

SUBJ: HB 84 — Youth Tobacco Addiction Prevention Act

Please find attached the following materials for reference by the House Labor and Commerce Committee during its consideration of HB 84, legislation that would place restrictions on the sale of tobacco products to children.

1. Sponsor Statement
2. House Bill 84
3. Sectional Analysis
4. Fiscal Notes:
 - Department of Commerce and Economic Development
 - Department of Revenue
5. Position Paper/Department of Health and Social Services
6. Additional Information:
 - "Ten Reasons to Ban Tobacco Vending Machines"
 - "Sullivan wants laws to cut tobacco vending"
 - Smoking Compared to Other Causes of Death (pie chart)
 - "Tobacco: A Gateway Substance to Other Drug Dependencies"
 - Tobacco as a Gateway Drug (bar graph)
 - Teenage Smoking/General Accounting Office (fetal effects)
 - "War on drugs must include battle against tobacco"
 - "Cigarette Vending Machines Sell Cigarettes To Children..."
 - "Study attributes 400,000 deaths to past smoking"
 - "Smoking's Ills: Tobacco is taking a huge financial toll"

SPONSOR STATEMENT

HB 84 — Youth Tobacco Addiction Prevention Act

House Bill 84

As part of the effort to curb illegal sales of tobacco products to children, HB 84 has three basic elements:

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

Discussion

Sixty percent of current smokers started by age 14, 90 percent by age 19. Studies have found that children routinely succeed in purchasing cigarettes through vending machines. By eliminating passive sales of tobacco products through vending machines, tobacco product sales to minors would require direct merchant supervision through over-the-counter sales.

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

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

- Tobacco causes more premature death than AIDS, use of heroine, cocaine and alcohol, fire, automobile accidents, homicides and suicides combined — *more Americans die each year from smoking related illness than died in all of World War II.*
- No other cancer-causing drug or addictive product or drug that it is illegal for children to possess is sold through vending machines; cigarettes should not be an exception.
- Secretary of Health and Human Services Louis Sullivan and former Surgeon General Koop have called for a ban on tobacco vending machines.
- Studies have found that young children find it relatively easy to purchase cigarettes through vending machines, even those located in bars.
- More than 430,000 Americans die each year of illness and diseases caused by tobacco — *nearly one person each minute, 49 people every hour, 1,179 people each day.*
- Smoking by pregnant women has been linked to fetal and infant mortality. Low birthweight, often associated with mental retardation and other developmental and health problems, has been conclusively linked to the number of cigarettes smoked during pregnancy. Other effects include premature delivery, retardation in fetal growth, and diminished availability of oxygen to the fetus. These problems may affect a child, often severely, throughout its lifetime.
- The federal Department of Health and Human Services estimates that smoking related illness cost the nation about \$52 billion per year (about \$221 per capita) in health treatment and other costs. *In Alaska, it has been estimated that for one year (1985) direct and indirect mortality and morbidity costs were in excess of \$100 million.*
- Tobacco (nicotine) is highly addictive and recognized as a gateway drug.

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

Sectional Analysis

HB 84 — Youth Tobacco Addiction Prevention Act

Section 1

Legislative findings.

Section 2

Amends AS 11.76.100 (a) to establish that the offense of making a sale or gift of tobacco is an offense subject to the negligence standard. Removes language referencing the sale of tobacco or tobacco products through vending machines.

Section 3

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

Section 4

Prohibits the sale of cigarettes by vending machines. Requires the court to notify the Department of Commerce and Economic Development of any person convicted under this section who holds a tobacco business license endorsement (AS 43.70.075).

Section 5

Amends AS 43.50.010(a) to remove language referencing the sale of tobacco or tobacco products through vending machines.

Section 6

Amends AS 43.50.010(b) to remove language referencing the sale of tobacco or tobacco products through vending machines.

Section 7

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

Section 8

Amends AS 43.50.020 to remove language referencing the sale of tobacco or tobacco products through vending machines.

Section 9

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

Section 10

Repeals language referencing the sale of tobacco through vending machines.

Section 11

Directs the supreme court to include on a schedule of bail amounts the fines resulting from violations of the law regarding tobacco sales or gifts to minors or through vending machines.

10 Reasons to Eliminate Tobacco Vending Machines

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

Sullivan wants laws to cut tobacco vending

WASHINGTON (AP) — The Bush administration on Thursday called on states to help stop children and teen-agers from smoking by banning cigarette vending machines and licensing tobacco retailers.

"We must put an end to the time when any child with a handful of change can commence the slow-motion suicide that is taking the lives of millions of Americans," Health and Human Services Secretary Louis Sullivan told senators.

Sullivan proposed the model federal legislation to guide state lawmakers in creating a licensing system similar to that used for alcoholic beverages and in outlawing cigarette vending machines.

"You can't buy beer from a vending machine," he said in testimony prepared for the Senate Finance Committee, "why should you be able to purchase cigarettes there?"

Also, signs would be required at all points of sale warning that cigarette sales to minors is illegal.

The plan would punish violators with fines and license suspensions.

Forty-four states and the District of Columbia have laws prohibiting the sale of cigarettes to minors. But "these laws are being blatantly ignored," the secretary said.

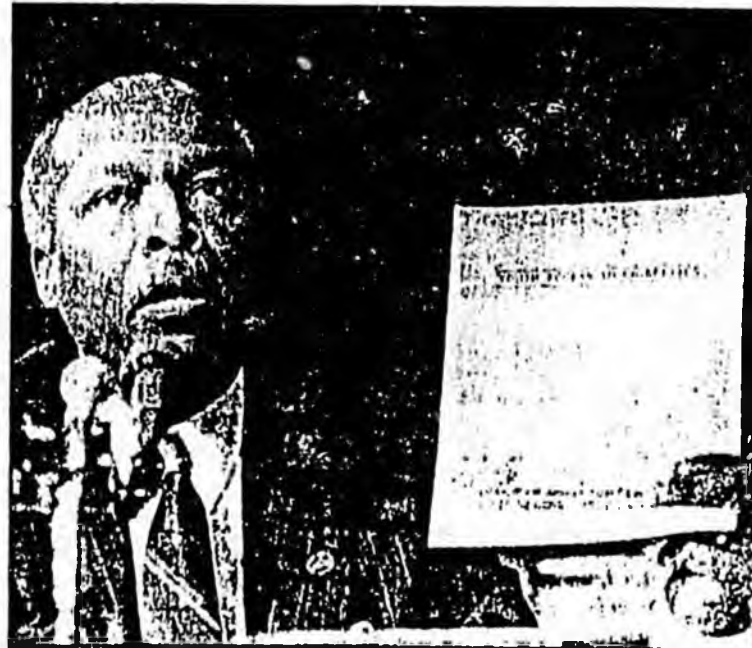
The states that do not have laws are: Kentucky, Louisiana, Missouri, Montana, New Mexico and Wyoming.

Sullivan, who has become the federal government's crusader against smoking, released a report by the Inspector general of the Department of Health and Human Services documenting the widespread lack of enforcement of the state laws.

The few communities that have successfully enforced the laws have done so by licensing tobacco vendors, suspending and revoking licenses, banning or restricting vending machines and using "stings" to identify illegal sales, the report said.

Vending machines account for 16 percent of the cigarettes sold to minors, according to the report.

But the Amusement & Music Operators Association, which represents the vending industry, said only about 9 percent of minors who smoke get their ciga-



ASSOCIATED PRESS

Health and Human Services Secretary Dr. Louis Sullivan holds a report concerning youth access to cigarettes Thursday at a Capitol Hill hearing before the Senate Finance Committee.

rettes from vending machines.

Also, 80 percent of the 375,000 cigarette vending machines are in places where minors are prohibited or are unlikely to frequent.

Sullivan said 90 percent of adult smokers picked up the habit as children or adolescents.

"These young smokers account for almost all of our future problems," he said. "As long as a

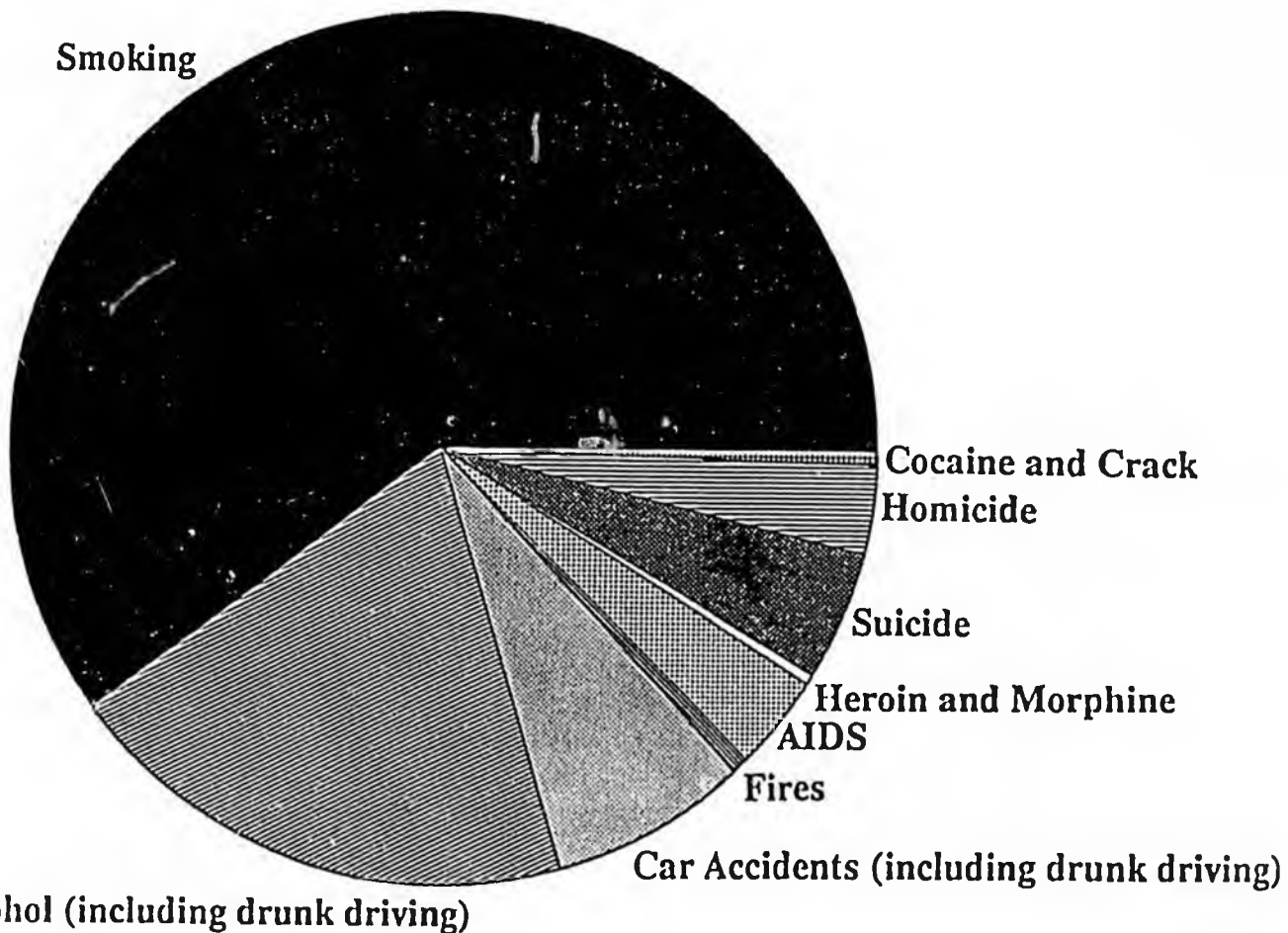
significant proportion of teens view smoking as a desirable, adult pleasure, and become addicted before they can make a mature judgment, we will never succeed in eradicating smoking."

Sullivan said it is "more appropriate" to build on the legislation already on the books in 44 states than to have a federal ban on vending machines

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

Approximate Number of Deaths:

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



¹1989 Surgeon General's Report, 1985 data

²Surgeon General's Office, 1985 data

³National Safety Council, 1989 data

⁴Center For Disease Control, 1989 data

⁵National Center For Health Statistics, 1987 data

Smokefree Educational Services

Incorporated

375 South End Avenue, Suite 321
New York, NY 10280

Phone: (212) 912-0960

Fax: (212) 488-8911

Tobacco: A Gateway Substance To Other Drug Dependencies

BALTIMORE — Tobacco holds a special status as a "gateway" substance in the development of other drug dependencies, say Jack E. Henningfield, Ph.D., of the National Institute on Drug Abuse Addiction Research Center, and his associates.

The results of studies have shown that the great majority of people who have ever used such illicit drugs as marijuana and cocaine had previously used cigarettes and alcohol. Conversely, people who have never used tobacco are less likely to abuse illicit drugs or alcohol.

The relationship between cigarette

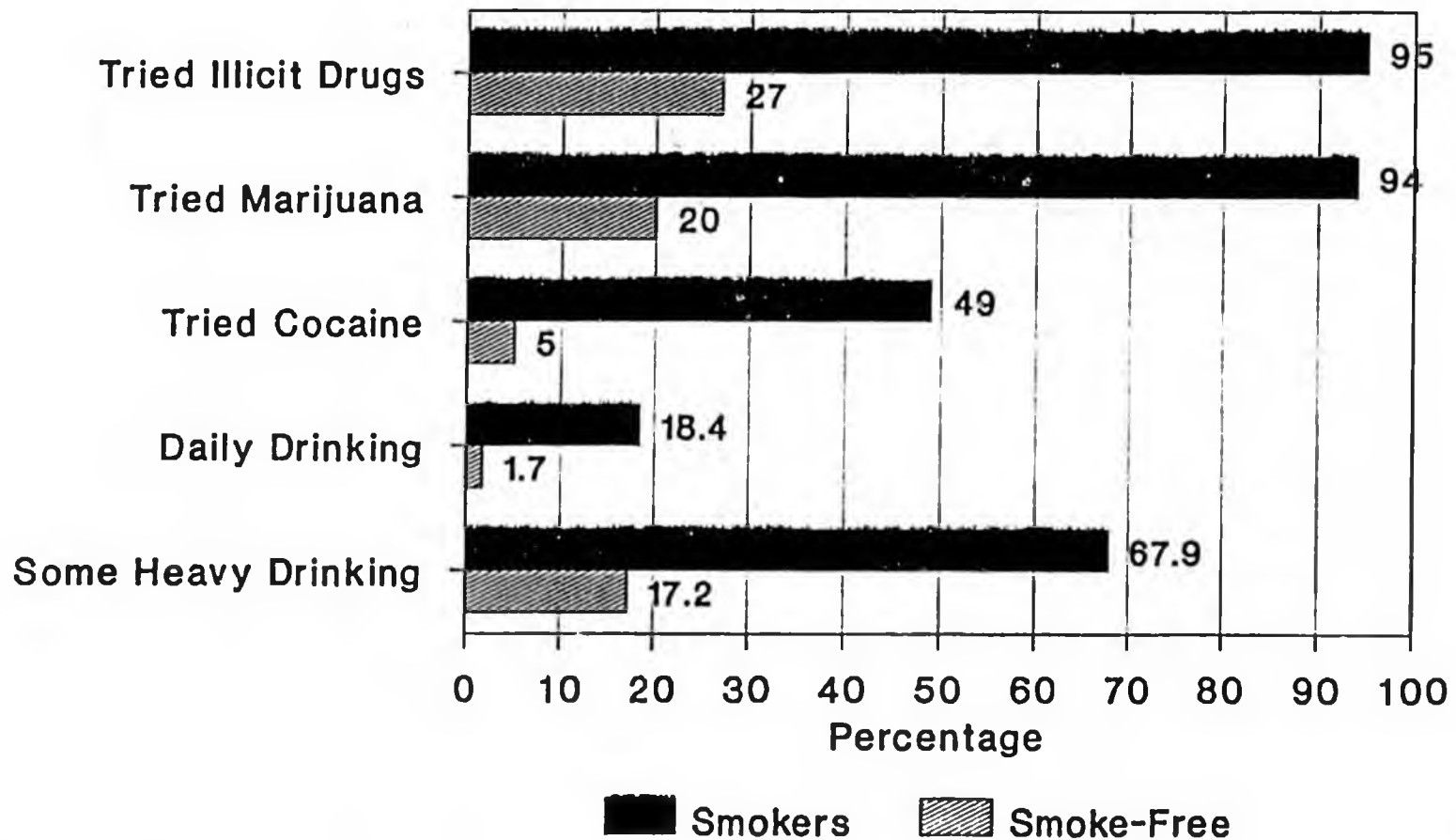
smoking and the extent of use of other psychoactive drugs has been shown to be strongest among individuals who began smoking before age 17, the investigators say (*Br. J. of Addict.* 85: 279-92, 1990).

Investigations of the pattern of nicotine addiction, including the factors associated with beginning, quitting, and returning to drug use, could provide perspectives for the understanding and treatment of other chemical dependencies.

Conducting such investigations would be facilitated by the large number of and ready access to individuals who smoke cigarettes or use smokeless tobacco, Dr. Henningfield and his associates say.

TOBACCO AS A GATEWAY DRUG

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



Source: U.S. National Institute on Drug Abuse;
National Trends in Drug Use and Related Factors Among
American High School Students and Young Adults 1975-80

Smokefree Educational Services, New York City

United States General Accounting Office



Report to the Honorable
Michael A. Andrews,
House of Representatives

June 1989

TEENAGE SMOKING

Higher Excise Tax Should Significantly Reduce the Number of Smokers



Appendix I
The Extent and Consequences of
Teenage Smoking

Teenagers who are unaware of the addictive nature of cigarettes or who underestimate the strength of a tobacco addiction may tend to experiment with smoking initially but, to their surprise, later become addicted. The 1974 and 1979 Teenage Smoking Surveys by the Department of Health, Education, and Welfare (predecessor of the Department of Health and Human Services) asked teenagers what the possibility was of them being cigarette smokers in 5 years; half of the regular smokers answered "definitely not" or "probably not." Surveys of young adult smokers suggest that, unfortunately, the teenagers' optimistic predictions tend to be wrong.

The linkage in the scientific literature of cigarette smoking to numerous illnesses and premature death has received wide publicity in the past two decades. The 1989 Surgeon General's Report states that about 390,000 deaths in 1985 were attributable to smoking. Smoking is considered to be the major cause of lung cancer—the leading cause of cancer death in men since the 1950s. Numerous other types of cancer are also attributed, at least in part, to cigarette smoking. In addition, smoking is a cause of coronary heart disease, cerebrovascular disease (stroke), chronic obstructive pulmonary disease (the permanent airflow blockage that smokers develop) and many other diseases. Finally, given the fact that cigarette smoking is associated with alcohol use by teenagers, it is significant that recent research suggests that cigarette smoking combined with the ingestion of alcohol may further increase the risk of cancer.

Smokers Harm
Nonsmokers' Health and
Economic Well-Being

Most of the severe health risks generated by smoking affect teenagers directly, but are usually manifested only in adulthood. Some of the health risks caused by teenagers smoking are borne, though, by nonsmokers. In particular, when teenagers who are parents smoke, they put their infants at greater risk. The prevalence of teenage pregnancy and teenagers as parents makes this a widespread problem.

Smoking by the mother during pregnancy has been linked to fetal and infant mortality. Low birthweight, often associated with mental retardation and other developmental and health problems, has been conclusively linked to the number of cigarettes smoked during pregnancy. Premature delivery, retardation in fetal growth, and diminished availability of oxygen to the fetus are also effects of smoking during pregnancy. The consequences of these problems may affect the child, often severely, throughout its lifetime. In addition, after a child is born, smoking by family members is likely to be harmful to the child. For example,

A M E N D M E N T

OFFERED IN THE HOUSE

BY REPRESENTATIVE BROWN

TO: HB 84

Page 1, line 1:

Delete "sale, exchange, or giving of tobacco and tobacco products"

Insert "offense of selling or giving tobacco to a minor; prohibiting sale of tobacco products by vending machine; requiring certain retailers to post a tobacco warning sign; and relating to the suspension or revocation of a license to sell, purchase, possess, or acquire cigarettes."

Page 3, lines 5 - 15:

Delete all material.

Renumber the following bill sections accordingly.

Page 4, following line 7:

Insert new bill sections to read:

** Sec. 9. AS 43.70.075(d) is amended to read:

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

(1) 45 days; or

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

* Sec. 10. AS 43.70.075 is amended by adding a new subsection to read:

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

subsection must be at least 11 inches by 14 inches and must read, in lettering at least one-half inch high, "WARNING: Tobacco products are highly addictive, a cause of lung disease and cancer, and may cause complications during pregnancy. The sale of tobacco products to persons under age 19 is illegal." The sign must also include a depiction of a pack of cigarettes at least two inches high defaced by a red diagonal diameter within a surrounding red circle. A person holding a license issued under this section shall display the sign in a manner conspicuous to a person purchasing or consuming tobacco products on the licensed premises. The department shall, without charge, furnish warning signs required under this section to a person licensed under this section or a person who requests the sign with the intention of displaying it."

Renumber the following bill sections accordingly.

House Bill No. 84

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

Summary

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

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

Discussion

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

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

addictive drugs.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

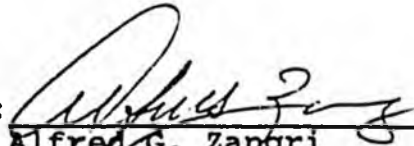
Given both the highly addictive nature of tobacco use and its adverse health consequences, it is important to protect children and adolescents from using tobacco until they are capable of making a mature and informed decision.

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


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

Recommendation

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

Recommended: 
Alfred G. Zangri
Acting Director
Division of Public Health

Date: _____

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

Date: 2/25/91

Alaska Federation of Natives, Inc.

February 27, 1991

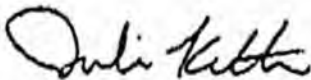
Rep. David Finkelstein, Chairman
House Labor & Commerce Committee
ALASKA STATE LEGISLATURE
P.O. Box V
Juneau, AK 99811

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

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 Wtih 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 ^{Reports} 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 undestanding 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.

The Health Benefits of SMOKING CESSATION

*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

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.

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.

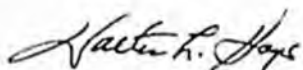
Enclosed you will find copies of a city ordinance (Seattle) and county rule and regulation (King) that have been in effect for over a year and one-half in the State of Washington.

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".

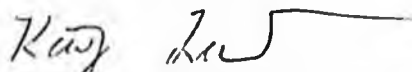
By copy of this letter we are also asking Heather Flynn to consider introducing this expanded warning signage as an ordinance for consideration by the Anchorage Municipal Assembly.

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 women 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

Carroll A. Sullivan
Chair

[Signature]
Member

Member

ATTEST:

Roger D. [Signature]
Secretary

GHD: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 3rd day of July 1889,
and signed by me in open session in authentication of its passage, this 3rd day of July 1889.

[Signature]
President of the City Council.

Approved by me this 13th day of July 1889.

[Signature]
Mayor.

Filed by me this 13th day of July 1889.

[Signature]
Attest: City Comptroller and City Clerk.

(SEAL)

Published

[Signature]
Deputy Clerk.

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 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 817.

Vim Pate
236 Oklahoma St
Anchorage, AK 99504
(907) 333-8333

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 symptoms 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.

A handwritten signature in cursive script, appearing to read "Kenneth R. Kesh".

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18. Naeye RL; Abruptio placentae and placenta praevia: frequency, perinatal mortality, and cigarette smoking, *Obstetrics and Gynecology* 55:701, 1980

TELECOPY COVER SHEET

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INSTRUCTIONS: Testimony on HB 84 from Frances
Spurgin & Kate Beaton

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cap 17



Alaska State Legislature

Please enter into the record my testimony in 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... yet we allow ~~them~~ ^{people} under 21 to use tobacco; which ~~is~~ ^{has} the same kind of unhealthy effects 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 let's continue restrict the sale of nicotine. H.B. 84 is a good avenue of continuing the war on Drugs.

Signed: Lawrence Young
Testifier

I am a member of Al. for Area Council
Representing (Optional) but I am just speaking for myself

537 Tanager Rd.
Address

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