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ALASKA HOUSE OF REPRESENTATIVES, 2019-2020
11495 HOUSE JUDICIARY

ALASKA STATE HOUSE OF REPRESENTATIVES



Labor & Commerce Committee, Chair
Judiciary Committee, Vice-Chair
Health, Education, Social Services
Administrative Regulation Review, Chair

State Capitol Building
Room 432
Juneau, AK 99801

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Representative Tom Anderson

MEMORANDUM

Date: February 8, 2006
To: Rep. Lesil McGuire, Chair – House Judiciary Committee
From: Rep. Tom Anderson, Chair – House Labor and Commerce Committee
Re: Scheduling Request for House Bill 384 - *"An Act relating to fines and offenses; amending Rule 2(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."*

Attached you will find a committee packet for HB 384. I would appreciate it if you would schedule this bill at the committee's earliest convenience.

Please feel free to call my office if you have questions about the bill or this request.

Thank you.

ALASKA STATE HOUSE OF REPRESENTATIVES

Labor & Commerce Committee, Chair
Administrative Regulation Review, Chair
Judiciary Committee, Vice-Chair
Health, Education and Social Services



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Representative Tom Anderson

Sponsor Statement House Bill 384

"An Act relating to fines and offenses; amending Rule 8(b), Alaska District Court Rules of Criminal Procedure; and providing for an effective date."

HB 384 proposes to raise the maximum amount a person may be fined to \$750 when found guilty of an infraction or violation as currently provided for in statute. The exception to this is found in *Sec. 2* of this bill that sets \$750 as the minimum fine, with the amount of \$1,000 established as the cap for this type of offense.

In addition, this bill brings fish and game penalty language in Title 16 into alignment with the current statutory definition for a Class A Misdemeanor. In 2002, the Alaska Legislature doubled the fines for Class A misdemeanors from \$5,000 to \$10,000. However, several important Title 16 penalties listed a maximum fine of \$5,000 and thus remained locked at that level. Since some of these penalties went into effect around statehood, it is appropriate to update the maximum fines.

Violations or infractions are both minor offenses and are often confused with one another. Violations are about the same as traffic infractions, except that violations are not traffic offenses. Violations were created as a new class of offense in 1978 when the criminal code was completely revised. Both violations and infractions are non-criminal offenses for which no jail time can be imposed. In 1978, the maximum fine set for infractions was \$300, although some violations impose a \$500 minimum fine. This dollar amount has not changed in almost 30 years.

This increase in the dollar amount is consistent with today's values and begins to allow for inflation since 1978. The increase in the maximum monetary penalty will serve as a further deterrence to those not only found guilty, but for those contemplating any action that might lead to such an act leading to an infraction or violation under law.

In today's society, the most serious infractions and violations are the types of offenses that the public observes daily. The public expects that enforcement action will be taken to insure our collective safety. By increasing the fines levied against those that are found guilty, we act to serve the better good.

24-LS0985\Y
Luckhaupt
1/30/06

CS FOR HOUSE BILL NO. 384()

**IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FOURTH LEGISLATURE - SECOND SESSION**

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVE ANDERSON

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to fines and offenses; amending Rule 8(b), Alaska District Court Rules**
2 **of Criminal Procedure; and providing for an effective date."**

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

4 *** Section 1.** AS 02.35.130 is amended to read:

5 **Sec. 02.35.130. Penalty for violation of AS 02.35.090 and 02.35.110.** A
6 person violating a provision of AS 02.35.090 and 02.35.110 is guilty of a violation
7 [MISDEMEANOR AND UPON CONVICTION IS PUNISHABLE BY A FINE OF
8 NOT MORE THAN \$500].

9 *** Sec. 2.** AS 02.40.020(d) is amended to read:

10 (d) A person who violates this section is guilty of a violation [CLASS B
11 MISDEMEANOR] and is punishable by a fine of not less than \$750 [\$500] or more
12 than \$1,000.

13 *** Sec. 3.** AS 03.45.040 is amended to read:

14 **Sec. 03.45.040. Penalties.** A shipper or party responsible for a [FOR

1 EACH] violation of AS 03.45.010 - 03.45.030, commits a violation [THE SHIPPER
2 OR PARTY RESPONSIBLE FOR THE VIOLATION IS PUNISHABLE BY A FINE
3 OF NOT MORE THAN \$500]. A consignee knowingly receiving diseased animals
4 shipped and transported in violation of these sections commits a violation [IS
5 PUNISHABLE BY A FINE OF NOT MORE THAN \$500]. A carrier knowingly
6 carrying or transporting diseased animals in violation of these sections commits a
7 violation [IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500].

8 * Sec. 4. AS 04.21.065(f) is amended to read:

9 (f) A holder of a license or permit who violates this section is guilty of a
10 violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of
11 not less than \$20 nor more than \$750 [\$300]. Each day a violation continues after a
12 citation for the violation has been issued constitutes a separate violation.

13 * Sec. 5. AS 05.25.090(b) is amended to read:

14 (b) A person who violates

15 (1) AS 05.25.010, 05.25.020, 05.25.030(b), 05.25.060(2), or a
16 regulation adopted under this chapter relating to AS 05.25.010 or 05.25.020 is guilty
17 of a violation [AS DEFINED IN AS 11.81.900 AND MAY BE FINED UP TO \$500];

18 (2) AS 05.25.055 is guilty of a violation [AS DEFINED IN
19 AS 11.81.900] and may be fined up to \$50.

20 * Sec. 6. AS 12.55.035(b) is amended to read:

21 (b) Except as provided in AS 12.55.036, upon conviction of an offense, a
22 defendant who is not an organization may be sentenced to pay, unless otherwise
23 specified in the provision of law defining the offense, a fine of not more than

24 (1) \$500,000 for murder in the first or second degree, attempted
25 murder in the first degree, sexual assault in the first degree, sexual abuse of a minor in
26 the first degree, kidnapping, or misconduct involving a controlled substance in the first
27 degree;

28 (2) \$250,000 for a class A felony;

29 (3) \$100,000 for a class B felony;

30 (4) \$50,000 for a class C felony;

31 (5) \$10,000 for a class A misdemeanor;

1 (6) \$2,000 for a class B misdemeanor;

2 (7) \$750 [\$500] for a violation or an infraction.

3 * Sec. 7. AS 16.05.407(d) is amended to read:

4 (d) A nonresident who violates (a) of this section, or who fails to furnish an
5 affidavit under (b) of this section, is guilty of a class A misdemeanor [AND UPON
6 CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN
7 ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

8 * Sec. 8. AS 16.05.420(b) is amended to read:

9 (b) A person may not make a false statement, or omit a material fact, in an
10 application for a license, tag, permit, or sport fishing vessel registration issued under
11 AS 16.05.330 - 16.05.430. A person who without any culpable mental state makes a
12 false statement as to the person's identity or residency in an application for a license,
13 tag, permit, or sport fishing vessel registration issued under AS 16.05.330 - 16.05.430
14 is guilty of a violation and upon conviction is punishable by a fine of not more than
15 \$750 [\$300]. A person who knowingly violates this subsection is guilty of a class A
16 misdemeanor.

17 * Sec. 9. AS 16.05.783(c) is amended to read:

18 (c) A person who violates this section is guilty of a class A misdemeanor [,
19 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
20 \$5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
21 BOTH]. In addition, the court may order the aircraft and equipment used in or in aid
22 of a violation of this section to be forfeited to the state.

23 * Sec. 10. AS 16.05.831(c) is amended to read:

24 (c) A person who violates this section or a regulation adopted under it is guilty
25 of a class A misdemeanor [PUNISHABLE BY A FINE OF NOT MORE THAN
26 \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR
27 BY BOTH]. In addition, a person who violates this section is subject to a civil action
28 by the state for the cost of replacing the salmon wasted.

29 * Sec. 11. AS 16.05.905(b) is amended to read:

30 (b) An alien person who violates (a) of this section is guilty of a class A
31 misdemeanor. In addition, the court may order the [, AND UPON CONVICTION

1 IS PUNISHABLE BY A] confiscation and forfeiture of the fishing vessel used in the
2 violation [, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR
3 BY FINE OF NOT MORE THAN \$10,000, OR BY ALL OR ANY TWO OF THE
4 FORFGOING PUNISHMENTS].

5 * Sec. 12. AS 16.10.030 is amended to read:

6 **Sec. 16.10.030. Penalty for violation of AS 16.10.010 - 16.10.050.** A person
7 who violates AS 16.10.010 - 16.10.050 is guilty of a misdemeanor and, upon
8 conviction, is punishable by a fine of not less than \$100 nor more than \$750 [\$500].

9 * Sec. 13. AS 16.10.055 is amended to read:

10 **Sec. 16.10.055. Interference with commercial fishing gear.** A person who
11 wilfully or with reckless disregard of the consequences [,] interferes with or damages
12 the commercial fishing gear of another person is guilty of a class A misdemeanor. For
13 the purposes of this section,

14 **(1)** "interference" means the physical disturbance of gear that
15 [WHICH] results in economic loss or loss of fishing time;

16 **(2)** [, AND] "reckless disregard of the consequences" means a lack of
17 consideration for the consequences of one's acts in a manner that is reasonably likely
18 to damage the property of another.

19 * Sec. 14. AS 16.10.090 is amended to read:

20 **Sec. 16.10.090. Penalty for violation of AS 16.10.070.** A person who violates
21 AS 16.10.070 is guilty of a class A misdemeanor [AND IS PUNISHABLE BY
22 IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT
23 MORE THAN \$5,000 OR BY BOTH].

24 * Sec. 15. AS 16.10.110 is amended to read:

25 **Sec. 16.10.110. Penalty for violation of AS 16.10.100.** A person who violates
26 AS 16.10.100 is guilty of a class A misdemeanor [AND IS PUNISHABLE BY
27 IMPRISONMENT FOR NOT MORE THAN ONE YEAR OR BY A FINE OF NOT
28 MORE THAN \$5,000, OR BY BOTH].

29 * Sec. 16. AS 16.10.130 is amended to read:

30 **Sec. 16.10.130. Penalty for violation of AS 16.10.120 or 16.10.125.** A person
31 who violates AS 16.10.120 or 16.10.125 is guilty of a class A misdemeanor [, AND

1 UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE
2 THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY
3 BOTH].

4 * Sec. 17. AS 16.10.220 is amended to read:

5 Sec. 16.10.220. Penalty for violation of AS 16.10.200 and 16.10.210. A
6 person who violates AS 16.10.200 and 16.10.210 is guilty of a class A misdemeanor [,
7 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
8 \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY
9 BOTH].

10 * Sec. 18. AS 16.10.250 is amended to read:

11 Sec. 16.10.250. Penalty. A person, association, or corporation violating
12 AS 16.10.240 or contributing to or cooperating in the violation of AS 16.10.240 is
13 guilty of a class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE
14 BY A FINE OF NOT MORE THAN \$5,000, OR BY IMPRISONMENT FOR NOT
15 MORE THAN ONE YEAR, OR BY BOTH]. Each unlawful removal of live crab is a
16 separate offense. Vessels and equipment used in or in aid of a violation of
17 AS 16.10.240 may be seized and disposed of as provided in AS 16.05.190. Conviction
18 under AS 16.10.240 is grounds for suspension of a fishing license or permit by the
19 department.

20 * Sec. 19. AS 16.10.270(b) is amended to read:

21 (b) A person who violates this section is guilty of a class A misdemeanor
22 [AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT
23 MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY
24 BOTH].

25 * Sec. 20. AS 18.05.061 is amended to read:

26 Sec. 18.05.061. Penalty for violation. A person who violates a provision of
27 AS 18.05.040 or 18.05.042 or a regulation adopted under AS 18.05.040 or 18.05.042
28 is guilty of a misdemeanor and, upon conviction, is punishable by a fine of not more
29 than \$750 [\$500], or by imprisonment for not more than one year. Each day that a
30 person continues a violation is a separate offense.

31 * Sec. 21. AS 18.23.040 is amended to read:

1 **Sec. 18.23.040. Penalty for violation.** Other than as authorized by
2 AS 18.23.030, a disclosure of data and information acquired by a review committee or
3 of what transpired at a review meeting is a misdemeanor and punishable by
4 imprisonment for not more than one year or by a fine of not more than \$750 [\$500].

5 * **Sec. 22.** AS 18.35.110 is amended to read:

6 (a) A person who fails to comply with AS 18.35.100 is guilty of a violation
7 [~~MISDEMEANOR AND UPON CONVICTION IS PUNISHABLE BY A FINE OF~~
8 ~~NOT MORE THAN \$500~~]. Each operating restaurant or tavern in violation constitutes
9 a separate offense.

10 * **Sec. 23.** AS 18.35.210 is amended to read:

11 **Sec. 18.35.210. Penalty for violation of AS 18.35.200.** A person who fails to
12 comply with AS 18.35.200 is guilty of a violation [~~MISDEMEANOR AND UPON~~
13 ~~CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$500~~]. Each
14 day of operation is a separate offense.

15 * **Sec. 24.** AS 18.35.341(c) is amended to read:

16 (c) A person who violates AS 18.35.300, 18.35.305, or 18.35.330 is guilty of a
17 violation as defined in AS 11.81.900(b) and upon conviction is punishable by a fine of
18 not less than \$10 nor more than \$50 for a violation of AS 18.35.300 or 18.35.305 and
19 by a fine of not less than \$20 nor more than \$750 [\$300] for a violation of
20 AS 18.35.330. Each day a violation of AS 18.35.330 continues after a citation for the
21 violation has been issued constitutes a separate violation.

22 * **Sec. 25.** AS 18.40.050 is amended to read:

23 **Sec. 18.40.050. Prohibited acts and penalties.** A person who willfully
24 removes, destroys, or defaces a cabin or part of a cabin, or stove or other furnishing, or
25 who occupies a cabin for a length of time other than that necessary and incident to
26 ordinary travel is guilty of a misdemeanor [~~VIOLATION OF THIS CHAPTER~~], and
27 upon conviction is punishable by a fine of not less than \$100 nor more than \$750
28 [\$500], or by imprisonment in a jail for not less than three months nor more than one
29 year, or by both.

30 * **Sec. 26.** AS 18.60.450(b) is amended to read:

31 (b) A person who violates a provision of AS 18.60.400 - 18.60.460 who has

1 * Sec. 32. AS 23.40.180 is amended to read:

2 **Sec. 23.40.180. Penalty for violation of order or decision.** A person who
3 violates a provision of an order or decision of the labor relations agency is guilty of a
4 **violation** [MISDEMEANOR AND IS PUNISHABLE BY A FINE OF NOT MORE
5 THAN \$500].

6 * Sec. 33. AS 25.05.331 is amended to read:

7 **Sec. 25.05.331. Unlawful issuance or refusal of license.** A licensing officer
8 who knowingly issues a marriage license knowing it to be in violation of the
9 provisions of this chapter or who willfully and wrongfully refuses to issue a license is
10 guilty of a misdemeanor, and upon conviction is punishable by imprisonment for not
11 more than six months, or by a fine of not more than **\$750** [\$500], or by both.

12 * Sec. 34. AS 25.05.341 is amended to read:

13 **Sec. 25.05.341. Misrepresentation.** A person who misrepresents a fact
14 required to be stated on the application for a license or a form related to it, or a
15 licensing officer who issues a marriage license having reason to believe that any
16 material fact has been misrepresented, is guilty of a **violation** [MISDEMEANOR,
17 AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN
18 \$500].

19 * Sec. 35. AS 28.39.010(b) is amended to read:

20 (b) A person who violates (a) of this section is guilty of an infraction [AND IS
21 SUBJECT TO A \$300 FINE UNDER AS 28.40.050(c)].

22 * Sec. 36. AS 28.40.050(b) is amended to read:

23 (b) A person convicted of a misdemeanor for a violation of a provision of this
24 title for which another penalty is not specifically provided is punishable by a fine of
25 not more than **\$750** [\$500], or by imprisonment for not more than 90 days, or by both.
26 In addition, the privilege to drive or the registration of vehicles may be suspended or
27 revoked.

28 * Sec. 37. AS 28.40.050(c) is amended to read:

29 (c) Unless otherwise specified by law a person convicted of a violation of a
30 regulation adopted under this title, or a municipal ordinance regulating vehicles or
31 traffic when the municipal ordinance does not correspond to a provision of this title, is

1 guilty of an infraction [AND IS PUNISHABLE BY A FINE NOT TO EXCEED
2 \$300].

3 * Sec. 38. AS 33.05.020(e) is amended to read:

4 (e) The commissioner shall notify the manufacturer of the ignition interlock
5 device when the device is certified. The commissioner may not certify an ignition
6 interlock device unless the device prominently displays a label warning that a person
7 circumventing or tampering with the device in violation of AS 11.76.140 may be
8 imprisoned up to 30 days and fined up to \$750 [\$500].

9 * Sec. 39. AS 42.06.540(a) is amended to read:

10 (a) In addition to all other penalties and remedies provided by law, a person
11 subject to the provisions of this chapter, as well as an officer, manager, agent, or
12 employee of that person, that either violates or procures, aids, or abets the violation of
13 any provision of this chapter, or of an order, regulation, or written requirement of the
14 commission commits a violation [IS SUBJECT TO A MAXIMUM PENALTY OF
15 \$500 FOR EACH VIOLATION].

16 * Sec. 40. AS 42.40.830 is amended to read:

17 **Sec. 42.40.830. Penalty for violation of order or decision.** A person who
18 violates a provision of an order or decision of the railroad labor relations agency is
19 guilty of a violation [MISDEMEANOR AND IS PUNISHABLE BY A FINE OF
20 NOT MORE THAN \$500].

21 * Sec. 41. AS 44.09.015(b) is amended to read:

22 (b) Violation of this section is a misdemeanor, and upon conviction is
23 punishable by a fine of not more than \$750 [\$500], or by imprisonment for not more
24 than six months, or by both.

25 * Sec. 42. AS 46.14.400(j) is amended to read:

26 (j) A person who operates a motor vehicle in violation of emissions
27 requirements imposed under this section is guilty of a violation [AND, UPON
28 CONVICTION, SHALL BE FINED AN AMOUNT NOT TO EXCEED \$500]. It is
29 the intent of the legislature that money collected under this subsection be appropriated
30 to promote air quality control programs in municipalities.

31 * Sec. 43. AS 46.14.510(f) is amended to read:

1 (f) A person who fails to display an emissions inspection decal as required by
2 law is guilty of a violation [AND, UPON CONVICTION, SHALL BE FINED AN
3 AMOUNT NOT TO EXCEED \$500]. It is the intent of the legislature that money
4 collected under this subsection be appropriated to control pollution from motor vehicle
5 emissions.

6 * Sec. 44. The uncodified law of the State of Alaska is amended by adding a new section to
7 read:

8 DIRECT COURT RULE AMENDMENT. Rule 8(b), Alaska District Court
9 Rules of Criminal Procedure, is amended to read:

10 (b) **Minor Offenses.** As used in this rule, "minor offenses" means

11 (1) an offense classified by statute as an infraction or a violation; or

12 (2) any offense for which a bail forfeiture amount has been authorized by
13 statute and established by supreme court order; or

14 (3) any municipal motor vehicle or traffic offense for which a fine amount has
15 been established in a fine schedule adopted by municipal ordinance under AS 28.05.151; or

16 (4) any offense under a municipal ordinance for which a conviction cannot
17 result in incarceration or the loss of a valuable license and for which a fine schedule has been
18 established under AS 29.25.070(a); or

19 (5) any offense under statute or municipal ordinance for which a conviction
20 cannot result in incarceration, a fine greater than \$750 [\$500], or the loss of a valuable
21 license.

22 * Sec. 45. This Act takes effect July 1, 2006.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER HB 407 (23rd Legis)	SPONSOR Anderson
SHORT TITLE OF BILL "An act relating to fines and offenses; amending Rule 8(b), Alaska Court Rules of Criminal Procedure; and providing for an effective date."			
DEPARTMENT POSITION Support			
PREPARED BY Lt. James Helgoe	DATE 1/6/05	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

Proposed Language

AS 12.55.035(b)

(7) \$750 for an infraction or violation.

Explanation: For purposes of determining the penalty for an infraction or violation, these two terms should be considered as the same degree of offense. Therefore, the amount specified in AS 12.55.035(b) (7) should apply to both types of offenses.

Additional discussions:

Law enforcement officers have pointed it out for many years that the term "violation" as a classification of a crime is very confusing. Often a statute or regulation refers to a violation in the sense of an action, "verb", as opposed to a category of offense, a "noun".

In AS 28, the term for this category of offense is "infraction". This term is not confusing and clearly identifies offenses in a manner that is easily understood by all.

It is recommended that consideration be given to do the following:

1. Change the class of offense from "violation" to "infraction". Of course this would involve not only changes to AS 12.55, but also to other statutes that specifically name offenses as "violations". After AS 12.55 has been changed, the rest of the changes would essentially become a housekeeping process.

Or

2. Draft language that make the two terms synonymous for purposes of determining the penalty for these "minor offenses". Then, following the discussion above, implement a process when new legislation that is introduced becomes law, minor offenses will be known as "infractions" regardless of the statute in which they are included. This would make future laws infractions without a great deal of housekeeping to change already existing language.

ANALYSIS OF BILL/PROGRAM EFFECTS

AS 12.55.035(b)(7) sets the maximum fine for "violations." Violations are about the same as traffic infractions, except that they are not traffic offenses. Violations were created as a new class of offense in 1978 when the criminal code was completely revised. They were defined the same as infractions (which exist only in Title 28 - the traffic code). They are both non-criminal offenses for which no jail time can be imposed. AS 11.81.900(b)(61). As with "infractions," defendants charged with "violations" do not get a jury trial or court-appointed counsel. The original maximum fine set for "violations" in 1978 was \$300, the same as the maximum penalty for traffic infractions. In 2002, the legislature increased the maximum fine for "violations" to \$500 (§ 1 ch. 131 SLA 2002) at the same time it increased the maximum fines for criminal offenses. It is not clear why the legislature increased all the maximum fines in Title 12, but failed to do so in Title 28 and in other titles. "Infractions" and "violations" are both considered "minor offenses." See AS 22.15.120(b). If the maximum fine for "infractions" is increased above \$500, the maximum fine for "violations" should be increased to the same amount in order to avoid confusion over the maximum fine for "minor offenses."

AMENDMENTS PROPOSED

The previous work draft of 24-LS0985\G was observed to have significant impact on numerous titles, which fall outside of the Department of Public Safety's responsibility. Below is a section analysis with recommendations to remove certain sections found within 24-LS0985\G, which is outside the scope of our original intentions. Our original intention was to increase the maximum fine for Infractions and Violations to \$750.00 within Title 28.

Unless otherwise indicated, we recommend the following sections be removed from the work draft as they are outside the scope of our intention:

- Section 1.
- Section 2.
- Section 3.
- Section 4. Leave as is pending concurrence with ABC
- Section 5.
- Section 6. Leave this in as this is relative to our original intention of increasing the fines to \$750.00
- Section 7. Leave as is except to change the word violation to infraction.
- Section 8.
- Section 9.
- Section 10.
- Section 11.
- Section 12.
- Section 13.
- Section 14.
- Section 15.
- Section 16.
- Section 17.
- Section 18.
- Section 19.
- Section 20.
- Section 21.
- Section 22.
- Section 23.
- Section 24. Leave this in as it relates back to Title 28, which falls under DPS.
- Section 25. AS 28.40.050(b) should be amended to read:
 - (b) A person convicted for a violation of a provision of this chapter, for which another penalty is not specifically provided, is guilty of a class B Misdemeanor.
- Section 26. AS 28.40.050(c) should be amended to read:
 - (c) Unless otherwise specified by law, a person convicted of a violation of a regulation adopted under this title, or a municipal ordinance regulating vehicles or traffic when the municipal ordinance does not correspond to a provision of this title, is guilty of an Infraction [AND PUNISHABLE BY A FINE NOT TO EXCEED \$750.00].
- Section 27.
- Section 28.
- Section 29.
- Section 30.
- Section 31. Leave as is pending concurrence with Dept. of Environmental Conservation.
- Section 32. Leave as is pending concurrence with Dept. of Environmental Conservation.
- Section 33. Leave as is.

Section 34. The effective date will need to be established.



STATE OF ALASKA
OFFICE OF THE GOVERNOR

BILL ANALYSIS

DEPARTMENT Public Safety	DIVISION Alaska State Troopers	BILL NUMBER None - Title 16	SPONSOR Alaska Dept. of Fish & Game
SHORT TITLE OF BILL An Act amending the fines for an A misdemeanor in Title 16 which include; non-resident guide requirements; hunting same day airborne; operation of fish traps; Erection of fish traps prohibited on land or water owned by the State; use of drum or purse seine and termination device for shellfish/bottom fish pots; unlawful taking and sale of migratory fish and shellfish taken on the high seas; purchase of fish by the pound; and bringing these fines up to the current statutorily allowable amount as defined under AS 12.55.035 (b)(7); and providing for an effective date.			
DEPARTMENT POSITION Support			
PREPARED BY Lt. James Helgoe	DATE 1/6/06	COMMISSIONER'S SIGNATURE	DATE

SUMMARY

OTHER AGENCIES AFFECTED BY BILL	CONSTITUENT GROUP(S) AFFECTED BY BILL
ORGANIZATIONAL SUPPORT FOR BILL	ORGANIZATIONAL OPPOSITION TO BILL

FISCAL IMPACT: NONE FISCAL NOTE ATTACHED

BACKGROUND/LEGISLATIVE INTENT

In October 2002, the Alaska Legislature doubled the fines for Class A misdemeanors from \$5,000 to \$10,000. The intent is to bring the penalties for violating these sections up to the current \$10,000 maximum for an A Misdemeanor. Several important AS16 penalties list a maximum fine of \$5,000 and thus remained locked at that level while others that did not list the fine increased to \$10,000. These inconsistencies add confusion to title 16 and are inconsistent with the penalties/fines listed in AS12.55.035 (B) (7).

The reason these changes are needed is that well-meaning persons, many years ago, listed the \$5,000 maximums as a convenience in statute, not foreseeing that the base misdemeanor fine would be doubled in 2002. Some of these penalties went into effect around statehood and it is appropriate that we now update the maximum fines.

While some of these (fish traps and purse seine drums) are rarely, if ever, encountered these days, some of them (same day airborne and unlawful sale of migratory fish) are highly appropriate for the increase. Since they are all current laws, it seems appropriate to update them all.

ANALYSIS OF BILL/PROGRAM EFFECTS

Sectional analysis:

Non-Resident Guide Requirement

AS 16.05.407 (d) is amended to read:

A nonresident who violates (a) of this section, or who fails to furnish an affidavit under (b) of this section, is guilty of a Class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

Hunting Same Day Airborne

AS 16.05.783 (c) is amended to read:

(c) A person who violates this section is guilty of a Class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN 5,000, OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH]. In addition, the court may order the aircraft and equipment used in or in aid of a violation of this section to be forfeited to the state.

Waste of Salmon

As 16.05.831 (c) is amended to read:

A person who violates this section or a regulation adopted under it is guilty of a Class A misdemeanor. [PUNISHABLE BY A FINE OF NOT MORE THAN \$10,000, OR BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY BOTH]. In addition, a person who violates this section is subject to a civil action by the state for the cost of replacing the salmon wasted.

Activities by Aliens Prohibited

AS 16.05.905 (b) is amended to read:

An alien person who violates (a) of this section is guilty of a Class A misdemeanor, and upon conviction is punishable by a confiscation and forfeiture of the fishing vessel used in the violation [OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$10,000, OR BY ALL OR ANY TWO OF THE FORGOING PUNISHMENTS].

Interference With Commercial Fishing Gear

AS 16.10.055 is amended to read:

A person who willfully or with reckless disregard of the consequences, interferes with or damages the commercial fishing gear of another person is guilty of a Class A misdemeanor. For the purposes of this section "interference" means the physical disturbance of gear which results in economic loss or loss of fishing time, and "reckless disregard of the consequences" means a lack of consideration for the consequences of one's acts in a manner that is reasonably likely to damage the property of another.

Operation of Fish Trap:

AS 16.10.090 is amended to read:

A person who violates AS 16.10.070 is guilty of a Class A misdemeanor [AND IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000 OR BOTH].

Erection of Fish Traps Prohibited on Land or Water Owned by the State

AS 16.10.110 is amended to read:

A person who violates AS 16.10.100 is guilty of a Class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

Use of Drum for Purse Seine and Termination Device for Shellfish/Bottom fish Pots

AS 16.10.130 is amended to read:

A person who violates AS 16.10.120 or 16.10.125 is guilty of a Class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN SIX MONTHS, OR BY A FINE OF NOT MORE THAN \$1,000, OR BY BOTH].

Unlawful Taking and Sale of Migratory Fish and Shellfish Taken on the High Seas

AS 16.10.220 is amended to read:

A person who violates AS 16.10.200 and 16.10.210 is guilty of a Class A misdemeanor [, AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000 OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH].

Penalty

AS 16.10.250 is amended to read:

A person, association, or corporation violating AS 16.10.240 or contributing to or cooperating in the violation of AS 16.10.240 is guilty of a Class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY A FINE OF NOT MORE THAN \$5,000. OR BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY BOTH]. Vessels and equipment used in or in aid of a violation of AS 16.10.240 may be seized and disposed of as provided in AS 16.05.190. Conviction under AS 16.10.240 is grounds for suspension of a fishing license or permit by the department.

Purchase of Fish by the Pound

AS 16.10.270 (b) is amended to read:

(b) A person who violates this section is guilty of a Class A misdemeanor [AND UPON CONVICTION IS PUNISHABLE BY IMPRISONMENT FOR NOT MORE THAN ONE YEAR, OR BY A FINE OF NOT MORE THAN \$5,000, OR BY BOTH].

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB384-Courts-2-10-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Fines and Offenses RDU Alaska Court System
 Component Trial Courts
 Sponsor Representative Anderson
 Requester _____ Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 384.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2-10-06 @ 9:00 am
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/10/2006
 Agency Alaska Court System

HB

400

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
Bill Version: HB400-DMVA-HS&EM-02-13-06
() Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Military and Veterans' Affairs
Title: Confiscation of Firearms RDU: Military and Veterans Affairs
Component: Homeland Security &
Sponsor: Military & Veterans Affairs Component: Emergency Management
Requester: _____ Component No.: 2657

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel	0.0	0.0	0.0	0.0	0.0	0.0
Contractual	0.0	0.0	0.0	0.0	0.0	0.0
Supplies	0.0	0.0	0.0	0.0	0.0	0.0
Equipment	0.0	0.0	0.0	0.0	0.0	0.0
Land & Structures	0.0	0.0	0.0	0.0	0.0	0.0
Grants & Claims	0.0	0.0	0.0	0.0	0.0	0.0
Miscellaneous	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL EXPENDITURES	0.0	0.0	0.0	0.0	0.0	0.0
CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1003 GF Match	0.0	0.0	0.0	0.0	0.0	0.0
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts	0.0	0.0	0.0	0.0	0.0	0.0
1037 GF/Mental Health	0.0	0.0	0.0	0.0	0.0	0.0
Other (Specify Type--Do not abbreviate)	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	0.0	0.0	0.0	0.0	0.0	0.0
Part-time	0.0	0.0	0.0	0.0	0.0	0.0
Temporary	0.0	0.0	0.0	0.0	0.0	0.0

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: John Cramer
Division: Administrative Services Division
Approved by: Craig E. Campbell, Commissioner
Agency: Department of Military & Veterans' Affairs

Phone: (907) 465-4602
Date/Time: 2/13/06 9:15 AM
Date: 2/13/2006

ALASKA STATE HOUSE OF REPRESENTATIVES



Session

(907)-465-3719

FAX# (907)-465-3258

**State Capitol
Room 204**

Contact:

Interim Address:

**3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271**

REPRESENTATIVE JOHN COGHILL

HB 400

"An Act relating to Disasters and Confiscation of Firearms"

SPONSOR STATEMENT

"A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear arms, shall not be infringed." (Second Amendment to the United States Constitution - ratified December, 1791)

The wisdom of this Amendment comes not from seeing what future threats to a free State might be, but knowing that the right of the people to keep and bear arms will insure the security of that free State.

In the chaos following Hurricane Katrina, various government agencies, including Federal officers, made systematic attempts to sweep New Orleans of guns, even if it meant entering the homes of law abiding gun owners.

National Guard, federal, state, or local law enforcement personnel should not be allowed to confiscate lawfully owned and lawfully carried firearms.

House Bill 400 will make it a class A felony for any person to knowingly confiscate, attempt to confiscate, or order the confiscation of a firearm during a disaster emergency.

This bill will insure that law-abiding citizens are not disarmed by the government during a time when they may need their firearms the most.

(24-LS1543/A)

24-LS1543F
Luckhaupt
2/9/06

CS FOR HOUSE BILL NO. 400()

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FOURTH LEGISLATURE - SECOND SESSION

BY

Offered:

Referred:

Sponsor(s): REPRESENTATIVES COGHILL, Lynn, Dahlstrom

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to disasters and confiscation of firearms."**

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

3 *** Section 1.** AS 26.23.200 is amended by adding a new paragraph to read:

4 (5) authorizes the confiscation of lawfully owned, possessed, or carried
5 firearms by law-abiding citizens.

6 *** Sec. 2.** AS 26.23 is amended by adding a new section to read:

7 **Sec. 26.23.205. Confiscation of firearms.** A person who knowingly
8 confiscates, attempts to confiscate, or orders the confiscation of a lawfully owned,
9 possessed, or carried firearm from a law-abiding citizen during a disaster emergency is
10 guilty of a class A felony and shall be punished as provided in AS 12.55. In this
11 section, "knowingly" has the meaning given in AS 11.81.900.

ALASKA STATE HOUSE OF REPRESENTATIVES

**Contact:**

Interim Address:

3340 Badger Road
North Pole, AK 99705
(907)-488-5725
Fax# (907)-488-4271

Session

(907)-465-3719
FAX# (907)-465-3258
State Capitol
Room 204

REPRESENTATIVE JOHN COGHILL

HB 400

"An Act relating to disasters and confiscation of firearms."

SECTIONAL

Section 1

Sec. 26.23.200 places limitation on the authority, and responsibility set out in AS 26.23.010 – 26.23.220 Disasters. This bill adds a new section that states there is no authority granted or implied under the Alaska Disaster Act that:

(5) authorizes the confiscation of a lawfully owned, possessed, or carried firearm.

Section 2

Sec. 26.23.205 describes the penalty for:

Confiscation of firearms. A person who knowingly confiscates, attempts to confiscate, or orders the confiscation of a firearm during a disaster emergency is guilty of a class A felony and shall be punished as provided in AS12.55.125(c) 20 years imprisonment and fined \$250,000 as provided in AS12.55.035 Fines.

In this section, "knowingly" has the meaning given in AS 11.81.900 (2) *a person acts "knowingly" with respect to conduct or to a circumstance described by a provision of law defining an offense when the person is aware that the conduct is of that nature or that the circumstance exists; when knowledge of the existence of a particular fact is an element of an offense, that knowledge is established if a person is aware of a substantial probability of its existence unless the person actually believes it does not exist; a person who is unaware of conduct or a circumstance of which the person would have been aware had that person not been intoxicated acts knowingly with respect to that conduct or circumstance.*

Westlaw.

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Page 1

Slip Copy, 2005 WL 2428840 (E.D.La.)
(Cite as: Slip Copy)

C

Only the Westlaw citation is currently available.
United States District Court, E.D. Louisiana.
NATIONAL RIFLE ASSOCIATION OF
AMERICA, INC. 11250 Waples Mill Rd. Fairfax,
VA 22030, Second Amendment Foundation, Inc.
12500 NE 10th Place Bellevue, WA 98005, **Buell**
O. Teel 24161 Trairo Road Ponchatoula, LA 70454
Plaintiffs

v.

C. Ray NAGIN, Mayor of New Orleans **P. Edwin**
Compass III, Superintendent of Police, New
Orleans **Jack Strain, Jr.**, Sheriff, St. Tammany
Parish **John Does I-VI**, Sheriff's Deputies, St.
Tammany Parish, Defendants
No. Civ.A. 05-20,000.

Sept. 23, 2005.

Long Law Firm, L.L.P., Michael A. Patterson, Bar
Roll No. 10373, Daniel D. Holliday, III, T.A., Bar
Roll No. 23135, Adrian G. Nadeau, Bar Roll No.
28169, Baton Rouge, Louisiana, Stephen P.
Halbrook, Pro Hac Vice, Fairfax, VA, for Plaintiffs.
Talley, Anthony, Hughes, & Knight, L.L.C.,
Charles M. Hughes, Jr., Bar Roll No. 14382,
Mandeville, Louisiana, for defendant, Jack Strain,
Jr., Sheriff, St. Tammany Parish, Louisiana.
Office of the City Attorney, City of New Orleans
Joseph V. Dirosa, Jr., Bar Roll No. 4959, New
Orleans, Louisiana, for defendants, C. Ray Nagin,
Mayor of New Orleans and P. Edwin Compass, III,
Superintendent of Police for the City of New
Orleans.

Section "A"

ZAINY, J.

CONSENT ORDER

*1 THIS CAUSE came on pursuant to the motion of
the plaintiffs, National Rifle Association of

America, Inc., Second Amendment Foundation, Inc.
and **Buell O. Teel** for a temporary restraining order
and for a preliminary injunction on September 23,
2005.

Present were the following:

Michael A. Patterson, Daniel D. Holliday, III and
Adrian G. Nadeau for plaintiffs;
Charles M. Hughes, Jr. for the defendant, Jack
Strain, Jr., Sheriff, St. Tammany Parish, Louisiana;
and,
Joseph V. DiRosa, Jr. for the defendants, C. Ray
Nagin, Mayor of New Orleans and P. Edwin
Compass, III, Superintendent of Police for the City
of New Orleans.

Defendant, Jack Strain, Jr., Sheriff, St. Tammany
Parish, Louisiana, reserving all rights and waiving
none, affirmatively denies all of the allegations in
the Complaint For Declaratory Judgment and
Injunctive Relief, and specifically and affirmatively
denies that it was or is the policy, custom or
practice of the St. Tammany Parish Sheriff's Office
to illegally seize lawfully possessed firearms from
citizens, including plaintiff, Buell O. Teel or that
Sheriff Strain or any of his deputies, officers,
agents, servants or employees illegally confiscated
firearms from any citizens or that he has any such
firearms in his possession or that any constitutional
or statutory right of any plaintiff or other individual
has been violated;

Defendants, C. Ray Nagin, Mayor of New Orleans
and P. Edwin Compass, III, Superintendent of
Police for the City of New Orleans, deny the
allegations in the Complaint For Declaratory
Judgment and Injunctive Relief and specifically
deny that it was or is the policy of the City of New
Orleans nor the New Orleans Police Department to
illegally seize lawfully possessed firearms from
citizens;

Defendants C. Ray Nagin, Mayor of the City of

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Slip Copy, 2005 WL 2428840 (E.D.La.)
 (Cite as: Slip Copy)

New Orleans, and P. Edwin Compass, III, Superintendent of the Department of Police for the City of New Orleans, specifically deny each and every allegation in the Complaint for Declaratory Judgment and Injunctive Relief and specifically reserving all rights herein and waiving none, assert the following:

1. C. Ray Nagin has not issued, nor has he any intention of issuing, any order, declaration, promulgation, and/or directive pursuant to the authority granted unto him by LSA-RS 29:721, et seq., ordering the seizure of any lawfully-possessed firearm from law abiding citizens, nor has C. Ray Nagin delegated any authority granted unto him pursuant to LSA-RS 29:721, et seq. to any other city official, department head, officer, employee, and/or agent of the City of New Orleans including, but not limited to, P. Edwin Compass, III, Superintendent of the Department of Police for the City of New Orleans and/or Warren Riley, Deputy Superintendent of the Department of Police of the City of New Orleans;
2. P. Edwin Compass, III acknowledges that no authority has been delegated to him by C. Ray Nagin, Mayor of the City of New Orleans, pursuant to the powers granted unto the said Mayor by the provisions of LSA-RS 29:721, et seq. to order the seizure of lawfully-possessed firearms from law abiding citizens and that any and all statements which are allegedly attributed to him in such regard do not represent any policy, statement, ordinance, regulation, decision, custom or practice of either C. Ray Nagin or the City of New Orleans, its agencies and/or departments;
- *2 3. C. Ray Nagin and P. Edwin Compass, III affirmatively deny that seizures of lawfully possessed firearms from law abiding citizens has occurred as a result of the actions of officers, city officials, employees and/or agents of the City of New Orleans or any of its departments and further affirmatively deny that any such weapons are presently in the possession of the City of New Orleans, its agents and/or department;
4. C. Ray Nagin and P. Edwin Compass, III further affirmatively deny that it is the custom, practice and/or policy of the City of New Orleans, either officially or unofficially, to seize and/or confiscate lawfully-possessed firearms from law abiding citizens.

Furthermore, Defendants, Jack Strain, Jr., Sheriff, St. Tammany Parish, Louisiana, C. Ray Nagin, Mayor of New Orleans and P. Edwin Compass, III, Superintendent of Police for the City of New Orleans reserve all rights that they may have in this matter.

Notwithstanding the above, the parties hereby consent to the entry of the following order:

IT IS ORDERED, ADJUDGED AND DECREED that C. Ray Nagin, Mayor of New Orleans; P. Edwin Compass III, Superintendent of Police for New Orleans; and Jack Strain, Jr., Sheriff, St. Tammany Parish; and the officers, deputies, agents, servants, and employees of all such persons, and upon those persons in active concert or participation with them, are hereby enjoined and prohibited, until further order of this Court:

1. From confiscating lawfully-possessed firearms from citizens, including, but not limited to, Plaintiff Buell O. Teel and members of Plaintiffs National Rifle Association, Inc. and Second Amendment Foundation, Inc.
2. And they are further ordered to return any and all firearms which may have been confiscated by Defendants, their officers, deputies, agents, servants, and employees of all such persons from Plaintiff, Buell O. Teel, who plaintiffs have assured the Court is authorized to possess firearms; members of Plaintiff, National Rifle Association, Inc., who lawfully possess firearms; and members of Plaintiff Second Amendment Foundation, Inc., who lawfully possess firearms; and all other persons who lawfully possess them, upon presentation of identification and execution of a receipt therefore.

Nothing in this order shall supercede any declaration of emergency promulgated by the applicable authorities.

E.D.La.,2005.
 National Rifle Ass'n of America, Inc. v. Nagin
 Slip Copy, 2005 WL 2428840 (E.D.La.)

END OF DOCUMENT

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IN THE UNITED STATES DISTRICT COURT
FOR EASTERN DISTRICT OF LOUISIANA

NATIONAL RIFLE ASSOCIATION OF)
AMERICA, INC.)
11250 Waples Mill Rd.)
Fairfax, VA 22030,)
)
SECOND AMENDMENT FOUNDATION, INC.)
12500 NE 10th Place)
Bellevue, WA 98005,)
)
)
BUELL O. TEEL)
24161 Trairo Road)
Ponchatoula, LA 70454)

CIVIL ACTION NO. _____

Plaintiffs

v.

C. RAY NAGIN, Mayor of New Orleans

P. EDWIN COMPASS III,
Superintendent of Police, New Orleans

JACK STRAIN, JR., Sheriff,
St. Tammany Parish

JOHN DOES I-V, Sheriff's Deputies,
St. Tammany Parish,

Defendants

COMPLAINT
(For Declaratory and Injunctive Relief)

1. This is an action to vindicate the constitutional rights of the law-abiding citizens of Louisiana to keep and bear arms to protect themselves from criminal violence, and to enjoin confiscation of lawful firearms without due process, discriminatory policies based on wealth, and arbitrary searches and seizures. These acts were committed against victims of Hurricane

Katrina.

Parties

2. Plaintiff National Rifle Association of America, Inc (hereafter "NRA") is a non-profit association incorporated under the laws of New York, with its principal place of business in Fairfax, Virginia. NRA has a membership of almost 4 million persons, of whom scores of thousands reside in Louisiana, many in the areas devastated by Hurricane Katrina. The purposes of NRA include protection of the right of citizens to have firearms for the lawful defense of their families, persons, and property, and to promote public safety and law and order. NRA brings this action on behalf of itself and its members.

3. Plaintiff Second Amendment Foundation, Inc. (hereafter "SAF"), is a non-profit membership organization incorporated under the laws of Washington with its principal place of business in Bellevue, Washington. SAF has over 600,000 members and supporters nationwide, including thousands in Louisiana (many in the areas devastated by Hurricane Katrina). The purposes of SAF include education, research, publishing and legal action focusing on the Constitutional right privately to own and possess firearms and the consequences of gun control. SAF brings this action on behalf of itself and its members.

5. Plaintiff Buell Teel is a resident of Ponchatoula, Louisiana, and is a citizen of the United States.

6. Defendant Ray Nagin is the Mayor of New Orleans whose principal place of business is in New Orleans. He is being sued in his official capacity.

7. Defendant P. Edwin Compass III is the Superintendent of Police for New Orleans whose principal place of business is in New Orleans. He is being sued in his official capacity.

Defendant Jack Strain, Jr., is Sheriff, St. Tammany Parish, whose principal place of business is in Covington, Louisiana. He is being sued in his official capacity.

Defendants John Does I-V were at all times pertinent herein Sheriff's Deputies from St. Tammany Parish. Their identities and principal places of business are currently unknown.

Jurisdiction

Jurisdiction is founded on 28 U.S.C. § 1331 in that this action arises under the Constitution and laws of the United States, and under 28 U.S.C. § 1343(3) in that this action seeks to redress the deprivation, under color of the laws, statutes, ordinances, regulations, customs and usages of Louisiana and political subdivisions thereof, of rights, privileges or immunities secured by the United States Constitution. Supplemental jurisdiction is founded upon the laws of the State of Louisiana.

This action seeks relief pursuant to 28 U.S.C. §§ 2201, 2202, and 42 U.S.C. § 1983. Venue lies in this district pursuant to 28 U.S.C. § 1391.

Facts

On August 26, 2005, Louisiana Governor Kathleen Babineaux Blanco declared a state of emergency based on the imminent threat of Hurricane Katrina to the safety and security of the citizens of Louisiana.

In the devastation and breakdown of law and order that followed, law-abiding citizens were left on their own without police protection to protect their families, persons, and property from looters, rapists, and criminals of various types. Police who sought to do their duty were overwhelmed.

Defendants responded to this crisis in part by ordering that the law-abiding citizens be

disarmed, leaving them at the mercy of roving gangs, home invaders, and other criminals. Defendants had no lawful authority to order the wholesale confiscation of firearms from citizens who lawfully possessed such firearms in their homes or who were lawfully carrying such firearms.

During and after Hurricane Katrina, beginning in August 2005 and continuing through the present, Defendants Mayor C. Ray Nagin and P. Edwin Compass III, the Superintendent of Police, have pursued a policy of seizing lawfully-possessed firearms from law-abiding residents. Superintendent Compass announced, on or about September 8, 2005, that anyone with a weapon, even one legally registered, will have it confiscated, adding: "No one will be able to be armed. Guns will be taken. Only law enforcement will be allowed to have guns."

During the same period, Mayor Nagin ordered the New Orleans Police and other law enforcement entities under his authority to evict persons from their homes and to confiscate their lawfully-possessed firearms. Police went from house to house and confiscated numerous firearms from citizens at gunpoint.

Thousands of members of Plaintiff NRA members and hundreds of members of Plaintiff SAF reside in New Orleans. The overwhelming majority of NRA and SAF members lawfully possess firearms. NRA and SAF members from New Orleans have been and remain subject to having their firearms unlawfully confiscated from their homes and persons pursuant to the policies of Mayor Nagin and Superintendent Compass, subjecting said NRA and SAF members to irreparable harm.

While decreeing that ordinary citizens may not possess firearms, Defendants Nagin and Compass followed a policy of allowing certain businesses and wealthy persons to hire hundreds

of armed security guards to protect their property

On or about September 9, 2005, Plaintiff Buell O. Teel was with his brother on a boat in Lake Pontchartrain in St. Tammany Parish proceeding to chart a course to the industrial canal in New Orleans, so that barges could be positioned after the storm damage. They were stopped by officers in a St. Tammany Parish Sheriff's boat who asked, at gunpoint, if they had any weapons. Teel responded that they had two rifles in a hard case. Teel lawfully possessed these rifles for self protection. The officers boarded Teel's boat and confiscated his rifles, refusing to give him a receipt. Said officers are identified here as John Does I-III.

Proceeding a mile further on the lake, Teel was again stopped at gunpoint by other officers in a St. Tammany Parish Sheriff's boat who asked if they had any weapons. Said officers are identified here as John Does IV-V.

Said Defendants John Does I-V were acting officially under the authority of Defendant Jack Strain, Jr., Sheriff of St. Tammany Parish. Sheriff Strain either explicitly ordered said officers to confiscate firearms from citizens of St. Tammany Parish, or allowed said officers acting under his authority to do so and ratified their actions.

As a proximate cause of the aforesaid acts of Defendants and their agents and employees, Plaintiffs have been subjected to irreparable harm in that they are subject to having their lawfully-possessed firearms confiscated from them, or have actually had their lawfully-possessed firearms confiscated from them, subjecting them to endangerment from criminal violence and violating their constitutional rights as set forth herein.

COUNT ONE
(Right to Keep and Bear Arms)

Paragraphs 1 through xx are realleged and incorporated herein by reference.

Article I, § 11, of the Louisiana Constitution provides: "The right of each citizen to keep and bear arms shall not be abridged, but this provision shall not prevent the passage of laws to prohibit the carrying of weapons concealed on the person." The Second Amendment to the United States Constitution, which applies to the States through the Fourteenth Amendment, similarly provides: "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed."

The above-described acts of Defendants ordering the confiscation of firearms of citizens and actually confiscating firearms from citizens abridged and infringed on the right of each Plaintiff and countless other citizens to keep and bear arms, in violation of La. Const., Art. I, § 11, and U.S. Const., Amends. II and XIV.

**COUNT TWO
(Due Process)**

Paragraphs 1 through xx are realleged and incorporated herein by reference.

The Fourteenth Amendment to the United States Constitution provides that no State shall deprive any person of life, liberty, or property without due process of law.

The firearms confiscated by Defendants constituted private property which was lawfully possessed by Plaintiffs pursuant to State and Federal law. Moreover, the manner in which Plaintiffs kept, bore, and possessed such property was a liberty interest recognized by State and Federal law.

Said liberty and property interests are recognized by La. Const., Art. I, § 11, which guarantees the right to keep and bear arms; LSA-R.S. § 40:1379.3, which provides for a statewide permit which "shall grant authority to a citizen to carry a concealed handgun on his person" (subsection B) and which may be revoked only

according to specified procedures; and by other provisions of Louisiana law.

Accordingly, by ordering the confiscation of firearms and by actually confiscating the firearms belonging to Plaintiffs and countless other citizens, Defendants deprived them of liberty and property without due process of law, in violation of U.S. Const., Amend. XIV.

**COUNT THREE
(Equal Protection)**

Paragraphs 1 through xx are realleged and incorporated herein by reference.

The Fourteenth Amendment to the United States Constitution provides that no State shall deny to any person the equal protection of the laws.

At the same time that Defendants Nagin and Compass instituted and executed their policy of confiscating firearms from Plaintiffs and countless other law-abiding citizens and thereby prevented them from protecting their more-modest homes from looters and other intruders, Defendants allowed selected wealthy persons to keep their firearms and/or to retain armed private security personnel to protect their more expensive homes and properties. This means that one's ability to exercise one's rights and to protect life and property depended on whether one had or has the economic means to retain armed private security personnel.

Defendants thereby discriminated in favor of the selected few, and against Plaintiffs and the great majority of citizens, solely on the basis of wealth and influence. Defendants thereby denied Plaintiffs and countless other citizens the equal protection of the law.

**COUNT FOUR
(Search and Seizure)**

Paragraphs 1 through xx are realleged and incorporated herein by reference.

The Fourth Amendment to the United States Constitution, which applies to the States through the Fourteenth Amendment, provides in part that "the right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated"

As described above, Defendants issued or executed orders that persons (including Plaintiffs) be accosted at gunpoint by law enforcement officers and that their persons, homes, boats, and other properties be searched and temporarily seized, and that their firearms be seized and kept for an indefinite period of time. Plaintiffs committed no unlawful acts, did not threaten any law enforcement officers, or engage in any other activity that would justify such searches and seizures.

The above-described acts of Defendants violated the right of each Plaintiff and countless other citizens to be secure in their persons and houses against unreasonable searches and seizures, in violation of U.S. Const., Amends. IV and XIV.

WHEREFORE, plaintiffs pray that the Court:

1. Enter a declaratory judgment that the aforesaid acts by Defendants in ordering the confiscation of firearms and actually confiscating firearms violated the Plaintiffs' rights to keep and bear arms, not to be deprived of liberty or property without due process of law, not to be denied the equal protection of the laws, and to be free of unreasonable searches and seizures, all in violation of the Second, Fourth, and Fourteenth Amendments of the U.S. Constitution, and of the Louisiana Constitution, Article I, § 11.

2. Issue a temporary restraining order and preliminary and permanent injunctions compelling Defendants to return all unlawfully seized firearms to Plaintiffs (including the

members of the association Plaintiffs) and to their other lawful owners, and ordering them not to make further unlawful seizures of firearms.

3. Grant such other and further relief as may be proper.
4. Award plaintiffs attorney's fees and costs.

Respectfully Submitted,

National Rifle Association of America, Inc., *et al.*,
Plaintiffs

By Counsel

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Phone 225-922-5110
Fax 225-922-5105

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Fax (703) 359-0938

Attorneys for Plaintiffs



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NEWS RELEASES

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Major Victory For Firearms Owners And Freedom In Louisiana

Friday, September 23, 2005

(Fairfax, VA) -- The United States District Court for the Eastern District in Louisiana today sided with the National Rifle Association (NRA) and issued a restraining order to bar further gun confiscations from peaceable and law-abiding victims of Hurricane Katrina in New Orleans.

"This is a significant victory for freedom and for the victims of Hurricane Katrina. The court's ruling is instant relief for the victims who now have an effective means of defending themselves from the robbers and rapists that seek to further exploit the remnants of their shattered lives," said NRA Executive Vice President Wayne LaPierre.

Joining LaPierre in hailing the U.S. District Court decision was NRA chief lobbyist Chris W. Cox. "This is an important victory. But the battle is not over. The NRA will remedy state emergency statutes in all 50 states, if needed, to ensure that this injustice does not happen again."

The controversy erupted when *The New York Times* reported, the New Orleans superintendent of police directed that no civilians in New Orleans will be allowed to have guns and that "only law enforcement are allowed to have weapons." ABC News quoted New Orleans' deputy police chief, saying, "No one will be able to be armed. We are going to take all the weapons."

The NRA also pledged that it will continue its work to ensure that every single firearm arbitrarily and unlawfully seized under this directive is returned to the rightful law-abiding owner.

--nra--

Established in 1871, the National Rifle Association is America's oldest civil rights and sportsmen's group. Four million members strong, NRA continues its mission to uphold Second Amendment rights and to advocate enforcement of existing laws against violent offenders to reduce crime. The Association remains the nation's leader in firearm education and training for law-abiding gun owners, law enforcement and the armed services.

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For The Media

Frequently Requested In Definitions

Grassroots Activ

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- NRA-ILA Elector Coordinators
- Grassroots-Elect Workshops
- NRA-ILA Speake
- Help Spread The Promote Activism Identify "Second Activist Centers"

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HB

410

HOUSE COMMITTEE REPORT

(7)

Date Referred to Committee: January 30, 2006

FURTHER REFERRALS:

Date of Committee Action: 02/22/06

The JUDICIARY Committee considered:

HB 410

HOUSE BILL NO. 410

REVISOR'S BILL

"An Act making corrective amendments to the Alaska Statutes as recommended by the revisor of statutes; and providing for an effective date."

Recommends it be replaced with HCS or CS for HB 410 (JUD)
 For Senate Bills with new title: Technical Title New Title: HCR _____ Same Title New Title

- attach amendments
- add new referral to _____ Committee
- Letter of Intent _____ Committee

List of Abbrev for Depts.:
 ADM
 CED
 COR
 CRT
 EED
 DEC
 DFG
 GOV
 HSS
 LEG
 LAW
 LWF
 MVA
 DNR
 DPS
 REV
 DOT
 UA

NEW FISCAL NOTES				
*Assigned by Chief Clerk's Office				
List by Dept(s):	*FN#	Fiscal	Indet.	Zero
CRT				X

PREVIOUS FISCAL NOTES				
List by Dept(s):	FN#	Fiscal	Indet.	Zero

Signing with recommendations		Printed Last Name	DP	DNP	NR	AM
		Coghill	✓			
		ANDERSON	X			
		Shumway	-			
Chair:		McGuire	✓			
Chair:						

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB410-2-21-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Revisor's Bill RDU Alaska Court System
 Component Trial Courts
 Sponsor Rules Committee by Request
 Requester Legislative Budget and Audit Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 410.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-1750
 Division: Alaska Court System Date/Time 2/21/06 @ 2:30 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/21/2006
 Agency: Alaska Court System

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 410
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title Revisor's Bill RDU _____
 Component _____
 Sponsor House Rules Committee
 Requester House Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would not have a significant fiscal impact on any state agency.

Prepared by: Jack Kreinheder, Senior Analyst Phone 465-4676
 Division: Office of Management and Budget Date/Time 2/21/06 10:18 AM
 Approved by: Cheryl Frasca, Director Date 2/21/2006
 Agency: Office of Management and Budget

STATE OF ALASKA

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL

*FRANK H. MURKOWSKI,
GOVERNOR*

*LEGISLATION & REGULATIONS SECTION
P.O. BOX 110300
DIMOND COURT HOUSE, 6TH FLOOR
JUNEAU, ALASKA 99811-0300
PHONE: (907) 465-3600
FAX: (907) 465-2520*

February 17, 2006

Honorable Lesil McGuire
Chair, House Judiciary Committee
Alaska State House
State Capitol, Room 118
Juneau, AK 99801

Re: HB 410 -- (2006 Revisor's Bill)

Dear Representative McGuire:

The Department of Law has reviewed HB 410 (2006 revisor of statutes bill). The bill makes technical changes to improve Alaska statutes.

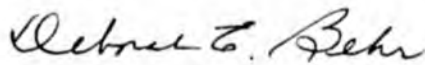
We appreciate the revisor's excellent efforts in preparing this necessary legislation.

We find no legal issues with HB 410.

Sincerely,

DAVID W. MÁRQUEZ
ATTORNEY GENERAL

By:



Deborah E. Behr
Chief Assistant Attorney General

DEB:pvp

cc: Pam Finley
Revisor of Statutes

Randy Ruaro, Legislative Contact
Dept. of Law

Kevin Jardell, Legislative Director
Office of the Governor

LEGAL SERVICES

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LEGISLATIVE AFFAIRS AGENCY
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State Capitol
Juneau, Alaska 99801-1182
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MEMORANDUM

February 15, 2006

SUBJECT: HB 410; 2006 Revisor's Bill (Work Order No. 24-LS1333\A)

TO: Representative Lesil McGuire
Chair of the House Judiciary Committee

FROM: Pam Finley *PF*
Revisor of Statutes

The following is a sectional analysis of HB 410, the 2006 revisor's bill, which has been referred to the House Judiciary Committee. The bill is prepared under AS 01.05.036, which provides, in part, that the revisor of statutes:

...shall prepare for submission to the legislature legislation for the correction or removal of the deficiencies, conflicts, or obsolete provisions, or to otherwise improve the form or substance of any portion of the statute law of this state.

To assist the reader in understanding the bill, I have summarized the contents by listing sections that have similar purposes or effects.

Sections that delete, repeal, or update obsolete provisions: Sections 1, 10, 17, 25, 26, 27, 28, and 29 amend or repeal provisions that have become obsolete through other legislative action.

Sections that correct errors or oversights: Sections 2, 3, 7, 8, 9, 11, 13, 15, 18, 19, 20, 21, 22, 23, 24, 30, 33, 34, 37 and 38 correct errors or oversights.

Sections that improve the form or substance of the law: Sections 4, 5, 6, 12, 14, 16, 31, 32, 35, and 36 propose amendments to improve the form or substance of the statutory law of Alaska.

SECTIONAL ANALYSIS

Bill section 1 substitutes "United States Postal Service" for "United States Post Office" in the definition of "send" in AS 04.11.499(2). "United States Postal Service" is the correct term for the mail service, as opposed to a building. This amendment was requested by the Department of Law.

Bill sections 2 and 3 substitute the correct name of the Alaska Rules of Civil Procedure in AS 09.45.825 and 09.45.830.

Representative Lesil McGuire

February 15, 2006

Page 2

Bill section 4 adds the article "the" and "an" to the first sentence of AS 09.55.536 to make it more readable.

Bill sections 5 and 6 amend AS 11.46.130(a)(6) and 11.46.220(c)(1)(C), respectively, to improve the language. A person is convicted of an offense under a statute, not convicted of the statute.

Bill sections 7 - 9 substitute "performance designation" for "achievement designation" in AS 14.03.123 (c), (d), and (e). The term "performance designation" is used in AS 14.03.123(a) and (b) and 14.03.120 and according to the Department of Education and Early Development is the preferred term.

Bill section 10 removes a reference to Bureau of Indian Affairs schools from the definition of "public schools" in AS 14.60.010 because there are no longer BIA schools in Alaska. However, at the Department of Education and Early Development's request and to preserve the authority of the Department and regional school boards, a reference to BIA schools is retained in AS 14.07.030(2), AS 14.08.101(2), and AS 14.14.110(a).

Bill section 11 amends AS 15.07.137 to insert "identification" between "voter" and "numbers". "Voter identification number" is the term that is used in AS 15.07.195(a)(4) and AS 15.60.010(18).

Bill section 12 amends AS 15.10.105(a) to create the division of elections in statute. The current language of AS 15.10.105 gives the power to control and supervise the division of elections to the lieutenant governor, but does not formally create the division. This amendment does so.

Bill section 13 amends AS 15.20.072(c) to insert "identification" between "voter" and "number". See explanation for bill section 11.

Bill section 14 defines "division" as the division of elections for purposes of the Alaska Election Code. The term "division" is used frequently throughout AS 15, but is not defined. See also explanation for bill section 12.

Bill section 15 amends AS 21.89.080(b) by substituting a reference to AS 09.80, the Uniform Electronic Transactions Act, for a reference to AS 09.25.500 - 09.25.520, which covered electronic transactions and was repealed by the same bill that enacted AS 09.80 (ch. 110, SLA 2004). The error occurred because AS 21.89.080(b) was also enacted in 2004.

Bill section 16 adds a section creating the division of workers' compensation and providing that the commissioner shall appoint the director. Chapter 10, FSSLA 2005 defined and referred to both the division and director of workers' compensation, but did not establish the division or the position of director in statute. The Department of Law agreed that a statute establishing the division and position of director would be a good

Representative Lesil McGuire

February 15, 2006

Page 3

idea. (Chapter 10, FSSLA 2005 was a governor's bill.) The language used in bill section 16 is based on AS 21.06.010 and 21.06.020 (division of insurance) and AS 38.05.005 - 38.05.015 (division of lands).

Bill section 17 amends AS 26.23.040(e)(12) to substitute "49 U.S.C. 5116(a)(2)(B)" for "49 U.S.C. Appx. 1815(a)(3)." AS 26.23.040(e)(12) was added by sec. 3, ch. 32, SLA 1994. When ch. 32, SLA 1994 was drafted, 49 U.S.C. Appx. 1815(a)(3) required a state receiving a planning grant under that section to make available at least 75 percent of the grant to local emergency planning committees. However, later in 1994, Congress repealed 49 U.S.C. Appx. 1815 and transferred its provisions to 49 U.S.C. 5116. See P. L. 103-272. And, even later in 1994, sec. 7(c) of P.L. 103-429 added what is now 49 U.S.C. 5116(a)(3). Despite the existence of 49 U.S.C. 5116(a)(3), 49 U.S.C. 5116(a)(2)(B) corresponds to the language of former 49 U.S.C. Appx. 1815(a)(3), which is why that substitution is made in this bill section.

Bill sections 18 and 19 amend AS 28.10.181(p) and (q) to substitute "person in the Department of Military and Veterans' Affairs in charge of veterans' affairs" for "director of division of veterans affairs." There is no division of veterans' affairs. There currently is an office of veterans' affairs, but it is created administratively rather than in statute and therefore could disappear at any time. The suggested language would cover any administrative unit of the DMVA.

Bill section 20 amends AS 29.05.200(b) to substitute the office of management and budget for the Department of Administration as the entity that the Department of Commerce, Community, and Economic Development is to notify about the amount that should be budgeted for municipal organization grants. This change was requested by the OMB.

Bill sections 21 and 22 amend AS 32.11.220 and 32.11.230, respectively, to substitute "does not specify the allocation" for "does not specify". The reference to "allocation" is to the requirement that appears in the preceding sentence of the respective sections. This makes the sentence more readable. (The Uniform Act used the phrase "does not so provide".)

Bill section 23 amends AS 32.11.300 by substituting "interests" for "interest". This conforms the section to the language of the Uniform Act.

Bill section 24 adds "AS 32.06" and "former" before "AS 32.05" in the definition of "qualifying entity" as used in AS 36.30.170(e). This change should have been made in ch. 115, SLA 2000, which repealed AS 32.05, the old Uniform Partnership Act, and enacted AS 32.06, the current Uniform Partnership Act.

Bill sections 25 - 29 amend AS 37.05.530(a), (c), (d), (e), and (g) to reflect that the provisions of 42 U.S.C. 6508 were transferred so that the relevant provisions now appear at 42 U.S.C. 6506a. The provision governing receipts is at 6506a(l). See section 347(a)(2), P.L. 109-58.

Bill section 30 amends the definition of "former member" in AS 39.35.680 to delete a reference to an employee who is eligible for a refund under AS 39.35.200(b). In sec. 24, ch. 92, SLA 2004, the first sentence of AS 39.35.200(b)---which provided for a refund to an employee with less than five years of credited service and less than \$1,000 in the account---was deleted. AS 39.35.200(b) no longer provides for a refund.

Bill sections 31 and 32 amend AS 39.50.200(a) and (b) to move the members of the board of trustees, the executive director, and the investment officers of the Alaska Permanent Fund Corporation from the definition of "state commission or board" in subsection (b) to the definition of "public official" in subsection (a). AS 37.13.110 provides that the members of the board, executive director, and investment officers are subject to AS 39.50. The amendments proposed by bill sections 31 and 32 would place these positions in the correct part of the definitions for AS 39.50. The Permanent Fund Corporation agreed that these amendments were appropriate.

Bill section 33 amends AS 42.45.010(b)(2) to make subparagraphs (B) and (C) consistent with the paragraph's lead-in language. In sec. 1, ch. 36, SLA 2004, "or for bulk fuel, waste energy, energy conservation, energy efficiency, or alternative energy facilities or equipment" was added to the lead-in language of AS 42.45.010(b)(2). However, the same language was not added to subparagraphs (B) and (C). The Department of Law agrees that the same language should have been added to the subparagraphs. (Chapter 36, SLA 2004 was a Governor's bill.)

Bill section 34 amends AS 43.55.013(g) by adding "rate" after "monthly production" in the first sentence. The term used throughout this section (and specifically in the second sentence of AS 43.55.013(g)) is "monthly production rate." It is my understanding that "monthly production rate" means the rate of production per month. This corrects an error in ch. 116, SLA 1981.

Bill section 35 adds definitions of "qualified regional seafood development association" and "seafood development region"---terms that are used but not defined in AS 43.76.350 - 43.76.399. The meanings of the terms were clear in ch. 53, SLA 2005, which enacted both AS 43.76.350 - 43.76.399 and AS 44.33.065, but a definition is needed now that the provisions are in different parts of the statutes.

Bill section 36 amends AS 44.33.502 to substitute a reference to the first, second, third, and fourth judicial districts for a reference to the Southeastern, Southcentral, Central, and Northwestern Senatorial Districts, which no longer exist. The judicial districts are roughly equivalent to the old Senatorial Districts. Although the Native Art Competitions have not been held for many years due to lack of funding, if they were reinstated, it would be a good idea to have the regions be easily identifiable.

Bill section 37 amends sec. 26, ch. 28, SLA 2000, which will repeal and reenact AS 12.25.190(c) when the boating provisions of AS 05.25 are repealed (which is currently scheduled for July 1, 2010, at the latest). AS 12.25.190(c) exempts certain

Representative Lesil McGuire

February 15, 2006

Page 5

violations from the requirement that the offender promise to appear in court. Under the amendment proposed by this revisor's bill section, a reference to AS 05.45.100 (skiing violations), added to AS 12.25.190(c) by ch. 64, SLA 2004, would be retained even when the reference to AS 05.25.090(b) is deleted. Under sec. 1, ch. 28, SLA 2000, interlocking amendments to laws repealed and reenacted under ch. 28, SLA 2000 are not to be retained. It is, however, difficult to understand why a reference to skiing violations under AS 05.45.100 should be deleted from AS 12.25.190(c) just because a reference to boating provisions is being deleted. Accordingly, sec. 26, ch. 28, SLA 2000 is amended so that the reference to skiing provisions will be retained.

Bill section 38 repeals several sections. The reasons for the repeals are set out below, and the text of the provisions is attached at the end of this memo.

AS 14.08.031(d) requires BIA schools to be included in a regional educational attendance area boundary. There are no longer BIA schools in Alaska. See explanation for bill section 10.

AS 14.20.215(8) defines "unconditional discharge," a term that is no longer used in AS 14.20.010 - 14.20.215. It was used in former provisions of AS 14.20.020(f) and 14.20.030(b), and the definition should have been repealed when those provisions were rewritten in secs. 17 and 18, ch. 81, SLA 1998.

AS 18.56.590 requires an annual report about the housing assistance loan fund. The fund was repealed by ch. 134, SLA 2004. Because ch. 134, SLA 2004 was a Governor's bill, I asked the Department of Law whether they would prefer to have AS 18.56.590 repealed or amended to refer to the housing assistance loan "program." The Department of Law requested repeal of AS 18.56.590 as consistent with ch. 134, SLA 2004.

AS 44.99.009 establishes the Governor as the prime sponsor for purposes of the federal Comprehensive Employment and Training Act of 1973. However, CETA was repealed in 1982 when the Job Training Partnership Act was enacted. Accordingly, AS 44.99.009 is no longer needed.

AS 47.12.240(g) should have been repealed in ch. 95, SLA 2004. The former provisions of AS 47.12.240(c)(3) allowed a minor to be incarcerated in a correctional facility if the incarceration constituted a protective custody detention of the minor authorized by AS 47.37.170(b). This provision was deleted and what was formerly (c)(4) was renumbered as (c)(3) in sec. 1, ch. 95, SLA 2004. However, ch. 95, SLA 2004 did not repeal or amend the provisions of AS 47.12.240(g), which provides that the provisions of AS 47.37.170(i) apply to a minor incarcerated in a correctional facility when authorized by (c)(3) of that section. Because ch. 95, SLA 2004 was a Governor's bill, I brought this to the attention of the Department of Law, which agreed that AS 47.12.240(g) should be repealed.

Bill section 39 gives the bill an immediate effective date.

Please give me a call if you have any questions about the above.

TEXT OF REPEALED PROVISIONS

AS 14.08.031(d): U.S. Bureau of Indian Affairs schools shall be included in a regional educational attendance area boundary.

AS 14.20.215(8):

(8) "unconditional discharge" has the meaning given in AS 12.55.185.

AS 18.56.590: Annual report.

To further ensure effective budgetary decision making by the legislature, the corporation shall prepare a complete accounting of the housing assistance loan fund and notify the legislature each year by January 10 that the accounting is available. The accounting must consist of an audit by an independent outside auditor for that year. The accounting must include a full description of all mortgage loan interest and principal repayments and program receipts for purposes of programs under AS 18.56.400 - 18.56.600, including mortgage loan commitment fees, received by or accrued to the corporation during the preceding fiscal year, and all income earned on assets held by the corporation for purposes of programs under AS 18.56.400 - 18.56.600 during that period.

AS 44.99.009: Governor as prime sponsor.

(a) The governor is authorized to participate as a prime sponsor in the Comprehensive Employment and Training Act of 1973 (P.L. 93-203) as amended. The governor may delegate the functions as a prime sponsor to such other state agency as, in the exercise of discretion, the governor sees fit.

(b) The governor, or the state agency to which the governor has delegated the functions, may adopt regulations necessary to carry out the functions as a prime sponsor.

(c) The governor shall submit as part of the annual budget submission to the legislature a complete program budget for state participation in the Comprehensive Employment and Training Act of 1973 (P.L. 93-203) as amended.

AS 47.12.240(g): The provisions of AS 47.37.170(i) apply to a minor incarcerated in a correctional facility when authorized by (c)(3) of this section.

PF:ljw
06-079.ljw

Enclosure

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
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Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 15, 2006

SUBJECT: House Bill 410 (2006 Revisor's Bill) and 3 amendments
(Work Order No. 24-LS1333\A.1 - A.3)

TO: Representative Lesil McGuire
Chair of the House Judiciary Committee

FROM: Pam Finley *IDA*
Revisor of Statutes

House Bill 410, the 2006 revisor's bill, has been referred to the House Judiciary Committee. I would appreciate it if you would schedule it for a hearing as soon as convenient for you. I am enclosing a sectional analysis of the bill and three proposed amendments for the committee to consider. The amendments involve matters that have come to our attention since the original bill was produced. An explanation for each amendment follows.

Amendment 1 amends AS 09.65.161 to change "public health significance" to "public health importance". Section 5, ch. 54, SLA 2005, a Governor's bill, amended AS 18.05.040(a)(1) to substitute "disease or other condition of public health importance" for "diseases of public health significance." See also AS 18.15.355, added by sec. 8, ch. 54, SLA 2005. Unfortunately, ch. 54, SLA 2005 did not amend AS 09.65.161, which confers immunity on those reporting the health care data required to be reported "for conditions or diseases of public health significance." Proposed amendment A.1 would amend AS 09.65.161 so that the language in that statute matches the language used in ch. 54, SLA 2005 and current AS 18.05.

Amendment 2 adds a section establishing a division of state troopers. AS 18.65.010, 18.65.085, 18.65.086, and AS 22.20.130 all refer to "the division of state troopers," but there is no statute actually establishing the division.

Amendment 3 gives a short title ---The Legislative Ethics Act--- to AS 24.60. This would make it easier to refer to that chapter in bill titles and discussions.

Please let me know if you have any questions about the above.

PM-ljw
06-078.ljw

Enclosures

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
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FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

February 16, 2006

SUBJECT: House Bill 410 (2006 Revisor's Bill) and 2 additional amendments
(Work Order No. 24-LS1333A.4 and A.5)

TO: Representative Lesil McGuire
Chair of the House Judiciary Committee

FROM: Pam Finley 
Revisor of Statutes

Since I sent my February 15, 2006 memo to you (describing proposed amendments A.1 - A.3 to HB 410), I have received two other requests for amendments, which I would like the committee to consider. The amendments are enclosed and explained below.

Amendment 4 adds a short title for AS 39.52. This chapter is commonly referred to as the Alaska Executive Branch Ethics Act, but the short title does not exist in law.

Amendment 5 modifies AS 46.40.210(1)---the definition of "area which merits special attention" for the purposes of the coastal management program---by substituting "the department's" for "council". Chapter 24, SLA 2003, which was a Governor's bill, repealed the Alaska Coastal Policy Council and transferred responsibility for the development and implementation of the Alaska coastal management program to the Department of Natural Resources. The Department of Law has asked that "department" be substituted for "council" in this definition to reflect that transfer of responsibility. Because this amendment is consistent with the department's power under AS 46.40.040(a)(1)(F), I support the Department of Law's suggestion.

Please let me know if you have any questions about either of these proposed amendments.

PF:med
06-134.med

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 410

1 Page 2, following line 18:

2 Insert a new bill section to read:

3 **** Sec. 5. AS 09.65.161 is amended to read:**

4 **Sec. 09.65.161. Immunity for disclosure of required health care data.** A
5 person who reports health care data required to be reported under AS 18.05 and
6 regulations adopted under that chapter for conditions or diseases of public health
7 **importance** [SIGNIFICANCE] may not be held liable for the disclosure to the
8 Department of Health and Social Services or for the use of the data by the
9 department."

10

11 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 410

1 Page 6, following line 17:

2 Insert a new bill section to read:

3 **"* Sec. 15.** AS 18.65 is amended by adding a new section to read:

4 **Sec. 18.65.005. Division of state troopers.** The division of state troopers is
5 established in the Department of Public Safety. The commissioner of public safety
6 shall appoint the director of the division of state troopers."
7

8 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 410

1 Page 6, following line 24:

2 Insert a new bill section to read:

3 **"* Sec. 17.** AS 24.60 is amended by adding a new section to read:

4 **Sec. 24.60.995. Short title.** This chapter may be cited as the Legislative Ethics
5 Act."

6

7 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 410

1 Page 13, following line 4:

2 Insert a new bill section to read:

3 **"* Sec. 33.** AS 39.52 is amended by adding a new section to read:

4 **Sec. 39.52.965. Short title.** This chapter may be cited as the Alaska Executive
5 Branch Ethics Act."

6

7 Renumber the following bill sections accordingly.

AMENDMENT

OFFERED IN THE HOUSE

TO: HB 410

1 Page 14, following line 28:

2 Insert a new bill section to read:

3 **** Sec. 37. AS 46.40.210(1)** is amended to read:

4 (1) "area which merits special attention" means a delineated
5 geographic area within the coastal area which is sensitive to change or alteration and
6 which, because of plans or commitments or because a claim on the resources within
7 the area delineated would preclude subsequent use of the resources to a conflicting or
8 incompatible use, warrants special management attention, or which, because of its
9 value to the general public, should be identified for current or future planning,
10 protection, or acquisition; these areas, subject to the department's [COUNCIL]
11 definition of criteria for their identification, include:

12 (A) areas of unique, scarce, fragile or vulnerable natural
13 habitat, cultural value, historical significance, or scenic importance;

14 (B) areas of high natural productivity or essential habitat for
15 living resources;

16 (C) areas of substantial recreational value or opportunity;

17 (D) areas where development of facilities is dependent upon
18 the utilization of, or access to, coastal water;

19 (E) areas of unique geologic or topographic significance which
20 are susceptible to industrial or commercial development;

21 (F) areas of significant hazard due to storms, slides, floods,
22 erosion, or settlement; and

23 (G) areas needed to protect, maintain, or replenish coastal land

1 or resources, including coastal flood plains, aquifer recharge areas, beaches,
2 and offshore sand deposits; "

3

4 Renumber the following bill sections accordingly.

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB 410
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: All
 Title Revisor's Bill RDU _____
 Component _____
 Sponsor House Rules Committee
 Requester House Judiciary Committee (Component No. _____)

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation would not have a significant fiscal impact on any state agency.

Prepared by: Jack Kreinheder, Senior Analyst Phone 465-4676
 Division Office of Management and Budget Date/Time 2/21/06 10:18 AM
 Approved by: Cheryl Frasca, Director Date 2/21/2006
 Agency Office of Management and Budget

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: HB410-2-21-06
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title Revisor's Bill RDU Alaska Court System
 Component Trial Courts
 Sponsor Rules Committee by Request
 Requester Legislative Budget and Audit Component No. _____

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The court system does not anticipate any fiscal impact from the passage of HB 410.

Prepared by: Doug Wooliver, Administrative Attorney Phone 463-4750
 Division Alaska Court System Date/Time 2/21/06 @ 2:30 pm
 Approved by: Doug Wooliver for Stephanie Cole, Administrative Director Date 2/21/2006
 Agency Alaska Court System

HB

413

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 413(STA)
 (H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: "An Act relating to the burning capability of cigarettes
being sold, offered for sale, or possessed for sale..." RDU: Fire Prevention
 Component: Fire Prevention Operations
 Sponsor: Representative Joule
 Requester: House State Affairs Committee Component No. 494

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type—Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0
 Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Deputy fire marshals of the Division of Fire Prevention will perform the compliance inspections concurrently with normally scheduled life safety inspections.

No fiscal impact to the Department of Public Safety is anticipated as a result of this legislation.

Prepared by: Director Gary Powell
 Division: Fire Prevention
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone 907-269-5491
 Date/Time 2/7/06 9:42 AM
 Date 2/7/2006

During Session:
Alaska State Capitol
Juneau, Alaska 99801-1182
(907) 465-4833
Fax (907) 465-4586
1-800-782-4833

Representative_Reggie_Joule@legis.state.ak.us



During Interim:
P.O. Box 673
Kotzebue, Alaska 99752
(907) 442-3880
Fax (907) 442-3022

Alaska State Legislature
REPRESENTATIVE REGGIE JOULE

SPONSER STATEMENT

"An Act relating to the burning capability of cigarettes being sold, offered for sale, or possessed for sale; and providing for an effective date."

House Bill 413 identifies cigarettes as one of the leading causes of fire deaths. As such, HB 413 provides a way to reduce these incidents by instituting fire-safe cigarettes that are designed to extinguish when not being actively smoked. Annually, smoking materials are responsible for nearly 4% of all residential structure fires in Alaska alone. Within a 10-year period there were 163 wildfires attributed to lit cigarettes, resulting in 7,699 acres of Alaska being burned. Fire safe cigarettes represent an avenue to help prevent and reduce such incidents.

HB 413 sets the groundwork for establishing a state standard for fire safety. The state legislatures in California and New York have already enacted similar legislation and the states of Washington, Vermont, and Massachusetts are considering related policy. The National Fire Protection Association statistics document that nationally smoking materials in one year have led to 900 fire related deaths, 2,500 injuries, and \$410 million in property losses. HB 413 allows for Alaska to participate in a national movement to reduce the number of incidents caused by cigarette related fires. Fire safe cigarette standards serve to protect the public and the environment.

Cigarette related fires are contributing factors in an unnecessary financial loss not only to an individual, but also to the State and Federal governments. However, there has been no indication that fire safe cigarettes reduce the sale figures for manufacture's and with the adoption of similar standards by other states, consumer prices are expected to be minimally affected.

Human factors contribute to the incidents related to cigarette caused fires. In most occurrences a lighted tobacco product, which caused a fire, was the result of a smoker falling asleep with a lit cigarette. Fire safe cigarettes help reduce these human caused incidents of fire.

* Smoking materials include cigarettes, cigars, and tobacco pipes. Out of all three of these materials cigarettes are the leading cause of fires.

Fire Safe Cigarettes

The Problem

Nationally, cigarette fires cause close to 1,000 deaths and 3,000 injuries each year in the United States. As the ignition source in fires responsible for over 25% of all fire deaths, cigarettes are the nation's largest single cause of such deaths. Property losses alone are over half a billion dollars. The economic costs in health care and productivity losses, and the human cost of pain and suffering raise total annual costs to an estimated \$6 billion dollars. Among all injury profiles, the one for cigarette fire injuries is unusually lethal. In fires attributed to dropped cigarettes, there is one death to every four injuries. Please note that smoking-related injuries started by matches or lighters were excluded for these statistics. This problem is not going away, as cigarette related fires are up 19% nationally.

The "fire-safe" cigarette concept addresses the typical scenario in which such injuries occur. In these cases, dropped cigarettes, because they are expressly manufactured not to go out until totally consumed, burn through the cover of a seat cushion or a mattress, starting fires, which may smolder for hours. These hidden fires produce toxic gases, which render sleeping victims even more unconscious before the cushion or mattress bursts into flame. At this point, the superheated air in the room of origin quickly reaches flashover, and any people in the residence are seriously threatened. Those who survive such fires normally have a severe inhalation injury. When they are also burned, they are normally transferred to burn treatment centers. There, they are frequently the most critically ill patients in a setting already dedicated to serious burn injury.

The age profile for cigarette fire mortality in NFPA data shows a moderate death rate among young children, a low rate for ages 10 to 17, and then a steadily rising rate, which peaks above age 85. Since the smoking rate among the elderly is half that of younger adults, those elderly who do smoke, especially males, and those with whom they live, are exceedingly vulnerable to smoking-fire death and injury. This vulnerability is even greater if the elderly smoker uses alcohol or sedating medications.

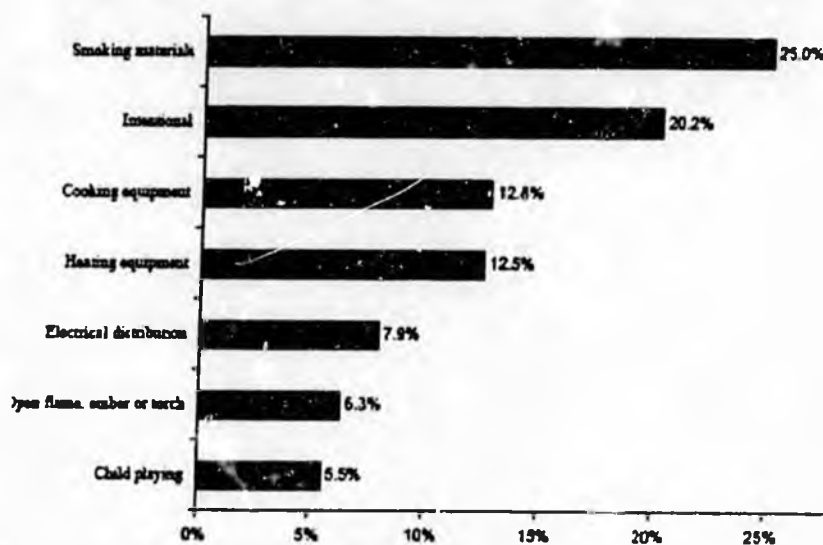
In fires in which a cigarette was known to have ignited upholstery, bedding or clothing, 29% victims making it to a burn center did not survive their initial hospital stay. This is five times the overall burn center fatality rate of about 6%. In addition, many of the elderly victims who survived their burn center stay were discharged to nursing care facilities from which they would never go home.

These survivors of cigarette fires remained in the hospital an average of 33 days on their initial admission. This is 60% longer than the burn center average of 20.5 days. Per diem costs were one-third higher than the burn center average. Cigarette fire admissions thus consumed twice as many resources as other burn center patients, with hospital charges alone averaging over \$125,000 per admission.

What Is a Fire Safe Cigarette?

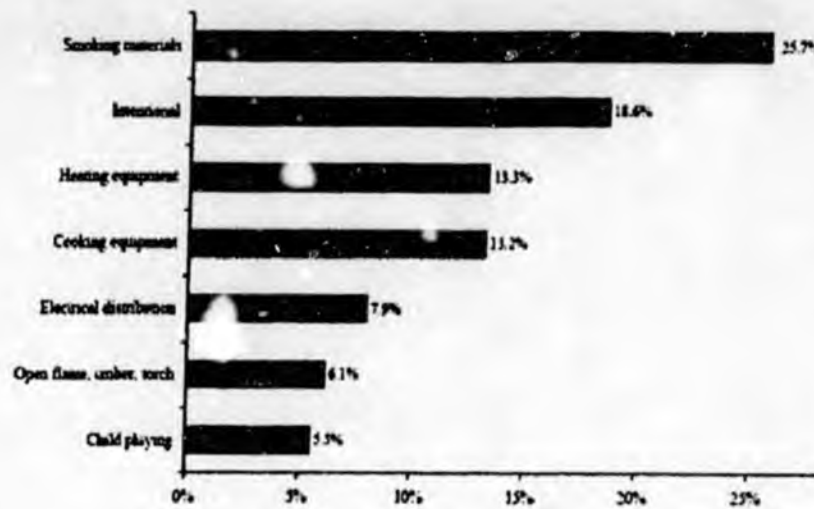
A fire safe cigarette, also known as a "reduced propensity cigarette," has less propensity to ignite upholstered furniture or mattresses when dropped, forgotten or carelessly discarded. This can be accomplished through small design changes including, the use of less dense tobacco, less porous paper, a smaller diameter, a filter tip, the addition of "speed bumps" on the filter paper, and the elimination of citrates that are added to the paper to maintain burning.

Leading Causes of Structure Fire Deaths in 1999



Source: National estimates based on NFIRS/NFPA survey.

Leading Causes of Home Fire Deaths in 1999



Source: National estimates based on NFIRS/NFPA survey.

Other Legislation

In 2000, New York State passed the nation's first law requiring the establishment of a fire safety standard for cigarettes sold in the state that was due to take effect July 1, 2003. It was later changed to have the regulations set to go into effect by June 30, 2004. In 2005 both Vermont and California passed similar legislation, which requires cigarettes to meet the ASTM standard.

Following the lead of New York State, the Canadian Parliament passed legislation that will reduce the number of cigarette-caused fires in Canada. Bill C-260, an Act to amend the Hazardous Products Act (fire-safe cigarettes), will make it mandatory for all tobacco manufacturers to sell reduced ignition propensity (RIP) cigarettes by the end of this year.

Alaska HB 413 Will Save Lives in Alaska Fire Safe Cigarettes Result in a Safer State

Too many Alaskans are hurt needlessly by fires that start because of the careless use of cigarettes. Every year, people are injured and homes are destroyed and damaged by cigarette ignited fires. That is largely because cigarettes are designed to continue to burn if left unattended. Cigarettes that are forgotten or dropped by smokers have the potential to start fires.

Following are a few facts about cigarette ignited fires:

- Cigarettes are the leading cause of fatal home fires in the United States, representing 25 percent of all fire deaths.
- Annually, approximately 1,000 people in the United States die from fires started by cigarettes and an additional 3,000 are injured.
- More than 100 victims who die every year are children or nonsmokers.
- Two out of five victims are 65 or older.
- Cigarette-ignited fires cause more than \$6 billion in property damage every year.
- In 1997 alone, there were more than 130,000 cigarette related fires in the U.S.

Now, Alaska has a chance to change those frightening statistics in a way that will better protect people and property in this state.

Alaska legislators recently introduced HB 413, addressing cigarette fire safety. That bill would save lives in Alaska and would likely lead to significant advances in public safety throughout the country.

HB 413 would require that all cigarettes marketed and sold in the state of Alaska be fire safe with a reduced propensity to burn when left unattended.

Cigarettes are designed to continue to burn when left unattended. The typical scenario for a cigarette ignited fire is the delayed ignition of a sofa, chair, mattress or rubbish from a lit cigarette that was forgotten or dropped by a smoker. Cigarettes vary in their potential to start fires, depending on cigarette design and content. The term "fire safe" is defined as a cigarette with reduced propensity for starting a fire when dropped or left unattended. The technology needed to produce fire safe cigarettes has been available for over a decade.

How does a fire safe cigarette work?

- A fire-safe cigarette has significantly less tendency to ignite furniture or mattresses when carelessly discarded. Small design changes including use of less dense tobacco, less porous paper, a smaller diameter, filter tip, and no added citrates to the paper are key components of a fire-safe cigarette.

Jurisdictions that have passed fire-safe cigarette legislation:

- Canada (2003)
- New York (2000)
- Vermont (2005)
- California (2005)

In addition, a recently released report out of New York noted that annual fire deaths blamed on cigarettes have fallen by one-third since that state's fire safe cigarette legislation went into effect.

Fire Safe Cigarette Fact Sheet

- Smoking-related injuries started by matches or lighters were excluded for these statistics. Cigarette related fires are up 19% nationally.
- Cigarettes are the leading cause of fatal home fires in the United States, accounting for approximately 25% of our nation's fire deaths.
- Annually, between 900 and 1,000 people in the United States die from fires started by cigarettes and an additional 2,500 to 3,000 people are injured.
- It is not only the smoker who is injured or killed. Family members, other residents in multi-family dwellings, firefighters, emergency medical services personnel, and other non-smokers are also affected.
- In 1997 (the latest year for which data is available), there were more than 130,000 cigarette-related fires, which resulted in the deaths of 140 children.
- The annual cost of human life and property damage exceeds \$6 billion.
- At present, no federal regulation requires cigarettes to meet fire safety standards. New York is the first and only state to mandate that all cigarettes sold or offered for sale in the state must be fire safe. Similar legislation has been introduced in other states and in the US Congress.
- In fires in which a cigarette was known to have ignited upholstery, bedding or clothing, 29% victims making it to a burn center did not survive their initial hospital stay.
- The Fire Safe Cigarettes do not carry an increased cost to the consumer.
- The change in taste, if any, is undetectable to the smoker.
- 2 of 5 victims are 65 or older.
- Fire Safe Cigarettes are mandated in The States of California, New York and Vermont and the entire country of Canada.



State of Alaska

Department of Public Safety
Division of

Fire Prevention

Frank H. Murkowski, Governor
William Tandeske, Commissioner

February 1, 2006

The Honorable Reggie Jule
House of Representatives
State Capitol, Room 405
Juneau, AK 99801-1182

The Division of Fire Prevention supports the legislation sponsored by you. "An Act relating to the burning capability of cigarettes being sold, offered for sale, or possessed for sale and providing for an effective date."

This bill embodies the focus of the Division's mission statement which is to prevent the loss of life and property from fire and explosion. This bill recognizes significant losses of life and property due to cigarettes; as the following statistics will show.

Between 1996 and 2004 Alaska lost \$5.6 million in property to fires with cigarettes as an ignition source.

Between 1996 and 2004 Cigarette related fires caused 25% (36 Alaskans) of the deaths due to fire. This is the leading cause of fire fatalities in Alaska.

It is our belief that this bill will significantly lower fire fatalities in Alaska related to cigarettes, as the manufacturers will have to meet the new requirements for a cigarette that meets a fire safety standard. This would be at minimal cost to the state.

The states that have enacted similar legislation are New York, Vermont and California. Those states are closely monitoring their fire statistics for the expected decline in fire fatalities. The legislation enactment is recent; therefore the information on fire fatalities is just now being collected for analysis.

If you have any questions or need more information, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Gary L. Powell".

Gary L. Powell
State Fire Marshal

5700 East Tudor Rd. - Anchorage, AK 99507 - Voice (907) 259-5491- Fax (907) 338-4375

ALASKA DEPARTMENT OF PUBLIC SAFETY
Division of Fire Prevention

1996 - 2004 Alaska Fires Caused by Cigarettes

Type of Fire	Count and Sum	CIV. Inj.	CIV. Fatal	FF Inj.	FF Fatal
(Confined) Trash Fire	3 \$0				
Fire, Other	17 \$87,455	1			
Motor Mobile Property (Vehicle)	49 \$30,628	1	1		
Outside Rubbish Fire	72 \$2,376				
Special Outside Fire	7 \$1,000				
Structure Fire	315 \$5,248,280	28	35	6	
Structure Fire (Mobile Property)	19 \$190,521	1			
Wildland Fire	91 \$2,531				
Total Count of Inc. ID	573	31	36	6	0
Total Sum of Loss Total	\$5,562,771				

It's correct to say that between 1996 - 2004.....

3.33% of all reported firefighter injuries a cigarette was the cause of fire
 25% of all civilian deaths, smoking and/or smoking materials was the cause of fire



**Facts About the Tobacco Industry's Arguments
Against Laws Regulating the Ignition Strength of Cigarettes
March 2005**

Introduction

In 2002, the most recent year with complete data, lighted tobacco products caused an estimated 37,000 structure fires in the United States, according to the National Fire Protection Association (NFPA). Some 760 individuals died in these fires, with roughly 200 victims estimated not to have been the smoker. And more than half a billion dollars (\$526 million) in direct property damage was caused by these fires. Lighted tobacco products remain the leading cause of fatal structure fires in the United States.

Efforts to reduce this deadly toll directly, by requiring cigarettes to meet fire resistance standards in the United States, received a boost on June 28, 2004, when the State of New York adopted the nation's first cigarette fire safety regulation. Canada has also enacted legislation that requires cigarettes to meet the same requirement as New York.

Major cigarette manufacturers have already altered the design of cigarette brands to meet the New York regulation, through "banding" of the cigarette paper for many brands (though New York's regulation is a performance standard and does not dictate how the standard should be met). Since these companies are currently selling lower ignition strength versions of their cigarette brands in New York, it seems that the way has been paved for other states to follow New York's lead.

The life-saving potential of this legislation is so strong and so apparent that even some major cigarette manufacturers have stopped opposing it. However, opponents in the cigarette industry continue to strongly oppose all legislation that would require lower ignition strength cigarettes in other states, and they offer arguments that can sound persuasive to anyone who does not know the facts. This paper will rebut the arguments being offered by the cigarette industry.

- **Cigarette Industry Argument:** There is no such thing as a cigarette that reduces the risk of fire.

Fact: New research by the Harvard School of Public Health (HSPH), funded by the American Legacy Foundation, indicates several benefits of implementing the New York regulation. *"Fire Safer" Cigarettes: The Effect of the New York State Cigarette Fire Safety Standard on Ignition Propensity, Smoke Toxicity and the Consumer Market* (<http://www.hsph.harvard.edu/press/releases/press01232005.html>) compared the physical properties of cigarettes sold in New York with cigarettes of the same brands sold in Massachusetts and California. The report found that New York cigarettes were far less likely to exhibit full length burns (only 10 percent) than those of the other states (99.8 percent). The HSPH researchers found no valid reason why cigarette manufacturers should not sell lower ignition strength cigarettes nationwide.

The Harvard study confirmed the 20-year-old conclusion of the Federal Technical Study Group on Cigarette and Little Cigar Fire Safety. This group, created by the Cigarette Fire Safety Act of 1984 (Public Law 98-567), concluded that it was technically feasible to develop cigarettes with a reduced propensity to ignite upholstered furniture and mattresses. As the Harvard study makes clear, the Federal study was correct, and the tobacco industry can make reduced ignition strength cigarettes if it chooses to do so or is required to do so.

- **Cigarette Industry Argument:** State laws are unnecessary. The U.S. Congress is about to pass a national law.

Fact: Those following Capitol Hill politics understand this argument is a complete myth. Passing legislation in the past few years has been nearly impossible. Bills requiring cigarettes to meet fire safety standards have been introduced in Congress since 1979, and there is still no national law in place. This is in large part because the cigarette industry fights national bills as vigorously as it fights state bills. But the industry always fights state laws by pointing to the existence of federal bills.

In fact, state legislation is necessary to put pressure on Congress to pass a national law. The cigarette industry needs to see that it is economically in its best interest to make lower ignition strength cigarettes for the entire nation rather than for just one or two states. The more states that pass these bills, the more likely it will be that the benefit of lower ignition strength cigarettes will be made available to all Americans.

- **Cigarette Industry Argument:** The push for lower ignition strength cigarettes is just another anti-smoking campaign.

Fact: This is about fire safety, and preventing deaths and injuries from cigarette-ignited fires. This is not about getting people to stop smoking or to smoke less. This is about making sure that the cigarettes that are smoked are less likely to cause fires.

- **Cigarette Industry Argument: We don't know if this will save a single life.**

Fact: Dr. John R. Hall, Jr., of the Fire Analysis & Research Division of the National Fire Protection Association, estimates that up to 1,000 lives could have been saved each year across the nation if lower ignition strength cigarettes had been required in every state in the mid-1980s when the Federal study was released. Today, best estimates are still that most fire deaths involving lighted tobacco products would be prevented by this legislation, which would mean many hundreds of lives saved every year. New York does not yet have data on how many lives its lower ignition strength cigarette law has saved or how many cigarette-ignited fires have been prevented, but data on some post-legislation incidents is beginning to trickle in. That still-anecdotal data indicate that cigarettes involved in smoking fire fatalities in New York since its regulation took effect are not the lower ignition strength cigarettes, but rather were purchased either out-of-state or over the Internet (which are not required to comply with New York's law) or were left from before the rule went into effect.

- **Cigarette Industry Argument: State cigarette tax revenue will evaporate.**

Fact: The HSPH researchers reviewed New York tax data for six months after the implementation of the new law. They found the lower ignition strength cigarettes appeared to have no effect on sales of cigarettes in New York. NASFM President and New York State Fire Administrator James A. Burns concurred with the analysis, saying the state has not lost revenue.

- **Cigarette Industry Argument: By requiring lower ignition strength cigarettes, we risk making cigarettes more toxic.**

Fact: The HSPH research found the majority of toxic compounds were no different between the smoke of the New York and Massachusetts brands that were tested. Five compounds were slightly higher, but no evidence exists that the small increases affect the already highly toxic nature of cigarette smoke.

In addition, The New York State Office of Fire Prevention and Control (OFPC), which developed the New York State lower ignition strength cigarette regulation, consulted with the New York State Department of Health to consider whether cigarettes manufactured in accordance with the regulation may reasonably result in increased health risks to consumers. The Department of Health advised that cigarettes complying with the fire safety standards set forth in the regulation were not expected to significantly change the inherently high risks associated with cigarette smoking. (This determination was based upon the existing information available on banded cigarettes, the only technology known to OFPC at that time that could feasibly meet the performance standard).

- **Cigarette Industry Argument:** We don't know how to make a fire-safe cigarette.

Fact: Chief John Mueller of the New York State OFPC, who coordinated promulgation of New York's rule, recently told NASFM's Science Advisory Committee that New York's goal was to make cigarettes less likely to ignite upholstered furniture or mattresses. New York's rule resulted in industry's developing a technically and commercially practical method of designing cigarettes. This has been done, at least in some cases, by using banded paper that interrupts the burning of cigarettes when they are not being actively smoked.

- **Cigarette Industry Argument:** There isn't enough of the special paper to implement the fire-safe cigarette laws in more than a few states.

Fact: The cigarette industry has already reworked its practices to produce the lower ignition strength cigarettes for New York. Since the industry is already doing this for New York, making the cigarettes for additional states should be much easier.

- **Cigarette Industry Argument:** The law discriminates against mom and pop retailers.

Fact: The New York requirement applies in all retail sales in the state, so there is no discrimination on the size of the retailer. The HSPH study found that cigarette sales in New York have not diminished since the new regulation has taken effect.

- **Cigarette Industry Argument:** Upholstered furniture and mattresses are the real problems.

Fact: Fire safety is about redundancy in safety measures, and cigarettes should not get a free pass. We need to try to prevent fires by addressing ignition sources and fuels, as well as human behavior, and we need to have smoke alarms and sprinklers in place in case our efforts at preventing fires fail.

Upholstered furniture and mattresses have had enhanced cigarette resistance for decades, thanks to an industry standard in the first case and an early regulation of the U.S. Consumer Product Safety Commission (CPSC) in the second. There is an active rulemaking within CPSC to make residential upholstered furniture more resistant to open flame and even more resistant to cigarette ignitions. There are also active rulemakings at the CPSC to address open-flame ignitions of mattresses and bedding. But these rulemakings will not be completed for another few years. Even after they are implemented, it may be decades before every American household has fire-resistant furniture and mattresses because these items aren't purchased on a regular basis. Cigarettes are purchased and used much more quickly than furniture. Lower ignition strength cigarettes can therefore have a positive effect on the fire problem much sooner.

- **Cigarette Industry Argument: Alcohol and drug abuse are the real problems.**

Fact: The mixing of drugs and alcohol with cigarette smoking increases the likelihood of a fatal fire. However, focusing only on behavioral issues and neglecting what can be done to make cigarettes less fire-prone is extremely dangerous.

Personal responsibility may be an argument for the smoker who kills himself in one of these fires. But what about the innocent people – children, spouses, parents, visitors – who are killed in fires started by someone else's careless behavior? According to NFPA, one in four victims is not the smoker whose cigarette ignited the fatal fire. They deserve to be protected, too.

We in the fire service are committed to educating the public about safe practices, but we cannot count on the war against drugs and alcohol to solve this problem. Changing human behavior is extremely difficult, but changing the cigarette to make it less likely to ignite a fire is something that cigarette manufacturers know how to do – and they are doing it in New York State. Shouldn't the citizens of every state be given the same opportunity to avoid being killed in a cigarette-ignited fire?

- **Cigarette Industry Argument: The lack of fire sprinklers is the real problem.**

Fact: Fire sprinklers in every American home would definitely improve overall fire safety, and is a good way to ensure redundancy of safety measures. However, fire sprinklers extinguish fires once they occur, which means that we have failed to prevent the fire. Smoke alarms are also necessary in homes to alert people when fires do occur, but they do nothing to prevent fires, either. Also, if the cigarette falls near the head of a sleeping smoker, the smoldering fire can produce enough carbon monoxide to kill him or her before there is enough heat from the burning chair/bed to activate the sprinkler.

- **Cigarette Industry Argument: An uneducated public is the real problem.**

Fact: Local fire departments and other community safety officials do a very good job of informing the public about fire safety. Despite these public safety campaigns, cigarette fire deaths are still far too common. Part of the problem is that even with education, someone who is impaired by alcohol or drug use is less likely to remember a fire safety lesson. And, as stated earlier, education does not save the innocent victims who are killed in cigarette-ignited fires just because they happened to be in the same residence at the time the fire occurred.

Close

Philip Morris USA

February 7, 2006

Policies, Practices & Positions

Reduced Cigarette Ignition Propensity

Philip Morris USA supports the enactment of federal legislation that would create a uniform, national standard for reduced cigarette ignition propensity (RCIP). A national standard would apply to all cigarette brand styles sold in the country, thereby avoiding the potential distribution of non-compliant product between the states. It also would avoid inconsistent and potentially conflicting state regulations, thereby avoiding an undue burden on interstate commerce.

We have been working to support legislation at the federal level to institute a nationwide standard with the goal of reducing smoking-related fires started by carelessly handled cigarettes. We believe that any federal standard developed on this issue should allow for the creation of a reduced cigarette ignition propensity standard that does not increase the known health risks of smoking and is acceptable to adult consumers.

Despite efforts to address this issue at the federal level, a few states have considered legislation that would require tobacco manufacturers to comply with separate standards irrespective of any federal efforts. Local or state regulation of reduced cigarette ignition propensity standards could lead to a patchwork of differing, inconsistent and even contradictory requirements across the country. We believe federal legislation would be preferable to enacting potentially inconsistent state standards because:

- > *First*, the U.S. Consumer Products Safety Commission, which would likely be the agency mandated to implement a standard at the federal level, has been developing expertise on cigarette ignition propensity for many years. Thus, the Commission already has the resources and expertise to perform the necessary scientific work that needs to be done in order to successfully implement a reduced cigarette ignition propensity standard; and
- > *Second*, because state and local initiatives will inevitably lead to conflicting standards, they would likely impose substantial burdens on interstate commerce. Cigarettes are manufactured for nationwide distribution in a small number of factories; it simply is not practical to try to make a number of different versions of each brand to satisfy differing performance standards.

New York State is the only state to date that has enacted a law establishing its own reduced cigarette ignition propensity standard. This law was passed in August 2000, and the state has devoted substantial resources to develop and then administer the regulatory standard. PM USA submitted extensive technical comments to NY as it was developing the state's new standard which was implemented in June 2004. PM USA will continue to provide input to NY officials concerning a range of complex technical issues that should be addressed in implementing and evaluating the standards.

Philip Morris USA welcomes legislation that would set a national standard in this area and will continue to work to make reasonable and effective federal legislation a reality.

Visit These Sections
For More Info:

PM USA's Legislative
Action Guide: Tips on
how to communicate with
elected officials (pdf 128
KB)

**ALASKA STATE
FIREFIGHTERS ASSOCIATION**

P.O. Box 22092 • Juneau, AK 99802

February 3, 2006

The Alaska State Firefighters Association supports House Bill 413, introduced by Representative Reggie Joule, legislation relating to cigarette fire safety.

Cigarettes are the #1 cause of fatal fires in the U.S., taking 700 to 800 lives a year. Annually, property losses from fires caused by cigarettes run into the hundreds of millions of dollars. Statistical data of fire related death in Alaska parallels those of the U.S.

The State of New York introduced similar legislation in 2004. Although it is too early to draw conclusions, trends show a significant reduction in loss of life and property as a result of the reduced number of fires caused by cigarettes. With cigarettes related to 25% percent of the cause of fatal fires in Alaska, we believe safe cigarette legislation in Alaska would save Alaskan lives.

In addition to saving Alaskan lives and property, the safest fire for Alaska's emergency responders is the one that was prevented

Sincerely,



Carol R. Reed

President

Alaska State Firefighters Association

ALASKA FIRE CHIEF'S ASSOCIATION
2358 Bradway Road, North Pole, AK 99705

EIN #92-0098649

Phone: (907) 488-3400

FAX: (907) 488-6118



DATE: February 9, 2006
TO: State Affairs Committee
FROM: Alaska Fire Chiefs Association
SUBJECT: Support HB 413 (Joule) Fire Safe Cigarettes

Dear State Affairs Committee:

The Alaska Fire Chiefs Association, the largest membership of fire service managers in Alaska, is dedicated to serving the needs and issues that face Alaska's fire service. We would like to inform you that Alaska Chiefs strongly supports the Fire Safe Cigarette Act (HB 413) and encourage your YES vote when this legislation comes before you on this Committee and the House floor.

HB 413 will prohibit the sale, manufacture, or distribution of cigarettes in Alaska that do not meet fire safe standards established by the American Society of Testing and Materials (ASTM).

Careless smoking is the leading cause of fire deaths in Alaska. From 1995 to 2004, careless smoking, as the fire cause, resulted in 27.6% of all fire deaths in Alaska. This type of fire killed 45 people in Alaska during the past 10 years.

These costs are simply too great. Fortunately, an effective solution to this problem lies within your reach. California, New York and Vermont have already passed similar legislation to protect their residents. We hope that you will do your part to accomplish the same in Alaska.

On behalf of the 129 members of the Alaska Fire Chiefs Association, we thank you for considering our support, and we hope that you will vote YES on HB 413 – a life saving piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren Cummings".

Warren Cummings
President, Alaska Fire Chiefs Association

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSHB 413(STA)
 (H) Publish Date: 2/13/06

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title: "An Act relating to the burning capability of cigarettes
being sold, offered for sale, or possessed for sale..." RDU: Fire Prevention
 Component: Fire Prevention Operations
 Sponsor: Representative Joule
 Requester: House State Affairs Committee Component No.: 494

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Deputy fire marshals of the Division of Fire Prevention will perform the compliance inspections concurrently with normally scheduled life safety inspections.

No fiscal impact to the Department of Public Safety is anticipated as a result of this legislation.

Prepared by: Director Gary Powell
 Division: Fire Prevention
 Approved by: Commissioner William Tandeske
 Agency: Department of Public Safety

Phone: 907-59-5491
 Date/Time: 2/7/06 9:42 AM
 Date: 2/7/2006