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Frequently Asked Questions About the Interstate Insurance Product Regulation Commission

Generally, what is an interstate compact?

An interstate compact is a contract between states that allows states to cooperate on multi-state or national issues while retaining state control. Interstate compacts are specifically mentioned in the U.S. Constitution. Although historically used to address border disputes and water rights, the use of interstate compacts has expanded significantly in recent decades to cover tax issues, drivers' licensing and vehicle registration, environmental issues, emergency management and other issues. Over 200 interstate compacts currently exist, and on average every state belongs to at least 25 compacts.

What is the Interstate Insurance Product Regulation Compact (the "Compact")?

The Interstate Insurance Product Regulation Compact which to date has been adopted by 30 Member States representing half of the premium volume nationwide, created the Interstate Insurance Product Regulation Commission (IIPRC) - a public entity treated as an instrumentality of the Compacting Member States. The IIPRC provides the States with a vehicle to (1) develop uniform national product standards that will afford a high level of protection to consumers of life insurance, annuities, disability income and long-term care insurance products; (2) establish a central point of filing for these insurance products; and (3) thoroughly review product filings and make regulatory decisions according to the uniform product standards.

What are the benefits of the Compact for Member States?

- The Compact is a pro-active speed-to-market initiative implemented by its Member States to provide for increased and cost-effective insurance choices in support of a competitive and modern financial marketplace.
- The standards and operations of the IIPRC uphold strong consumer protections as the hallmark of state-based regulation.
- Membership in the IIPRC allows state insurance departments to efficiently re-allocate department resources originally utilized for product review towards other regulatory operations, including a focus on important market conduct.

When was the IIPRC created?

The IIPRC came into existence in March 2004 upon the legislative enactment of two states, Colorado and Utah, respectively. Although the IIPRC was created in March 2004, it did not become operational for purposes of adopting uniform product standards until it met one of its threshold goals. Once twenty six (26) Member States or, alternatively, Member States representing greater than forty percent (40%) of the premium volume were to join the IIPRC. In May 2006, the IIPRC reached both of these threshold goals for becoming operational.

How is the Compact governed?

The Compact is governed by the IIPRC, which includes one Member from each Compacting State. The Management Committee of 14 Members directs the activities of the IIPRC. The composition of the Management Committee under the Bylaws includes: (1) one member from each of the six largest states by premium volume, (2) four members from states with greater than 2% of premium volume, and (3) four members from states with less than 2% of premium representing each of the four geographic zones recognized by the NAIC. The IIPRC Officers elected from the Management Committee are Commissioner Jane Cline (WV), Chair; Commissioner Linda Walters (MI), Vice Chair; and Commissioner Glenn Wilson, (MN), Treasurer.

How does the IIPRC operate?

The Compact is designed to facilitate transparency and accountability. The activities of the IIPRC are governed by the Bylaws and rulemaking procedures which have been developed through extensive consultations with the Member States, legislators as well as consumer and industry interested parties. The meetings are required to be open to the public, except in very limited situations which are detailed in the Bylaws and rules. As aforementioned, the uniform standard-setting process is conducted through comprehensive public notice and comment procedures which afford all interested parties the opportunity to provide input.

What type of insurance policies would the Compact cover?

The Compact has jurisdiction over four product lines: life insurance, annuities, disability income, and long-term care insurance. In an increasingly mobile society, these are products that have a long life and will travel with people as they move across state lines. As such, they are not as sensitive to local costs and conditions as are products such as automobile, homeowners and

health insurance. Also, the chosen products have a common theme of accumulating wealth for people or helping to protect wealth that has been accumulated.

How would uniform product standards be developed?

States participating in the Compact will adopt uniform product standards through a rulemaking process. In order to be adopted, a uniform standard must receive approval by two-thirds of the Management Committee and two-thirds majority of the states participating in the Compact. A standard would be effective 90 days after its promulgation or at a later date as determined by the IIPRC.

What guidelines for product standards are included in the Compact?

The Compact requires that product standards be construed to prohibit the use of any inconsistent, misleading or ambiguous provisions in a product. It also requires that the form of the product made available to the public shall not be unfair, inequitable or against public policy as determined by the IIPRC.

How will the Compact raise product standards and consumer protection?

The standard-setting process in the Compact engages the collective expertise of the Member insurance departments as well as seeks the input of the greater state insurance regulatory community through the NAIC. Comments and concerns from legislative representatives, consumers and industry assist in informing our process to ensure high level standards. As the process is open to public participation, all interested parties are invited to comment as well.

Another important feature of the process is its voluntary nature. If product standards created by the IIPRC are not adequate, states will opt-out of the uniform standards, and the Compact will not work. Finally, the Compact requires supermajorities of both the Management Committee and the full Commission membership of the IIPRC to approve uniform product standards.

These features promote a consensus-based approach to decision-making, which promises to produce higher product standards to benefit consumers, in exchange for an effective single point of filing with uniform standards that will provide insurers with the "speed to market" they want in order to compete more effectively.

May a state opt-out of uniform product standards once it joins the Compact?

Member States may opt-out of a uniform product standard in two ways if it does not meet the needs of the state. First, it may enact legislation opting out of any uniform standard at any time for any reason. Second, it may opt-out by regulation following the promulgation of a uniform standard if it meets certain conditions

How do state legislatures participate in the Compact?

A state legislature must enact the Compact Model Statute through legislation in order for a state to join the IIPRC. Under the Compact law, the IIPRC created a Legislative Committee comprised of eight (8) Member State legislators appointed by NCSL and NCOIL which works as an active partner to monitor the operations of the IIPRC and make recommendations. The IIPRC is also required to give notice to all Member State legislatures before any product standards can be adopted; and file an annual report with the governors and legislatures of its Member States. Additionally, state legislatures may opt-out of a uniform standard for any product line at any time through legislation.

How do consumers participate in the Compact?

The Compact legislation directs the IIPRC to establish an advisory committee for consumer representatives. It directs a similar advisory committee for insurance industry representatives. The consumer advisory group provides feedback to the IIPRC on uniform standards, rules, and operating procedures. It serves as a formal mechanism for consumer representatives to monitor the operations of the Compact and to make recommendations.

Is participation with the Compact mandatory for insurance companies?

No. Companies will have the choice of filing products through the IIPRC or filing products directly with a state. If a company chooses the latter course, then the regulator will apply the existing product standard laws and procedures of the state. If a company files with the IIPRC, then the IIPRC standards and review process will apply.

Who enforces decisions of the Compact?

The state insurance commissioner continues to oversee market regulation activities. However, the IIPRC monitors Member States for compliance with the bylaws, rules, uniform standards and operating procedures of the IIPRC. The IIPRC provides assistance to state insurance departments in determining whether a violation of a uniform standard had occurred.

How will the Compact be funded?

The Compact will be financed by IIPRC filing fees paid by insurers. The Compact authorizes the IIPRC to accept any and all appropriate donations and grants of money. In March 2006, the NAIC provided a contribution to the IIPRC in the amount of \$500,000 to help cover its start-up activities. There will be no fiscal impact on states joining the compact as the IIPRC will collect and remit state filing fees.

What will the Commission use for its electronic rate & form filing system?

The IIPRC decided to utilize the System for Electronic Rate and Form Filing (SERFF) maintained by the NAIC for the benefit of state insurance regulators. State regulators and industry participants expressed a strong desire to use a single system for filing and review. SERFF contained the functionality most nearly mirroring IIPRC needs. SERFF is operable in all 51 jurisdictions and over 1,800 companies are licensed and filing with SERFF.

What is the NAIC's role in the Compact?

Shortly after the Compact model was adopted, the NAIC formed several working groups to begin the drafting process for uniform product standards, bylaws, rules and operating procedures. The NAIC realizes it will take the IIPRC several months to become operational to the point it is generating its own revenues. It has pledged to support the IIPRC through this period. The NAIC also is a useful resource for states interested in getting the Compact legislation adopted.

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Alaska Division of Insurance

Linda S Hall Director

- Filing a Consumer Complaint
- ~~File~~ Complaints can now be filed online!

Quick Links...

- General Division Insurance Information
- Public Records Request Form
- Consumer Information
- Frequently Asked Questions
- Producer Licensing Viaticals and TPAs
- Company Surplus Lines Forms and Information
- Statutes Regulations Bulletins Exams Orders
- Purchasing Groups and Risk Retention Groups
- Rates and Forms
- Medicare Part D - Prescription Drug Coverage
- New Medicare Prescription Drug Coverage Benefit Information**
- SeniorCare Senior Information Office
- Related Links

Of Interest...

General Information

- Mandatory Purchase of Flood Insurance Guidelines - The primary resource on the NFIP for lending institutions
- NFIP Community Status Book - Provides listings by state of communities that are in the NFIP and communities on Probation or Suspension

NFIP Summary of Coverage - understanding a flood insurance policy

NFIP Claims Handbook - filing and appealing a claim

Consumers

NFIP Information for Consumers

Agents

NFIP Information for Insurance Agents

Medicare Supplement Rate Guide Survey

Alaska Insurance Consumer Guide

NAIC Consumer Information

Information on Service of Process

CONSUMER BEWARE!

Reporting Fraud

Insurance Company Query

Search Producer License Database

Pay by ACH Avoid Penalties on Premium Tax Payments

Medicare Part D - Prescription Drug Coverage



Linda S Hall Director

Headlines...

- Thought You Knew About Annuities?
- Summary of Title Insurance Examinations
- Medicare Recipients Beware of Scam Artists Selling Medicare Prescription Drug Coverage
- Premiera Blue Cross Proposed Conversion Transaction
- PREMERA BLUE CROSS FINDINGS OF FACT, CONCLUSIONS OF LAW, AND FINAL ORDER**
- Hearings and Meetings
- Proposed Regulations
- Notices
- What's New this Month!

Breaking News

- Change in Fingerprint Processing Fee
- NIPR ACR (Address Change Request)
- File your Address Change Electronically
- State cracks down on insurance fraud

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A state regulatory system serves buyers best: when a single, national regulator makes a mistake, it will have significant consequences

Charles M. Chamness

State insurance regulation has proven to be adaptable, accessible and relatively efficient, with rare insolvencies and no taxpayer bailouts. One advantage that state governments possess is the ability to adapt to the unique issues faced by each state. State insurance regulators and legislators are in the best position to recognize and respond to marketplace concerns ranging from weather-related risks to consumer product preferences. Perhaps most importantly, consumers have easy access to regulators at state capitols.

To date, proposals for federal and dual charters affecting the property/ casualty industry have offered few advantages for consumers. In fact, consumer interests are rarely cited as reasons for moving away from the state system as it is applied to the property/casualty industry.

Proponents of federal regulation may design their idea of "a perfect system," but they can neither anticipate nor prevent the imposition of unwelcome and harmful social regulation as part of the new regulatory structure. Legislation to create a federal or dual charter would not necessarily reduce regulation of the p/c industry, but would likely add regulatory layers and complexity to the current system.

Another issue that a federal insurance regulatory system would face is the inconsistency of the various state tort law systems. Since each state has its own unique tort laws and since those laws significantly affect insurance, federally licensed insurers would still have to tailor their products to accommodate each state's tort laws. Eliminating these differences is critical to achieving national uniformity, but failing to address this challenge will significantly impede hopes of gaining efficiencies through a federal system.

Proponents of federal chartering say the cost of operating the new federal insurance agency will fall on companies and agents who will pay fees for the regulatory oversight, but no one has projected any estimate of what those costs will be.

Federal regulation may bring us closest to uniformity in regulation, but when the single national regulator makes a mistake, it will have significant consequences. When a state regulator makes a mistake today, the damage is localized and can be more easily "fixed."

While federal regulation would result in a degree of uniformity, it is not the panacea it initially appears to be.

First, the federal government will have to promulgate a large body of regulation and find a way to address the differences in state tort laws that have existed throughout our nation's history. Next, it will require a considerable amount of time to interpret these regulations on the agency level. How long will this process take, how much uniformity can it produce, and how much reform can the state accomplish in the meantime?

Property/casualty insurance is far too important to the American consumer not to indulge in a healthy dose of skepticism about a proposal that could fundamentally change the way they are served.

CHARLES M. CHAMNESS is president of the National Association of Mutual Insurance Companies which represents 41

percent of the U.S. property/casualty insurance market. This piece, adapted from an updated version of a position paper titled Regulation of Property/Casualty Insurance: The Road to Reform, was edited to fit the page.

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Insurance regulatory system in 'desperate' need of repair

Contributed by Robert Rusbuldt
09/20/06 12:00 AM [ET]

There is no doubt that serious, significant reform of insurance regulation is necessary. Across America, industry stakeholders, including consumers, regulators, companies and agents, realize the need for greater uniformity and efficiency in the current state-based regulatory system. Rightly characterized as slow, inefficient and unnecessarily complicated and expensive, the only real dispute is over how best to implement insurance reform, not whether it should be undertaken. There is a desperate need for a common-sense solution.

Insurance agents and companies have legitimate issues with the existing system. Multistate agent licensing is an arduous task due to the lack of regulatory uniformity from state to state. Company licensing also can be burdensome, and it is difficult for insurance companies to bring new products to market because of different regulations. Even in the surplus-lines marketplace, a largely unregulated market, overlapping and inconsistent requirements hamper business.

The Independent Insurance Agents & Brokers of America (the Big "I") and its 300,000 members across America support vigorous, but targeted, reform and modernization of the state regulatory system. Local regulation works best for consumers and the state-based system ensures a level of responsiveness that could not be matched at the federal level. Targeted federal legislation can streamline the current, state-based system.

Federal legislation that mandates uniformity where needed and when necessary via preemption and national standards would make the appropriate reforms to the marketplace while improving state insurance regulation. A targeted reforms approach relies on the more than 100 years' worth of skill and experience the states have as insurance regulators.

What specific reforms could be achieved with federal targeted legislation? There are many, but let's take the three issues mentioned earlier.

First, substantial agent licensing reform could be accomplished through the creation of NARAB, the National Association of Registered Agents and Brokers. NARAB would be a new private, non-profit entity responsible for agent/broker licensing and managed by a board composed of state insurance regulators and industry representatives, including an independent agent. The NARAB concept is not new and was part of the 1999 Gramm-Leach-Bliley Act (GLBA).

"NARAB II" would give agents and brokers a choice between the current state-by-state licensing system and a national licensing portal (as long as that producer is duly licensed in a state). Agents and brokers comfortable with the current system and those licensed in one or a couple of states could choose to remain licensed in the traditional manner with no outside interference. Producers operating in multiple jurisdictions unhappy with the current licensing burdens, however, could opt for NARAB and the ease of national licensing through a Self-Regulatory Organization (SRO)-type entity separate and apart from the federal government.

For producers already licensed in a state, NARAB would effectively create one-stop producer licensing for additional non-resident licenses. It would preempt state laws regulating non-resident insurance producer licensing IF they discriminate against NARAB agents based on non-residency, or if they impose additional licensing requirements on non-resident NARAB agents beyond those established by the NARAB board. This would be a significant reform for all agents who have non-resident licenses, and it can be accomplished without a federal regulator. We have heard from literally thousands of independent agents who want this type of non-resident licensing reform as soon as possible.

Second, significant reforms could be made to the product approval process for life and property-casualty forms. For national in scope life products, federal legislation could build upon the National Association of Insurance Commissioners (NAIC) interstate compact for approval of life, disability, and long term care policy forms. For property-casualty products, targeted legislation could establish a coordinated electronic system for nationwide single point of filing, reduce unnecessary paperwork, speed review and create uniform time deadlines.

Third, targeted federal legislation could create more uniformity and simplicity in state regulation of the surplus lines market. H.R. 5637, the Non-Admitted and Reinsurance Reform Act of 2006, which the Big "I" supports, would do just that. It would apply single-state regulation and uniform standards to the non-admitted insurance and reinsurance marketplace and give sole regulatory and enforcement authority to the insured's home state for the placement of non-admitted insurance. H.R. 5637 also creates a uniform system for the collection and allocation of premium tax obligations related to non-admitted insurance, standardizes eligibility requirements for non-admitted insurers, and allows sophisticated commercial purchasers direct access to the surplus lines market.

We believe the creation of a federal regulator and a new federal bureaucracy would create many new problems and conflicts. We stand with virtually every insurance industry stakeholder in seeking meaningful reform of the regulatory system. Hopefully, these reforms will address the existing concerns without depriving consumers of the strengths of state-

based regulation. We stand ready to work with lawmakers, consumers and our colleagues within the industry to find a common-sense solution that works for everyone.

Robert Rusbuldt is CEO of the Independent Insurance Agents & Brokers of America.

Interstate Insurance Compact
State Legislation Matrix

Last Update: 6-25-2007	Enacted into Law	2007 Introduced to Legislature	2006 Life, Annuity, Disability, Long-term Care Premium	2006 % of Net Prem Vol	2006 Rank Prem Vol	2006 % of Net Prem Vol	2006 Rank Prem Vol	2006 % Premium Vol of Enacted Compact States
Alabama	Signed 5/17/06 HB449		4,314,200,931	1.27%	26	25		0.19%
Alaska								
Arizona			641,473,392	0.19%	51	51		
Arkansas			5,870,108,802	1.73%	21	22		
California			2,187,150,355	0.64%	35	35		
Colorado	Signed 3/11/04 SB 04-023		14,428,076,108	10.11%	1	1		
Connecticut			5,656,743,128	1.66%	22	20		1.66%
District of Columbia			6,075,840,206	2.03%	15	15		
Florida			5,212,860,954	1.54%	24	28		
Georgia	Signed 5/5/06 SB364		938,157,341	0.28%	45	45		
Hawaii	Signed 6/2/04 SB 2007		22,097,578,565	6.39%	4	3		
Idaho	Signed 3/21/05 HB 120		8,060,906,466	2.37%	13	12		2.37%
Illinois			1,779,520,829	0.53%	38	38		0.52%
Indiana	Signed 5/4/05 SB 634		1,328,093,902	0.39%	42	42		0.39%
Iowa			15,169,562,405	4.45%	7	7		
Kansas			6,929,366,711	2.03%	16	16		2.03%
Kentucky								
Louisiana	Signed 4/28/03 HF 647		3,167,162,638	0.93%	30	29		0.93%
Maine	Signed 3/2/2004 HF 2489		3,179,396,811	0.91%	29	31		0.91%
Maryland	Assessment Signed 4/28/05 SB 268		4,645,077,161	1.36%	25	24		
Massachusetts	Signed 8/9/06 HB 1815		1,184,759,006	0.35%	44	44		0.35%
Michigan	Signed 12/31/06 SB 5608		6,621,122,382	1.94%	18	17		1.94%
Minnesota	Signed 5/31/06 SF2400		8,907,461,377	2.59%	11	11		2.59%
Mississippi			12,199,247,715	3.58%	9	9		3.58%
Missouri			7,041,150,364	2.07%	14	14		2.07%
Montana	Signed 3/9/05 LB 119		2,063,821,369	0.61%	36	37		
Nebraska			6,292,564,451	1.85%	19	19		
Nevada			796,892,865	0.22%	47	47		
New Hampshire	Signed 6/7/04 SB 366-FN		2,346,896,763	0.69%	34	34		0.69%
New Jersey			2,019,077,592	0.60%	37	36		
New Mexico			1,599,473,348	0.47%	39	39		0.47%
New York			16,342,445,266	4.80%	5	6		
North Carolina			1,342,485,285	0.39%	41	41		
North Dakota	Signed 7/12/2005 HB 673		27,461,716,301	8.09%	2	2		
Ohio	Signed 5/23/06 HB2685		9,642,675,969	2.83%	10	10		2.83%
Oklahoma	Signed 4/13/05 HB2685		751,815,733	0.22%	48	48		
Oregon			13,495,125,327	3.96%	8	8		3.96%
Pennsylvania			3,601,919,079	0.98%	32	32		0.98%
Puerto Rico			3,160,000,335	0.91%	31	30		
Rhode Island								
South Carolina			16,256,681,718	4.77%	6	5		4.77%
South Dakota			676,311,634	0.20%	50	49		0.20%
Tennessee	Signed 5/16/07 HB 226J		1,318,916,007	0.39%	43	41		0.39%
Texas	Signed 6/18/05 HB 2613		4,111,912,169	1.21%	28	27		
Utah	Signed 3-22-04 SB 162		827,272,440	0.26%	46	46		
Vermont	Signed 6/18/05 HB 082		6,113,558,143	1.79%	20	21		1.79%
Virginia	Signed 4/12/04 HB 1155		22,695,112,202	6.66%	3	4		6.66%
Washington	Signed 4-20-05 HB 1032		2,444,565,190	0.72%	33	33		0.72%
West Virginia	Signed 4/2/04		699,124,960	0.21%	49	50		0.21%
Wisconsin	Signed 3/15/06 SB 30		8,141,783,243	2.39%	12	13		2.39%
Wyoming			5,583,310,561	1.64%	23	23		1.64%
Totals			1,493,000,498	0.44%	40	40		0.44%
			6,896,041,322	2.02%	17	18		
			507,081,947	0.14%	52	52		0.14%
			100.0%	100.0%				100.0%

INTERSTATE COMPACT LEGISLATION

1/15/08

The date following each state indicates the last time information for the state was reviewed/changed.

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
AL (1/08)				
AK (5/06)	HB 439 (2006)	Rep. Coghill	Signed by Governor, 5/22/06. http://www.legis.state.ak.us/PDF/24/Bills/HB0439A.PDF	Director of Insurance
AZ (1/08)				
AR (1/08)				
CA (1/08)				
CO (5/04)	SB 04-022 (2004)	Sen. David T. Owen & Rep. Tambor Williams	Signed by Governor, 3/11/04. http://www.leg.state.co.us/elec2004a/esl.nsf/4billcont3.53B41F618BD3BC2C87256D97900532504?open&file_022_enr.pdf	Insurance Commissioner
CT (1/08)				
DE (1/08)				
DC (1/08)	<i>HT-0254 pending (2007 carried over)</i>	<i>Chairman Gray</i>	<i>Introduced, 6/20/07. Referred to PSCA, 6/25/07.</i> http://www.dc.council.washington.d.c.us/images/00001/2007/0628/21224.pdf	<i>Commissioner of the Department of Insurance, Securities & Banking</i>
FL (1/08)				

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
GA (5/06)	SB 384 (2006)	Reps. Ralph Hudgens and Chip Rogers	Signed by Governor, 5/5/06. http://www.legis.ga.gov/legis/2005_06/pdf/sb384.pdf	Insurance Commissioner
HI (8/05)	SB 2887 (2004) (Eff. 1/1/05) codified as §§ 431:30-101 to 431:30-124 SB 754 (2005)	Calvin K.Y. Say Rep. Bunda	Signed by Governor, 6/3/04. http://www.capitol.hawaii.gov/session/current/bills/SB2887_cd1_.htm Approved 6/17/05. http://www.capitol.hawaii.gov/session/current/bills/sb754_cd1_.htm	Governor appoints, with the consent of the Senate. Shelley K. Santo, Rate and Policy Analysis Manager, has been designated.
ID (5/05)	HB 120 (2005)	Business Committee	Signed by Governor, 3/21/05. http://www.state.id.us/oasis/H0120.html	Director of the Department of Insurance
IL (1/08)	<i>HB 676 pending (2007 carried over)</i>	<i>Rep. Frank J. Mautino & Rep. JoAnn D. Osmond</i>	<i>Introduced, 2/6/07. Assigned to Insurance Committee, 2/8/07. Rule 19(a) Re-referred to Rules Committee, 3/23/07.</i> http://www.dsa.gov/legislation/95/HB/PDF/095001HB0676is.pdf	<i>Secretary of Financial and Professional Regulation</i>
IN (5/05)	SB 634 (2005)	Senator Allen E. Paul	Signed by Governor, 5/4/05. http://www.in.gov/legislative/bills/2005/SF/SF0634.1.html	Insurance Commissioner

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
IA (5/05)	HF 647 (2003) (Original Model language)		Signed by Governor 4/28/03. http://www.legis.state.ia.us/cgi-bin/Legislation/File_only.pl?FILE_usr/ns-home/docs/GA_80GA/Legislation/HF_00600/HF00647_0304_21.html	Superintendent of Insurance
	HF 2489 (2004) (Amended Model language), codified as § 505A.1	Committee on Commerce, Regulation and Labor	Signed by Governor, 4/26/04. http://coo.legis.state.ia.us/legislation/Bills/HouseFiles/Introduced/HF2489.html	
	SF 360 (2005)	Committee on Commerce	Signed by Governor, 4/28/05. http://coo.legis.state.ia.us/Cool-ICT/default.asp?category_billinfo&Service_Billbook&menu_text&hbill_SF360	
KS (5/05)	House Concurrent Resolution No. 5027 (2004)	Committee on Insurance	Resolution stated support for Interstate Compact. Enrolled 3/19/04. The Department of Insurance plans to introduce compact legislation in 2005. http://www.kslegislature.org/bills_2004_5027.pdf	Commissioner of Insurance
	SB 268 (2005)	Committee on Federal and State Affairs	Signed by Governor, 4/8/05 http://www.kslegislature.org/bills/2006/268.pdf	
KY (4/06)	HB 112 (2006)	Rep. Robert Damron	Signed by Governor, 4/4/06. http://www.lrc.ky.gov/record/06RS/HB112_bill.doc	Commissioner of Insurance, or his or her designee.

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
LA (1/08)				
ME (5/04)	SP 630 (LD 1698) (2004), codified as tit. 24-A §§ 2471 to 2487	Senator Lloyd LaFountain	Signed by the Governor, 5/5/04. http://janus.state.me.us/legis/statutes/24-A/title24-Ach28.pdf	Superintendent of Insurance
MD (8/05)	SB 760 (2005)	Sen. Thomas M. Middleton	Signed by the Governor, 5/26/05. http://mlis.state.md.us/2005rs/bills/sb/sb0760e.pdf	Insurance Commissioner.
MA (8/06)	HB 1515 (2005/2006)	Rep. Daniel Keenan	Signed by the Governor, 8/9/06. http://www.mass.gov/legis/laws/secslaw06/sl060223.htm	Insurance Commissioner
MI (1/07)	HB 5608 (2006)	Rep. Barbara Farrah	Signed by the Governor, 12/31/06. http://www.legislature.mi.gov/documents/2005-2006/publicact/pdf/2006-PA-0679.pdf	Commissioner or his/her designee
MN (6/06)	SF 3480 (2006)	Sen. Scheid	Signed by Governor, 5/31/06. http://www.revisor.leg.state.mn.us/bin/bldbill.php?bill=33480.2.html&session=1s84	Commissioner of Commerce
MS (1/08)				

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
MO (1/08)	SB 783 pending (2008)	Sen. Loudon	Prefiled, 12/1/2007. Read first time, 1/9/2008. Read second time and referred to Small Business, Insurance & Industrial Relations, 1/10/2008. http://www.senate.mo.gov/08intro/p/bill_intro/SB783.pdf	Director of Insurance, Financial & Professional Regulation
MT (7/07)				
NE (5/05)	LB 119 (2005)	Banking, Commerce and Insurance	Signed by the Governor, 3/9/05. http://www.unicam.state.ne.us/pdf/FINAL_LB119_1.pdf	Director of Insurance
NV (6/07)				
NH (8/04)	SB 366-FN (2004) codified as §§ 408-C:1 to 408-C:16	Senator Robert B. Flanders Rep. John B. Hunt Rep. Sheila T. Francoeur	Signed by Governor, 6/7/04. http://www.gencourt.state.nh.us/legislation/2004/SB0366.html	Insurance Commissioner
NJ (1/08)				
NM (1/08)				
NY (1/08)	SB5053 pending (2007 carried over) A08068 pending (2007 carried over)	Sen. Seward Reps. Titus & Robinson	Referred to Insurance, 4/25/07. Referred to Insurance, 1/9/2008. http://www.assembly.state.ny.us/leg/bn_505053a.shtml Referred to Insurance, 5/3/07. Referred to Insurance, 1/9/2008. http://www.assembly.state.ny.us/leg/bn_108068a.shtml	Superintendent of Insurance Superintendent of Insurance

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
NC (8/05)	HB 673 (2005)	Rep. Hugh Holiman	Signed by Governor, 7/12/05. http://www.ncleg.net/Sessions/2005/Bills/House/PDF/H673v4.pdf	Commissioner of Insurance, or the Commissioner's designee.
ND (5/07)				
OH (5/06)	SB 268 (2006)	Sens. Stivers, Schuler, and Mumper	Signed by the Governor, 5/12/06. http://www.legislature.state.oh.us/BillText/26-126_SB_268_1_Y.pdf	Superintendent of Insurance
OK (4/06)	HB 2685 (2006)	Rep. Jim Newport	Signed by the Governor, 4/13/06. http://www.lsb.state.ok.us/	Insurance Commissioner
OR (7/07)				
PA (1/06)	SB 260 (2005)	Senators Armstrong, Stack, Thompson, Rhoades, Musto, Rafferty, Kitchen, Oric and O'Pake	Signed by the Governor, 11/23/05. http://www2.legis.state.pa.us/WU01/LLI/B/B1/2005_0/SB0260P0264.pdf	Insurance Commissioner
PR (1/06)	P. del S. 799 (2005)	Sr. Báez Galib	Signed by Governor, 12/22/05. http://www.senadopr.us/Archivo_Digital/2005-2008/Radicaciones/Proyectos_del_Senado_2005/ps0799-5.pdf	Commissioner of Insurance

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
RI (8/05)	HB 7596 (2004)	Reps. Gregory J. Schadone Todd R. Brien, Jan Malik, Thomas Winfield, Fausto C. Anguilla	Effective without Governor's signature, 7/7/04. http://www.rilin.state.ri.us/publiclaws/law04/law04463.htm	Insurance Commissioner
	SB 541 (2005)	Sen. David E. Bates	Signed by Governor, 7/06/05. http://www.rilin.state.ri.us/Billtext/BillText05/SenateText05/S0541.pdf	
SC (1/08)				
SD (1/08)				
TN (5/07)	SB 2263 (2007)	Sen. Kyle	Signed by Governor, 5/14/07 http://www.legislature.state.tn.us/bills/currentga/BILL_SB2263.pdf	
TX (11/05)	HB 2613 (2005) Codified as I.C. Sec. 5001.001 to 5001.002	Rep. Craig Eiland	Signed by Governor, 6/18/05. Eff. 9/1/05. http://www.capitol.state.tx.us/cgi-bin/textframe.cmd?LEG=79&SESS=R&CHAMBER=H&BILLTYPE=B&BILLSUBFIX=02613&VERSION=5&TYPE=1	Insurance Commissioner

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
UT (5/04)	SB 162 (2004), codified as § 31A-39-101	Sen. John L. Valentine	Signed by Governor, 3/22/04. http://www.leg.state.ut.us/~2004/bills/sbillenr/sb0162.pdf	Insurance Commissioner
VT (8/05)	HB 352 (2005), codified as tit.8 §§ 8500 to 8517	Kathleen Keenan Mark Young	Signed by Governor, 6/18/05. http://www.leg.state.vt.us/DOCS/2006/BILLS/INTRO/HB-352.DOC	Commissioner of the Vermont department of banking, insurance, securities, and health care administration, or the commissioner's designee.
VI (1/08)				
VA (5/04)	HB 1155 (2004), codified as §§ 38.2-6200 to 38.2-6201	Rep. Harvey B. Morgan Sen. William C. Wampler, Jr.	Signed by Governor 4/12/04. http://leg1.state.va.us/cgi-bin/legp504.exe?041+ful+HB11551R.pdf	Insurance Commissioner
WA (5/05)	HB 1032 (2005)	Reps. Steve Kirby, Dan Roach, Geoff Simpson, and Shay Schual-Berke	Governor signed, 4/20/05. Effective 7/24/05. http://www.leg.wa.gov/pub/billinfo/2005-06/Pdf/Bills/Session%20Law%202005/1032.SL.pdf	Insurance Commissioner
WV (5/04)	SB 431 (2004) Codified as §§ 33-47-1 to 33-47-17	Sen. Joseph M. Minard	Signed by Governor 4/2/04. http://129.71.164.29/Bill_Text_HTML/2004_SESSIONS/RS_Senate_S_BILLS/SB431%20SUB2%20enr.htm	Insurance Commissioner

INTERSTATE COMPACT LEGISLATION

1/15/08

STATE	LEGISLATION INTRODUCED	SPONSOR	STATUS	STATE REPRESENTATIVE
WI (1/08)	AB 542 pending (2007 carried over)	Reps. F. Lasee, Nygren, Albers, Hahn, A. Ott and Bies	Introduced and referred to Committee on Insurance 10/16/07. Assembly amendment 1 offered by Rep. Lasee, 11/6/07. Fiscal estimate received, 11/12/07. Public hearing held, 11/29/07. Executive action taken, 1/09/08. Report passage as amended recommended by Ins., 1/11/08. Referred to Rules, 1/11/08. http://www.legis.state.wi.us/2007/data/AB-542.pdf	Insurance Commissioner
	SB 294 pending (2007 carried over)	Sens. Breske, Schultz, Olsen, Lehman, Cowles, Grotham & Roessler	Introduced and referred to the Committee on Transportation, Tourism and Insurance, 10/22/2007. Fiscal estimate received, 11/1/07. Rereferred to committee on Transportation & Tourism, 11/6/07. Public hearing held, 11/7/07. Fiscal estimate received, Executive action taken 11/12/07. Report introduction, adoption and passage Senate Amendment 1, available for scheduling, 11/13/07. Read second time, Senate amendment adopted, read a third time and passed, 12/11/07. Assembly received, read first time and referred to Insurance, 12/14/07. http://www.legis.state.wi.us/2007/data/SB-294.pdf	Insurance Commissioner
WY (3/06)	SF00 (2006)	Joint Corporations, Elections and Political Subdivisions Interim Committee	Governor signed, 3/9/06. http://legisweb.state.wy.us/2006/Introduced/SF0020.pdf	Insurance Commissioner.

This chart does not constitute a formal legal opinion by the NAIC staff on the provisions of state law and should not be relied upon as such. Every effort has been made to provide correct and accurate summaries to assist the reader in targeting useful information. For further details, the statutes and regulations cited should be consulted. The NAIC attempts to provide current information; however, readers should consult state law for additional adoptions.

HJR

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ALASKA STATE LEGISLATURE

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BILL STOLTZE

State Representative

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House Joint Resolution 32

Broadcasting Industry

Supporting open and free competition within the broadcasting industry.

Today we have open and free competition within the broadcasting industry, allowing people with greatly differing political and ideological views to express themselves. In the past, this has not always been the case. The Fairness Doctrine had restricted the radio medium from allowing an open, public forum for over 20 years. After the Federal Communications Commission abolished the doctrine, talk radio emerged as one of the forefront venues for people to express their varying viewpoints.

Even with the obvious benefits of such an open forum, there are some Congressmen and Senators who feel that the restrictions should be put back into place. I ask your support for this resolution, sending a message to Alaska's Senators and Congressman that we support open and free competition within the broadcasting industry.

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The Nation

Democrats' New 'Fairness' Push May Silence Conservative Radio Hosts, Critics Say

By Fred Lucas

CNSNews.com Staff Writer

January 17, 2007

(CNSNews.com) - Democrats in Congress are pushing for legislation that they say would bring more balance to the media, but critics say would muzzle conservative voices.

The Fairness Doctrine, a federal regulation requiring broadcasters to present both sides of a controversial issue, was enforced by the Federal Communications Commission from 1949 to 1987, when it was dropped during the Reagan administration.

Many in the broadcast industry credit the dropping of the rule to the rise of conservative talk radio that became a booming industry, featuring personalities like Rush Limbaugh, Sean Hannity and Laura Ingraham.

Bringing back the regulation will ensure more even-handed coverage of political issues, said Jeff Lieberman, spokesman for Rep. Maurice Hinchey (D-N.Y.), who has proposed the "Media Ownership Reform Act."

"The political interests of media owners can have a direct and indirect effect on the way news is presented to the public, so it's important that all sides are heard," Lieberman told **Cybercast News Service** Tuesday.

The Fairness Doctrine is a key component of Hinchey's bill, which also sets tighter limits on media ownership. Sen. Bernie Sanders (I-Vt.) has proposed a companion bill in the Senate.

"This is not an attempt to muzzle them at all," Lieberman said of conservative talk show hosts who are opposed to the Fairness Doctrine. "They will still be heard. This will ensure that different views that are not theirs will also be heard."

But muzzling is exactly what such a law would do, charged Cliff Kincaid of Accuracy in the Media, a conservative media watchdog group.

"Make no bones about it, they want to force the conservative media to hand over air time to liberals," Kincaid said in an interview. "When federal bureaucrats dictate the content of radio and TV shows, it's muzzling to tell them what to say and how to say it."

Many conservatives have long argued that the bulk of major newspapers, news magazines and network

news programs tilt left and regard talk radio as an antidote.

"Liberals used to dominate the media, and they are irritated there are competing voices, so now they want to reign in the conservative media using the federal government," Kincaid continued. "There is no prohibition against liberal talk radio. Liberals tried talk radio and it was not successful in the market place."

Kincaid pointed to Air America, the liberal talk radio network started in 2004 that is now in bankruptcy but still operating with a limited audience.

The Fairness Doctrine was adopted by the FCC in 1949 as a regulation, never a law enacted by Congress. The effort now by Democrats in Congress is to codify the doctrine into law.

When the rule was in place, radio and TV stations could face hefty fines if their stations aired controversial statements on public affairs without providing equal time to opposing viewpoints. Critics said the result was self-censorship by timid broadcasters who avoided politics to escape any potential government retaliation.

The U.S. Supreme Court ruled in 1969 that the doctrine did not violate the First Amendment, because the airwaves belonged to the public and thus could face government regulation to which print media were not subjected.

After the FCC ditched the rule in 1987, Democratic lawmakers made several attempts to bring it back in statute. Those attempts were unsuccessful even when Democrats controlled both the White House and Congress in 1993 and 1994.

Despite the 1969 court ruling, Dennis Wharton, spokesman for the National Association of Broadcasters, told **Cybercast News Service** Tuesday it was fundamentally a First Amendment question.

"It was not appropriately named," Wharton said of the doctrine. "It was unfair in inhibiting broadcasters' free speech rights."

"There has been an explosion of viewpoints and coverage of issues since the elimination of the Fairness Doctrine," Wharton said. "It's been a boon for free expression."

Hinchey, chairman of the "Future of Media Caucus" in the House, is among several Democratic lawmakers who spoke at the National Conference on Media Reform in Memphis, Tenn., this past weekend.

Rep. Dennis Kucinich (D-Ohio), chairman of the House subcommittee on domestic policy, announced he would hold hearings on the media, which would include looking at restoring the Fairness Doctrine.

"We know the media has become the servant of a very narrow corporate agenda," Kucinich, a candidate for the 2008 Democratic presidential nomination, reportedly told the Memphis event.

"We are now in a position to move a progressive agenda to where it is visible," he said.

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Fineman: The Dems drive for the 'fairness doctrine'

If the Dems are successful, the likes of Limbaugh are in for a load of trouble

By Howard Fineman

MSNBC

Updated: 10:02 a.m. AKT May 15, 2007

WASHINGTON - As the ten Republican presidential candidates debate this week on their favorite cable network - Fox News - Capitol Hill Democrats are planning a new drive for access elsewhere, on talk radio and local broadcast TV.

The goal? To level the media playing field in time for the 2008 election.

Talk radio has long been a crucial power base for conservatives and Republicans; local TV stations are not.

They shy away from public-affairs programming altogether, and yet they rake in ever-larger wads of cash on political advertising.

Democrats have two media-access goals.

One is to prod local broadcast television and radio stations to renew their atrophied commitment to producing and airing their own public affairs programming - shows that Democrats think would at least give them a chance to be heard. Some Democrats want to require stations to give free time for campaign debates, and even free campaign advertising as part of the stations' "public service" licensing requirement.

The Democrats' more ambitious (and longer-range) goal is to reinstate the "fairness doctrine."

The fairness doctrine

For decades, the doctrine effectively kept partisan shows (the Rush Limbaughs of the world) off the airwaves by requiring radio and television stations to make comparable time available - free - for opposing views.

The doctrine was abandoned in 1987; Limbaugh hit the syndicated national airwaves the next year.

A soon-to-be-released study, commissioned by groups allied with the Democrats, finds that conservative dominance of the radio airwaves is growing.

According to researchers, more than 85 percent of talk-radio programming leans to the right - at least by the researchers' definition.

Leaders of the industry, such as Limbaugh, contend they are merely acting to counter the dominance of what he calls the "drive by" mainstream media. But on radio, it's hard to tell who is driving by whom - and conservatives are the mainstream.

Talk radio has become big business, and taking on major broadcasting companies is not something Democrats - or any politicians - are all that eager to do.

Among Democratic presidential candidates, only Rep. Dennis Kucinich of Ohio regularly talks about the issue - when he is asked about it on the road. I surveyed the leading contenders on the topic, and got only silence as a response.

But some senior House Democrats are interested, I am told, and Kucinich himself is planning to hold hearings on the question of whether the broadcasters are properly fulfilling their public service obligations under federal communications law.

On the Senate side, Sen. Byron Dorgan of North Dakota has quietly been urging the party leadership to take up the same question.

A misuse of public airwaves?

The Democrats are moving carefully in public, but in private they fret at their lack of clout - and at what they see as a misuse of the public airwaves. Limbaugh's rebuttal is simple: that Democrats and liberals just can't make the sale in the marketplace.

As for the new efforts to review broadcast rules, "I don't think it's ever going to succeed," Limbaugh told his listeners this week. But that didn't keep him from sounding an alarm. The Democrats are pursuing a "pure Stalinist tactic," he declared, "to silence or shut people like me up."

There's little chance of that.

The Democrats just want to sound some alarms themselves. Former talk show host Al Franken, now running for the U.S. Senate in his home state of Minnesota, has his own suggestion for reform.

"You shouldn't be able to lie on the air," he told me. "You can't utter obscenities in a broadcast, so why should you be able to lie? You should be fined for lying."

Federal fines for lying on the air? As a way to fill the federal treasury, it makes perfect sense.

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Inhofe Says Boxer, Hillary Clinton Discussed Reining in Conservative Talk Radio Three Years Ago

Tuesday, June 26, 2007

By Liza Porteus

FOX NEWS

WASHINGTON —

ADVERTISEMENT

Sen. James Inhofe of Oklahoma says he doesn't need an eye exam or a hearing aid and that he clearly remembers hearing Democratic Sens. Barbara Boxer of California and Hillary Clinton of New York talk about the need for a "legislative fix" to curb conservative talk radio.

But Inhofe now says the conversation he overheard took place three years ago, not "the other day," as he told KFI talk radio host John Ziegler on Thursday night.

Boxer early Friday said the Oklahoma senator "needs new glasses or he needs to have his hearing checked" if he thinks he heard her and Clinton having a conversation about talk radio.

After Inhofe clarified his remarks, Boxer's spokeswoman, Natalie Ravitz, added:

"Perhaps he should have his memory checked too. I don't know anyone who thinks three years ago was 'the other day.'"

In an interview with FOX News Friday afternoon, Inhofe asserted that the conversation between Clinton and Boxer took place three years ago, and he brings it up regularly in talking about market-driven media.

"I've been telling this story for three years and told this story 100 times," the Oklahoma Republican told FOXNews.com. "I have it memorized ... I tell it the same way every time because it gets a very good reaction."

In the radio interview Thursday night, Inhofe told Ziegler:

"I was going over to vote the other day and I was walking with two very liberal gals that didn't pay any attention to me being with them. They were outraged by something you said or Rush Limbaugh or somebody said that upset them. They said, 'We have got to do something about this, these are nothing but far-right wing extremists. We've got to have a balance, there's got to be a legislative fix to this.'"

He added: "As we got off the elevator, I said, 'You gals don't understand. This is market-driven and there's no market for your liberal tripe.'"

[Click here to listen to Inhofe's claim on the Breitbart tv Web site](#)

When Ziegler asked which senators Inhofe was talking about, he replied that one was running for president, and the talk-show host guessed that the other was Boxer.

Ravitz told FOXNews.com that the conversation "never happened."

"Senator Boxer told me that either her friend Senator Inhofe needs new glasses or he needs to have his hearing checked, because that conversation never happened," Ravitz said in an e-mail.

"Jim Inhofe is wrong," added Clinton spokesman Philippe Reines. "This supposed conversation never happened, not in his presence or anywhere else."

Asked what Boxer and Clinton said three years ago when he told them 'there's no market for your liberal tripe,' Inhofe told FOXNews.com that they brushed it off.

"The elevator operator, though, she was laughing," he said.

Inhofe said he told the same story during another talk show interview earlier in the day.

Boxer's spokeswoman, Ravitz, said in response: "And I will let you know if I find an elevator operator on my side."

What brought the topic up during the Ziegler interview strewn across the Internet was the senator's recent trip to Iraq. Ziegler asked him if U.S. troops there still had the impression that the American media were not supportive of the mission there.

"I said 'no' because talk radio has totally diffused that," Inhofe said. "People now understand the truth but the liberals don't understand."

He added: "[the troops] know the public is influenced more by conservative talk radio."

Attacks Mounting?

Conservative talk radio has come under increasing attack by Democrats — and even some Republicans — for trying to influence public and political opinion on hot-button issues like immigration.

Republican Sen. Trent Lott of Mississippi has been under attack since his comment last week that "talk radio was running America."

The remark was part of Lott's comments about how advocates for immigration overhaul would have to "deal" with talk-radio hosts who he said don't know what is in the legislative package but want to kill it nonetheless.

Lott says his office has been flooded with critical phone calls since.

Brent Bozell, president of the Media Research Center, said attacks on conservative talk radio are on the rise because of the demand for it and its influence.

"Conservative talk radio is the single most important element of the conservative movement today. Period," Bozell said. "In fact, it could be argued that were it not for the likes of Rush Limbaugh and company, there might not be a conservative movement today."

Bozell said that in order to be successful in Middle America, broadcasters need to convince people that the radio chatter isn't coming from radicals with an agenda.

"There's this crazy thing called the market," Bozell said. "It's not to say liberal talk radio has not been in existence. It's been tried over and over again, whether it's ... Mario Cuomo or Doug Wilder or Jim Hightower or Air America and Al Franken and every single time, it's a miserable failure because there's no market appetite."

Air America — the liberals' most prominent effort to counter conservative talk radio, called "talk radio for progressive patriots" — has featured big names like **Al Franken** and **Jeanine Garofalo**. But that venture filed for bankruptcy last fall in an effort to reorganize. It was officially taken over by Green Family Media in March and then could be heard on 70 affiliates reaching a weekly audience of 1.7 million listeners, according to its Web site. It was producing 19 hours of original programming daily.

It recently revamped its voice and relaunched Air America 2.0, saying the likes of Clinton, John Edwards and Barack Obama would be just a few of its celebrity guests.

But in many major markets at the local level, Bozell said, progressives are put on the air after liberals raise a ruckus their viewpoint isn't being heard. But more often than not, he said, "It absolutely bombs and that's why they're not on the air."

He added: "Look at Air America. What more can I say?"

The Center for American Progress released a report Thursday that identified 75 talk show hosts as either conservative or progressive (liberal). Of those 75, 53 were identified as conservative (71 percent), while 22 (29 percent), were identified as progressive.

"The Structural Imbalance of Political Talk Radio" confirmed that talk radio, one of the most widely used media formats in America, is dominated by conservatives. It also raised questions about whether public radio broadcasts are serving the listening needs of Americans.

[Click here to read the Center for American Progress report \(PDF\)](#)

Other findings:

— In the spring of 2007, of the 257 news talk stations owned by the top five commercial station owners, 91 percent of the total weekday talk radio programming was conservative and only 9 percent was progressive.

— Each weekday, 2,570 hours and 15 minutes of conservative talk are broadcast on these stations compared to

254 hours of progressive talk — 10 times as much conservative talk as progressive talk.

— 76 percent of the news/talk programming in the top 10 radio markets is conservative, while 24 percent is progressive

Bozell said he fears Democrats will use their power to legislate the airwaves if a successful liberal talk radio movement doesn't take hold and Democrats win the White House and keep majorities in Congress in 2008.

A handful of Democrats have been looking to legislation in an effort to revitalize the **Fairness Doctrine**, the Federal Communications Commission regulation that required broadcast licensees to present controversial issues of public importance in an honest, equal and balanced manner.

In 1985, during the Reagan administration, efforts began at the FCC to unravel the doctrine. Congress tried to restore it in 1987, but the effort was vetoed by Reagan. A similar effort was made in 1991 but was vetoed by President George H.W. Bush.

The doctrine had two rules that remained in practice until 2000 — the "personal attack" rule and the "political editorial" rule. The "personal attack" stipulated that when a person or small group was subject to a character attack during a broadcast, stations had to notify them within a week, send them transcripts, and give them an opportunity to respond on air. The "political editorial" rule stipulated that when a station broadcast editorials endorsing or opposing candidates for public office, the candidates who were not endorsed must be notified and allowed an opportunity to respond.

Ohio Rep. Dennis Kucinich, who is seeking the Democratic nomination for president in 2008, chairs the House Domestic Policy Subcommittee and plans to revisit the Fairness Doctrine. He said in January that the Fairness Doctrine "derived from the public interest, and that is that there should be an uninhibited marketplace of ideas. That's what the First Amendment is all about."

Rep. Maurice D. Hinchey, D-N.Y., plans to reintroduce his Media Ownership Reform Act (MORA). That bill, introduced in the last Congress, called for the restoration of the Fairness Doctrine and called for broadcast news outlets to investigate issues thoroughly and present their findings in an unbiased way.

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Article published Jul 2, 2007

Pence leads charge against 'Fairness Doctrine' effort

By **RICK YENCER**
ryencer@muncie.gannett.com

MUNCIE - Republican Congressman Mike Pence, a former radio talk show host, led the charge last week to stop the Federal Communications Commission from reinstating the Fairness Doctrine for broadcasters.

The House voted by a 309-115 margin last week to prohibit federal funds from being used by the FCC to impose the Fairness Doctrine, which requires broadcasters to balance comment on controversial issues.

"The House affirmed that freedom will continue to reign on the airwaves," said Pence, who filed the amendment stopping federal funding and introduced another bill permanently prevent the doctrine from being imposed. "This was a resounding victory for free speech."

During an interview, Pence said he did not bring the issue before the House just because conservative talk radio hosts like Rush Limbaugh and Sean Hannity had pointed out that Senate Democrats wanted to revive the doctrine.

The issue is freedom of speech, Pence said, along with showing the House supported freedom of public airwaves.

Senate Majority Whip Dick Durbin, D-Ill., said last week that the doctrine should be revived, although some House Democrats said there was little chance the FCC would impose the rule while President Bush was in office.

Pence also revived a media shield law that could be the subject of a hearing this year. A similar bill offering absolute protection against revealing news sources was filed in 2005 by Pence, Sen. Richard Lugar, R-Ind., and others, but only received a Senate hearing.

110TH CONGRESS
1ST SESSION

H. R. 2905

To prevent the Federal Communications Commission from repromulgating
the fairness doctrine.

IN THE HOUSE OF REPRESENTATIVES

JUNE 28, 2007

Mr. PENCE (for himself, Mr. WALDEN of Oregon, Mr. BOEHNER, Mr. BLUNT, Mr. HASTERT, Mr. PUTNAM, Mr. CANTOR, Mr. HENSARLING, Mr. FLAKE, Mr. ADERHOLT, Mr. AKIN, Mrs. BACHMANN, Mr. BARRETT of South Carolina, Mr. BARTON of Texas, Mr. BILBRAY, Mr. BISHOP of Utah, Mrs. BLACKBURN, Mrs. BONO, Mr. BOOZMAN, Mr. BRADY of Texas, Mr. BROWN of South Carolina, Ms. GINNY BROWN-WAITE of Florida, Mr. BURGESS, Mr. BURTON of Indiana, Mr. BUYER, Mr. CALVERT, Mr. CAMP of Michigan, Mr. CAMPBELL of California, Mr. CANNON, Mr. CARTER, Mr. COLE of Oklahoma, Mr. CONAWAY, Mr. CRENSHAW, Mr. CULBERSON, Mr. DAVIS of Kentucky, Mr. DAVID DAVIS of Tennessee, Mr. TOM DAVIS of Virginia, Mr. DEAL of Georgia, Mr. MARIO DIAZ-BALART of Florida, Mr. DOOLITTLE, Mrs. DRAKE, Mr. DUNCAN, Mr. ENGLISH of Pennsylvania, Mr. EVERETT, Ms. FALLIN, Mr. FEENEY, Mr. FORTUÑO, Ms. FOXX, Mr. FRANKS of Arizona, Mr. GARRETT of New Jersey, Mr. GINGREY, Mr. GOHMERT, Mr. GOODE, Mr. GOODLATTE, Mr. GRAVES, Mr. HASTINGS of Washington, Mr. HERGER, Mr. HOEKSTRA, Mr. HUNTER, Mr. ISSA, Mr. SAM JOHNSON of Texas, Mr. JORDAN of Ohio, Mr. KELLER of Florida, Mr. KING of Iowa, Mr. KINGSTON, Mr. KIRK, Mr. KLINE of Minnesota, Mr. KUIL of New York, Mr. LAMBORN, Mr. LATHAM, Mr. LUCAS, Mr. DANIEL E. LUNGREN of California, Mr. MACK, Mr. MARCHANT, Mr. MCCARTHY of California, Mr. MCCREERY, Mr. MCHENRY, Mr. MILLER of Florida, Mr. GARY G. MILLER of California, Mrs. MUSGRAVE, Mrs. MYRICK, Mr. NEUGEBAUER, Mr. PAUL, Mr. PEARCE, Mr. PITTS, Mr. POE, Mr. PRICE of Georgia, Mr. RADANOVICH, Mr. REYNOLDS, Mr. ROYCE, Mr. RYAN of Wisconsin, Mrs. SCHMIDT, Mr. SENSENBRENNER, Mr. SESSIONS, Mr. SHADEGG, Mr. SHUSTER, Mr. SIMPSON, Mr. SMITH of Nebraska, Mr. SMITH of Texas, Mr. SOUTHER, Mr. STEARNS, Mr. TERRY, Mr. TLAIB, Mr. WALBERG, Mr. WELDON of Florida, Mr. WESTMORELAND, Mr. WHITFIELD, Mr. WICKER, Mr. WILSON of South Carolina, Mr. WOLF, Mr. YOUNG of Alaska, and Mr. UPTON) introduced the following bill, which was referred to the Committee on Energy and Commerce:

A BILL

To prevent the Federal Communications Commission from
repromulgating the fairness doctrine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Broadcaster Freedom
5 Act of 2007”.

6 **SEC. 2. FAIRNESS DOCTRINE PROHIBITED.**

7 Title III of the Communications Act of 1934 is
8 amended by inserting after section 303 (47 U.S.C. 303)
9 the following new section:

10 **“SEC. 303A. LIMITATION ON GENERAL POWERS: FAIRNESS**
11 **DOCTRINE.**

12 “Notwithstanding section 303 or any other provision
13 of this Act or any other Act authorizing the Commission
14 to prescribe rules, regulations, policies, doctrines, stand-
15 ards, or other requirements, the Commission shall not
16 have the authority to prescribe any rule, regulation, policy,
17 doctrine, standard, or other requirement that has the pur-
18 pose or effect of reinstating or repromulgating (in whole
19 or in part) the requirement that broadcasters present op-
20 posing viewpoints on controversial issues of public impor-
21 tance, commonly referred to as the ‘Fairness Doctrine’.

- 1 as repealed in General Fairness Doctrine Obligations of
- 2 Broadcast Licensees, 50 Fed. Reg. 35418 (1985)."

○

110TH CONGRESS
1ST SESSION

S. 1742

To prevent the Federal Communications Commission from repromulgating the fairness doctrine.

IN THE SENATE OF THE UNITED STATES

JUNE 28, 2007

Mr. THUNE introduced the following bill, which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prevent the Federal Communications Commission from repromulgating the fairness doctrine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

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10 or in part) the requirement that broadcasters present op-
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12 tance, commonly referred to as the 'Fairness Doctrine',
13 as repealed in General Fairness Doctrine Obligations of
14 Broadcast Licenses, 50 Fed. Reg. 35418 (1985)."

○

110TH CONGRESS
1ST SESSION

S. 1748

To prevent the Federal Communications Commission from re-promulgating the fairness doctrine.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2007

Mr. COLEMAN (for himself, Mr. DEMINT, Mr. MCCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. MCCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prevent the Federal Communications Commission from re-promulgating the fairness doctrine.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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9 to prescribe rules, regulations, policies, doctrines, stand-
10 ards, or other requirements, the Commission shall not
11 have the authority to prescribe any rule, regulation, policy,
12 doctrine, standard, or other requirement that has the pur-
13 pose or effect of reinstating or repromulgating (in whole
14 or in part) the requirement that broadcasters present op-
15 posing viewpoints on controversial issues of public impor-
16 tance, commonly referred to as the 'Fairness Doctrine',
17 as repealed in General Fairness Doctrine Obligations of
18 Broadcast Licensees, 50 Fed. Reg. 35418 (1985)."

110TH CONGRESS
1ST SESSION

S. 1748

To prevent the Federal Communications Commission from repromulgating
the fairness doctrine.

IN THE SENATE OF THE UNITED STATES

JUNE 29, 2007

Mr. COLEMAN (for himself, Mr. DEMINT, Mr. McCONNELL, Mr. SESSIONS, Mrs. HUTCHISON, Mr. ISAKSON, Mr. CRAIG, Mr. CHAMBLISS, Mr. GRAHAM, Mr. CORNYN, Mr. BOND, Mr. McCAIN, Mr. COCHRAN, Mr. VOINOVICH, Mr. THUNE, Mr. COBURN, Mr. ALLARD, Mr. ROBERTS, and Mr. KYL) introduced the following bill; which was read twice and referred to the Committee on Commerce, Science, and Transportation

A BILL

To prevent the Federal Communications Commission from
repromulgating the fairness doctrine.

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3 **SECTION 1. SHORT TITLE.**

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7 "Notwithstanding section 303 or any other provision
8 of this Act or any other Act authorizing the Commission
9 to prescribe rules, regulations, policies, doctrines, stand-
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11 have the authority to prescribe any rule, regulation, policy,
12 doctrine, standard, or other requirement that has the pur-
13 pose or effect of reinstating or repromulgating (in whole
14 or in part) the requirement that broadcasters present op-
15 posing viewpoints on controversial issues of public impor-
16 tance, commonly referred to as the 'Fairness Doctrine',
17 as repealed in General Fairness Doctrine Obligations of
18 Broadcast Licensees, 50 Fed. Reg. 35418 (1985)."

○

109TH CONGRESS
1ST SESSION

H. R. 3302

To amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media.

IN THE HOUSE OF REPRESENTATIVES

JULY 14, 2005

Mr. HINCHIEY (for himself, Ms. WATSON, Ms. LEE, Ms. WOOLSEY, Ms. KAPTUR, Ms. SLAUGHTER, Mr. MORAN of Virginia, Ms. WATERS, Mr. STARK, Mr. FILNER, Mr. DEFazio, Ms. SOLIS, Mr. McDERMOTT, Mr. HASTINGS of Florida, Mr. OWENS, and Mr. SANDERS) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Communications Act of 1934 to prevent excessive concentration of ownership of the nation's media outlets, to restore fairness in broadcasting, and to foster and promote localism, diversity, and competition in the media.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) **SHORT TITLE.**—This Act may be cited as the
5 “Media Ownership Reform Act of 2005”.

6 (b) **TABLE OF CONTENTS.**—

- Sec. 1. Short title; table of contents.
- Sec. 2. Findings and purposes.
- Sec. 3. Fairness in broadcasting.
- Sec. 4. Broadcasting ownership limitations.
- Sec. 5. Invalidation of media ownership deregulation.
- Sec. 6. Review process for media ownership.
- Sec. 7. Public interest reports.
- Sec. 8. Prevention of programming vertical integration.
- Sec. 9. Implementation.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) **FINDINGS.**—The Congress finds the following:

3 (1) The Communications Act of 1934 requires
4 the Federal Communications Commission and broad-
5 cast licensees to promote the public interest. The
6 Commission has long had rules in place to promote
7 the goals of localism, diversity, and competition.

8 (2) The Supreme Court, on numerous occa-
9 sions, has upheld the Commission's and Congress's
10 right to establish media protections because a mo-
11 nopolization of ideas is antithetical to our democ-
12 racy.

13 (3) In 1945, the Supreme Court declared, "the
14 widest possible dissemination of information from di-
15 verse and antagonistic sources is essential to the
16 welfare of the public, that a free press is a condition
17 of a free society".

18 (4) In 1969, the Supreme Court declared, "it is
19 the purpose of the First Amendment to preserve an
20 uninhibited marketplace of ideas in which truth will
21 ultimately prevail, rather than to countenance mo-

1 nopolization of that market, whether it be by the
2 Government itself or a private licensee”.

3 (5) Over the past two decades there has been
4 a gradual shift of control in the public’s airwaves
5 into the hands of fewer private entities.

6 (6) Private entities can exert control over the
7 public’s access to information as many of the rules
8 designed to foster diversity, competition, localism,
9 and production of independent news and entertain-
10 ment have been weakened or repealed.

11 (7) The past two decades have produced tech-
12 nological advances. Approximately 80 percent of
13 U.S. households subscribe to cable or satellite sys-
14 tems offering multiple channels of video program-
15 ming. The rapid growth of the Internet added an-
16 other source of information to traditional media out-
17 lets. Over 71 percent of Americans have some form
18 of online access.

19 (8) These advances have dramatically increased
20 the number of information pipelines into Americans’
21 homes. Despite the increase in information outlets,
22 ownership and control of those is shrinking. A hand-
23 ful of companies control a large portion of both pro-
24 gramming and distribution. Five companies now own
25 the broadcast networks, 90 percent of the top 50

1 cable networks, produce three-quarters of all prime
2 time programming, and control 70 percent of the
3 prime time television market share. The same com-
4 panies that own the nation's most popular news-
5 papers and networks also own over 85 percent of the
6 top 20 Internet news sites.

7 (9) While the Internet has become a new source
8 of information, the vast majority of Americans con-
9 tinue to rely on television, newspaper, and radio as
10 their primary sources of news information. Owner-
11 ship of traditional news sources has been consoli-
12 dated over the past 25 years. Two-thirds of Amer-
13 ica's independent newspapers have been lost since
14 1975 and according to the Department of Justice's
15 Merger Guidelines every local newspaper market in
16 the U.S. is highly concentrated.

17 (10) One-third of America's independent TV
18 stations have vanished since 1975 and there has
19 been a 34 percent decline in the number of radio
20 station owners since the Telecommunications Act of
21 1996. There has been a severe decline in the number
22 of minority owned broadcast stations. At the end of
23 the 1990's, minorities owned just 1.9 percent of the
24 U.S. television stations and 4 percent of the nation's
25 AM and FM radio stations.

1 (11) As the major networks have been allowed
2 greater vertical integration, the percentage of inde-
3 pendently produced pilots and new series on the four
4 national broadcast networks has declined from 87.5
5 percent in 1990 to 22.5 percent in 2002.

6 (12) The weakening of media protections, and
7 subsequent consolidation of the media industry, has
8 allowed companies to ignore their obligations to
9 serve the public interest and severely reduce local-
10 ism, diversity, and competition in today's media.

11 (13) The current state of today's media threat-
12 ens the ability of our democracy to function because
13 it does not allow for "the widest possible dissemina-
14 tion of information from diverse and antagonistic
15 sources" and shrinks the marketplace of ideas.

16 (b) PURPOSES.—The purposes of this Act are—

17 (1) to inform the public of the scope of media
18 rules and regulations that have been weakened and
19 lost over the past two decades;

20 (2) to restore fairness in broadcasting;

21 (3) to reduce media concentration;

22 (4) to ensure that broadcasters meet their pub-
23 lic interest requirements; and

24 (5) to promote diversity, localism, and competi-
25 tion in American media

1 **SEC. 3. FAIRNESS IN BROADCASTING.**

2 Section 315 of the Communications Act of 1934 (47
3 U.S.C. 315) is amended—

4 (1) by redesignating subsections (a) through (d)
5 as subsections (b) through (e), respectively; and

6 (2) by inserting before subsection (b) the fol-
7 lowing new subsection:

8 “(a) **PUBLIC INTEREST OBLIGATION TO COVER PUB-**
9 **LICLY IMPORTANT ISSUES.**—A broadcast licensee shall af-
10 ford reasonable opportunity for the discussion of con-
11 flicting views on issues of public importance. The enforce-
12 ment and application of the requirement imposed by this
13 subsection shall be consistent with the rules and policies
14 of the Commission in effect on January 1, 1987.”.

15 **SEC. 4. BROADCASTING OWNERSHIP LIMITATIONS.**

16 (a) **ESTABLISHMENT OF BROADCASTING MULTIPLE**
17 **OWNERSHIP LIMITATIONS.**—Part I of title III of the Com-
18 munications Act of 1934 is amended by inserting after
19 section 339 (47 U.S.C. 339) the following new section:

20 **“SEC. 340. BROADCASTING MULTIPLE OWNERSHIP LIMITA-**
21 **TIONS.**

22 “(a) **NATIONAL TELEVISION AUDIENCE REACH LIM-**
23 **ITATION.**—The Commission shall not permit any license
24 for a commercial television broadcast station to be grant-
25 ed, transferred, or assigned to any party (including all
26 parties under common control) if the grant, transfer, or

1 assignment of such license would result in such party or
2 any of its stockholders, partners, or members, officers, or
3 directors, directly or indirectly, owning, operating or con-
4 trolling, or having a cognizable interest in television sta-
5 tions which have an aggregate national audience reach ex-
6 ceeding 25 percent.

7 “(b) RADIO OWNERSHIP LIMITATIONS.—

8 “(1) NATIONAL RADIO OWNERSHIP LIMITA-
9 TIONS.—The Commission shall modify section
10 73.3555 of its regulations (47 C.F.R. 73.3555) to
11 establish provisions limiting the number of AM or
12 FM broadcast stations which may be owned or con-
13 trolled by one entity nationally. Such limitation shall
14 not exceed 5 percent of the total number of AM and
15 FM broadcast stations.

16 “(2) LOCAL RADIO OWNERSHIP LIMITATIONS.—
17 The Commission shall revise section 73.3555(a) of
18 its regulations (47 C.F.R. 73.3555) to provide
19 that—

20 “(A) in a radio market with 45 or more
21 commercial radio stations, a party may own,
22 operate, or control up to 5 commercial radio
23 stations, not more than 3 of which are in the
24 same service (AM or FM);

1 “(B) in a radio market with between 30
2 and 44 (inclusive) commercial radio stations, a
3 party may own, operate, or control up to 4 com-
4 mercial radio stations, not more than 2 of
5 which are in the same service (AM or FM);

6 “(C) in a radio market with between 15
7 and 29 (inclusive) commercial radio stations, a
8 party may own, operate, or control up to 3 com-
9 mercial radio stations, not more than 2 of
10 which are in the same service (AM or FM), ex-
11 cept that a party may not own, operate, or con-
12 trol more than 25 percent of the stations in
13 such market; and

14 “(D) in a radio market with 14 or fewer
15 commercial radio stations, a party may own,
16 operate, or control up to 3 commercial radio
17 stations, not more than 2 of which are in the
18 same service (AM or FM), except that a party
19 may not own, operate, or control more than 40
20 percent of the stations in such market.

21 “(e) CABLE/BROADCASTING OWNERSHIP RESTRIC-
22 TIONS.—The Commission shall not permit any license for
23 a commercial television broadcast station to be granted,
24 transferred, or assigned to any party (including all parties
25 under common control) if the grant, transfer, or assign-

1 ment of such license would result in such party or any
2 of its stockholders, partners, or members, officers, or di-
3 rectors, directly or indirectly, owning, operating or control-
4 ling, or having a cognizable interest in such station and
5 directly or indirectly owning or controlling a cable tele-
6 vision system whose service area overlaps in whole or in
7 part with such television broadcast station's predicted
8 Grade B contour, computed in accordance with section
9 73.684 of the Commission's regulations (47 C.F.R.
10 73.684).

11 “(d) SATELLITE/BROADCASTING OWNERSHIP RE-
12 STRICTION.—The Commission shall not permit any license
13 for a commercial television broadcast station to be grant-
14 ed, transferred, or assigned to any party (including all
15 parties under common control) if the grant, transfer, or
16 assignment of such license would result in such party or
17 any of its stockholders, partners, or members, officers, or
18 directors, directly or indirectly, owning, operating or con-
19 trolling, or having a cognizable interest in such station and
20 directly or indirectly owning or controlling a satellite car-
21 rier that provides service to customers who are located
22 within such television broadcast station's predicted Grade
23 B contour, computed in accordance with section 73.684
24 of the Commission's regulations (47 C.F.R. 73.684).

1 “(e) NO GRANDFATHERING.—The Commission shall
2 require any party (including all parties under common
3 control) that holds licenses for commercial broadcast sta-
4 tions in excess of the limitations contained in subsection
5 (a), (b), (c), or (d) to divest itself of such licenses as may
6 be necessary to come into compliance with such limitation
7 within one year after the date of enactment of this section.

8 “(f) SECTION NOT SUBJECT TO FORBEARANCE.—
9 Section 10 of this Act shall not apply to the requirements
10 of this section.

11 “(g) DEFINITIONS.—

12 “(1) NATIONAL AUDIENCE REACH.—The term
13 ‘national audience reach’ means—

14 “(A) the total number of television house-
15 holds in the Nielsen Designated Market Area
16 (DMA) markets in which the relevant stations
17 are located, or as determined under a successor
18 measure adopted by the Commission to delin-
19 eate television markets for purposes of this sec-
20 tion; divided by

21 “(B) the total national television house-
22 holds as measured by such DMA data (or such
23 successor measure) at the time of a grant,
24 transfer, or assignment of a license.

1 No market shall be counted more than once in mak-
2 ing this calculation. The Commission shall not pro-
3 vide any discount in the measurement of national
4 audience reach for UHF stations, or on the basis of
5 any other class or category of television station.

6 “(2) COGNIZABLE INTEREST.—Except as may
7 otherwise be provided by regulation by the Commis-
8 sion, the term ‘cognizable interest’ means any part-
9 nership or direct ownership interest and any voting
10 stock interest amounting to 5 percent or more of the
11 outstanding voting stock of a licensee.”.

12 (b) DURATION OF LICENCES.—

13 (1) AMENDMENT.—Section 307(c)(1) of the
14 Communications Act of 1934 (47 U.S.C. 307(c)(1))
15 is amended by striking “8 years” each place it ap-
16 pears and inserting “3 years”.

17 (2) EFFECTIVE DATE.—The amendment made
18 by paragraph (1) shall be effective with respect to
19 any license granted by the Federal Communications
20 Commission after the date of enactment of this Act.

21 (c) CONFORMING AMENDMENTS.—

22 (1) Section 629 of the Departments of Com-
23 merce, Justice, and State, the Judiciary, and Re-
24 lated Agencies Appropriations Act, 2004, is re-
25 pealed. Subject to the amendments made by this

1 subsection, section 202 of the Telecommunications
2 Act of 1996 shall be applied as if such section 629
3 had not been enacted. This paragraph shall be effective
4 as if enacted on the day after the date of enactment
5 of Departments of Commerce, Justice, and
6 State, the Judiciary, and Related Agencies Appropriations
7 Act, 2004.

8 (2) Subsections (a) and (b) of section 202 of
9 the Telecommunications Act of 1996 (Public Law
10 104-104; 110 Stat. 110) are repealed

11 (3) Section 202(c)(1) of such Act is amended—

12 (A) by striking “its regulations” and all
13 that follows through “by eliminating” and inserting
14 “its regulations (47 C.F.R. 73.3555) by
15 eliminating”;

16 (B) by striking “; and” at the end of sub-
17 paragraph (A) and inserting a period; and

18 (C) by striking subparagraph (B).

19 **SEC. 5. INVALIDATION OF MEDIA OWNERSHIP DEREGULATION.**
20 **TION.**

21 (a) **DEFINITION.**—For purposes of this section, the
22 term “media ownership proceeding” means the Federal
23 Communications Commission proceeding on broadcast
24 media ownership rules (MB Docket No. 02-277, MM

1 Docket No. 01-235, MM Docket No. 01-317, and MM
2 Docket No. 00-244).

3 (b) NEW RULES INVALIDATED.—Except as provided
4 in subsection (d), the final rules adopted by the Federal
5 Communications Commission pursuant to its media own-
6 ership proceeding, and announced by the Commission on
7 June 2, 2003, shall be invalid and without legal effect.

8 (c) REINSTATEMENT OF PREVIOUS RULES.—Except
9 as provided in subsection (d), any rule of the Federal
10 Communications Commission that was in effect on June
11 1, 2003, and that was amended, repealed, or otherwise
12 modified by the Commission pursuant to the media owner-
13 ship proceeding is hereby reinstated as it was in effect on
14 June 1, 2003. Any such rule shall be applied and enforced
15 both prospectively after the date of enactment of this Act
16 and retroactively to June 2, 2003, as if the media owner-
17 ship proceeding had not occurred.

18 (d) EXCEPTION.—This section shall not apply to the
19 limitations required by section 340 of the Communications
20 Act of 1934, as added by section 4 of this Act.

21 (e) USE OF BIENNIAL REVIEW PROHIBITED.—The
22 Federal Communications Commission shall not apply sec-
23 tion 202(h) of the Telecommunications Act of 1996 or sec-
24 tion 11(b) of the Communications Act of 1934 (47 U.S.C.

1 161(b)) to any review of broadcast media ownership rules
2 after the date of enactment of this Act.

3 **SEC. 6. REVIEW PROCESS FOR MEDIA OWNERSHIP.**

4 (a) **THREE-YEAR REVIEW PROCESS.**—The Commis-
5 sion shall, once each 3 years beginning in 2006, conduct
6 a review of—

7 (1) how the Commission's regulations con-
8 cerning media ownership promote and protect local-
9 ism, competition, diversity of voices in the media, di-
10 versity in broadcast ownership, children's program-
11 ming, small and local broadcasters, technological ad-
12 vancement; and

13 (2) what regulations should be strengthened,
14 added, eliminated, or altered, consistent with the
15 priorities described in paragraph (1).

16 (b) **REPORT TO CONGRESS.**—The Commission shall,
17 promptly after the conclusion of each review under sub-
18 section (a), submit a report thereon to Congress.

19 (c) **PUBLICATION OF FINAL RULES PRIOR TO COM-**
20 **MENT; HEARINGS.**—Before issuing any final rule con-
21 cerning limitations on media ownership, the Commission
22 shall—

23 (1) publish such rule in the Federal Register;

24 (2) conduct not less than 5 public hearings in
25 various regions of the country to afford the public

1 a reasonable opportunity to comment on such rule;
2 and

3 (3) widely advertise the time and place of such
4 hearings in advance.

5 **SEC. 7. PUBLIC INTEREST REPORTS.**

6 Section 309(k) of the Communications Act of 1934
7 (47 U.S.C. 309(k)) is amended by adding at the end the
8 following new paragraph:

9 “(5) PUBLIC INTEREST SERVICE REPORTS RE-
10 QUIRED.—

11 “(A) REPORT AND HEARINGS.—For the
12 purposes of enabling the Commission to render
13 the determinations required by paragraph
14 (1)(A), each broadcast licensee shall—

15 “(i) at least once every 2 years, sub-
16 mit to the Commission and publish, or oth-
17 erwise make broadly available to the public
18 at no cost, a report on how the broadcast
19 station is meeting the requirement to serve
20 the public interest in accordance with sub-
21 paragraph (B); and

22 “(ii) conduct public hearings in ac-
23 cordance with subparagraph (C).

1 “(B) REPORT CONTENTS.— The informa-
2 tion in the report required by subparagraph
3 (A)(i) shall include—

4 “(i) the broadcaster’s attempts to as-
5 certain and satisfy local community needs;

6 “(ii) the broadcaster’s use of public
7 service announcements;

8 “(iii) the level and variety of the
9 broadcaster’s children’s programming and
10 the extent of the broadcaster’s restraint
11 from improper commercial advertising dur-
12 ing children’s programming; and

13 “(iv) the level and variety of the
14 broadcaster’s nonentertainment program-
15 ming, particularly public affairs program-
16 ming;

17 “(v) the broadcaster’s proposals for
18 future programming; and

19 “(vi) the broadcaster’s coverage of
20 issues important to its local communities,
21 and how that coverage reflects the diverse
22 interests and viewpoints of that local com-
23 munity.

24 “(C) PUBLIC INTEREST HEARINGS.—Each
25 broadcast licensee shall hold at least two public

1 hearings each year in its community of license
2 during the term of each license to ascertain the
3 needs and interests of the communities they are
4 licensed to serve. One hearing shall take place
5 two months prior to the date of application for
6 license issuance or renewal. The licensee shall,
7 on a timely basis, place transcripts of these
8 hearings in the station's public file, make such
9 transcripts available via the Internet or other
10 electronic means, and submit such transcripts
11 to the Commission as a part any license re-
12 newal application. All interested parties shall be
13 afforded the opportunity to participate in such
14 hearings.”.

15 **SEC. 8. PREVENTION OF PROGRAMMING VERTICAL INTE-**
16 **GRATION.**

17 Part I of title III of the Communications Act of 1934
18 is amended by inserting after section 340 (as added by
19 section 3) the following new section:

20 **“SEC. 341. PREVENTION OF PROGRAMMING VERTICAL IN-**
21 **TEGRATION.**

22 “(a) **LIMITATIONS ON VERTICAL INTEGRATION IN**
23 **THE ACQUISITION OF PROGRAMMING.**—The Commission
24 shall, in accordance with subsection (b), prescribe rules
25 to prevent the persons controlling the distribution of video

1 programming over network distribution systems from ac-
2 quiring unreasonable proportions of such programming
3 from subsidiaries or affiliates contrary to the public inter-
4 est in the goals of diversity and competition in the media
5 marketplace.

6 “(b) MINIMUM STANDARDS.—The rules required by
7 subsection (a) shall, at a minimum—

8 “(1) for any of the four largest national tele-
9 vision networks, prohibit such network from distrib-
10 uting network produced programming over such net-
11 work in an amount that exceeds, for any month,
12 more than 60 percent of their primetime program-
13 ming;

14 “(2) for any other national television network,
15 other than a network described in paragraph (3),
16 prohibit such network from distributing network
17 produced programming over such network in an
18 amount that exceeds, for any month, more than 70
19 percent of their primetime programming;

20 “(3) for a national television network that has
21 been in operation for less than 3 years, prohibit such
22 network from distributing network produced pro-
23 gramming over such network in an amount that ex-
24 ceeds, for any month, more than 90 percent of their
25 primetime programming;

1 “(4) for a cable network that is owned or con-
2 trolled by a large cable operator or by a national tel-
3 evision network, prohibit such network from distrib-
4 uting network produced programming over such net-
5 works in an amount that exceeds, for any month,
6 more than 65 percent of their primetime program-
7 ming; and

8 “(5) for any other cable networks, prohibit such
9 network from distributing network produced pro-
10 gramming over such network in an amount that ex-
11 ceeds, for any month, more than 75 percent of their
12 primetime programming.

13 “(c) DEFINITIONS.—As used in this section:

14 “(1) NETWORK PRODUCED PROGRAMMING.—
15 The term ‘network produced programming’ means
16 programming that is owned or produced by an entity
17 controlled by or affiliated with the same entity own-
18 ing or controlling the network, or one over which the
19 network has sole or joint creative control, acts as the
20 distributor, or has a financial interest, but does not
21 include programming that is owned or produced, or
22 under the sole creative control, by an affiliated tele-
23 vision broadcast station that is not owned or con-
24 trolled by such network.



RECORDS CERTIFICATION



I, the undersigned, an employee of the State of Alaska, do hereby certify that the microfilm images on this microform are accurate reproductions of the original records of the State of Alaska as accumulated during the regular course of business, and that it is the established policy and practice of this State to microfilm its records and to dispose of the original documents after microfilm reproductions have been made.

Stan Hubbard

Signature of Camera Operator

6-4-2009

Date

SB

84

ALASKA STATE SENATE

SENATOR DONALD C. OLSON

ALASKA STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182



(907)465-3707
FAX (907) 465-4821

SPONSOR STATEMENT

CSSB 84 (L&C)

"Testing and Packaging of Cigarettes"

SB 84 mandates that only self-extinguishing cigarettes can be sold in Alaska, and establishes the testing and certification requirements to assure that only self-extinguishing cigarettes are sold in Alaska. Although no cigarette could ever be called safe, so called self-extinguishing or "fire safe" cigarettes are reduced ignition propensity cigarettes. These are cigarettes that are designed to be less likely than a conventional cigarette to ignite soft furnishings such as a couch or mattress. The bill also provides for the marking of cigarette packaging in an approved and easily identifiable manner to indicate they are fire safe.

Cigarettes are the leading cause of home fire fatalities in Alaska and the United States. The most common material first ignited in home fires are mattresses and bedding, upholstered furniture, and floor coverings. A typical scenario for fires is when a lit cigarette is forgotten or dropped by a smoker. The cigarette fire can smolder for hours before it flares up into a full blaze.

One fourth of victims of smoking-material fire fatalities are *not* the smoker whose cigarette started the fire; over one third of these are children. The risk of dying in a residential structure fire caused by smoking rises with age: 38 percent of fatal smoking-material-fire victims are age 65 or older.

The most common technology used by cigarette manufacturers for reduced cigarette ignition propensity (RCIP) is to make the paper thicker in places to slow down a burning cigarette. If such a cigarette is left unattended, when the burn reaches one of the thicker places, or "speed bumps", the burning will self-extinguish. Self-extinguishing cigarettes meet established fire safety performance standards.

Legislation similar to SB 84 has been enacted in New York, Massachusetts, Vermont, New Hampshire, California, and Illinois. A fire safe cigarette mandate has also been approved for all of Canada. This legislation is supported by the Alaska Fire Chiefs Association, the Alaska Firefighters Association, and Department of Public Safety, Division of Fire Prevention.

SB 84 will save lives, as well as reduce injuries and damage to property in Alaska. I urge you to give favorable consideration to this bill.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSSB84(L&C)-DOR-TAX-3-19-07

Bill Version: SB 84
 () Publish Date: 3/19/2007

Revision Date/Time (Note if correction): _____ Dept. Affected: Revenue 04
 Title Testing & Packaging of Cigarettes RDU Taxation and Treasury
 Component Taxation and Treasury
 Sponsor Senator Olson
 Requester Senate Judiciary Component No. 2476

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services	31.4	31.4	31.4	31.4	31.4	31.4
Travel						
Contractual	2.2	4.4	4.4	4.4	4.4	4.4
Supplies						
Equipment	8.0					
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	41.6	35.8	35.8	35.8	35.8	35.8

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

CHANGE IN REVENUES ()	0.0	0.0	0.0	0.0	0.0	0.0
-------------------------------	------------	------------	------------	------------	------------	------------

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts	41.6	35.8	35.8	35.8	35.8	35.8
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	41.6	35.8	35.8	35.8	35.8	35.8

Estimate of any current year (FY2007) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time	1					
Part-time		1	1	1	1	1
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill will give the Department of Revenue authority to seize and destroy cigarettes sold in the state that do not meet new fire safety requirements. It would also require the Department of Revenue to develop and maintain a directory of cigarettes that meet fire safe standards and educate cigarette distributors and retailers about the new law.

Prepared by: Johanna Bales Phone (907) 269-6628
 Division: Tax Date/Time 3/19/2007 1:15 p.m.
 Approved by: Jerry Burnett Date 3/19/2007
 Agency: Dept. of Revenue

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

BILL NO. SB 84

ANALYSIS CONTINUATION

Program Summary: Currently, DOR maintains a directory of cigarettes approved for sale in the state. Cigarettes on this directory are compliant with the nationwide tobacco Master Settlement Agreement (MSA) and escrow statutes under AS 45.53. As such, it is legal to sell these cigarettes in Alaska and place a cigarette tax stamp on the cigarettes as proof that the cigarette tax was paid. Cigarette distributors and retailers rely on this list to ensure that cigarettes they stamp are approved for sale in Alaska. SB 84 would impose another restriction, outside the MSA, on what brands of cigarettes can be legally stamped and sold in Alaska. DOR would be required to maintain a separate directory and conduct an education campaign to ensure that cigarette distributors and retailers are aware that the cigarettes must be on both directories before they can be stamped and sold in the state.

Positions: DOR expects that it will need 1 additional part-time position, a Tax Technician II, to perform the additional functions required by this bill. DOR expects the total cost of this additional position to be \$31,400 each year. In the first year of implementation, DOR expects that a full-time position will be utilized to develop the directory and educate tobacco businesses, but that position will only be needed for the second half of the fiscal year. In FY 2009 and all subsequent years, DOR expects that it will need a part-time position to maintain the directory.

Other Operating Expenditures: (1) Contractual - Contractual costs include leasing office space and providing phone service for 1 additional employee each year. DOR expects the total contractual costs to be \$4,400 each year. (2) Equipment - DOR expects equipment expense of \$8,000 per FTE in the first year for a computer, telephone, cubicle parts, software, and other one-time purchases of office equipment needed to perform the duties of the position.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: CSSB084-DPS-FP-3-19-07
 Bill Version: CSSB 84(L&C)
 () Publish Date: _____

Revision Date/Time (Note if correction): _____ Dept. Affected: Public Safety
 Title "An Act relating to the burning capability of RDU Fire Prevention
cigarettes . . ." Component Fire Prevention Operations
 Sponsor Senator Olson
 Requester Senate Judiciary Committee Component No. 494

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
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 (new fund)	83.3	83.3	83.3	83.3	83.3	83.3

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 (FY2007) cost: 0.0
 Check this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill establishes a new chapter on cigarette fire safety. No cigarette may be sold in Alaska unless it meets specific fire safety standards. The new program will be administered by the State Fire Marshal, and funded by a fee of \$250 for each cigarette submitted for certification. Implementation and enforcement of the chapter is to be paid by the new Fire Prevention and Public Safety Fund funded with appropriations made from the certification fees.

A previous fiscal note based the revenue projection from this bill on the number of cigarette manufacturers and brands taxed by the state on February 26, 2007. However, it has since been determined that each individual style of a particular brand will be certified individually, i.e., light vs. ultra light, 100 vs. regular, etc. The Department of Revenue estimates this definition will result in 800 to

Prepared by: Rusty Balanger, Acting State Fire Marshal Phone 907-269-5905
 Division: Division of Fire Prevention Date/Time 3/19/07 3:27 PM
 Approved by: Walt Monegan, Commissioner Date 3/19/2007
 Agency: Department of Public Safety

FISCAL NOTE

**STATE OF ALASKA
2007 LEGISLATIVE SESSION**

BILL NO. CSSB 84(L&C)

ANALYSIS CONTINUATION

1,000 separate brands requiring certification, for a total estimate of \$250,000 in revenue spread over each 3-year period.

The Division of Fire Prevention does not anticipate additional costs from passage of this bill. The new duties will be handled by existing staff during the normal course of business.

ALASKA STATE SENATE

SENATOR DONALD C. OLSON

ALASKA STATE CAPITOL
ROOM 514
JUNEAU, ALASKA 99801-1182



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SECTIONAL ANALYSIS

CSSB 84 (JUD), "Testing and Packaging of Cigarettes"

Section 1 establishes a new Chapter 74 for cigarette fire safety.

Subsection 18.74.010 prohibits the sale of any cigarette that does not have fire extinguishing characteristics determined by:

- (1) testing to an approved performance standard under 18.74.030 or 040,
- (2) marking and identification under 18.74.130, and
- (3) a certification by the manufacturer to the state fire marshal that each cigarette offered for sale complies with the requirements of this chapter.

Subsection 18.74.030 establishes the test methods based on the National Institute of Standards & Technology (NIST) performance standards by which cigarettes are determined to have acceptable fire extinguishing characteristics. The state fire marshal may select a variation of the standards if he finds that the results better assure the diminished burning capabilities of the cigarettes.

Subsection 18.74.040 allows the state fire marshal to accept alternative test methods and performance standards under certain conditions and findings.

Subsection 18.74.050 requires testing by laboratories that meet the accreditation and other requirements for acceptability in determining quality assurance and repeatability of test results regarding fire extinguishing characteristics.

Subsection 18.74.060 allows testing of cigarettes for other purposes, provided that said testing is consistent with this chapter.

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SENATOR DONALD C. OLSON

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Subsection 18.74.065 allows the state fire marshal to perform testing; and requires the state fire marshal or a contractor of the fire marshal to follow this chapter if they should perform a test to determine a cigarette's compliance with this chapter.

Subsection 18.74.070 requires manufacturers keep all cigarette test results for a period of three years.

Subsection 18.74.080 requires a manufacturer to certify to the state fire marshal that each type of cigarette listed satisfies the performance standards of this chapter. Any subsequent change to the cigarette type that may alter its fire extinguishing performance must be re-tested. There is an annual certification fee of \$250 paid to the fire marshal for each type of cigarette. The fire marshal may adjust this fee.

Subsection 18.74.090 lists the information required in the certification about the nature of the cigarette and its test results.

Subsection 18.74.100 lists the banding requirements for cigarettes that use lowered permeability bands to achieve the performance standards of the chapter.

Subsection 18.74.110 allows the attorney general and the Department of Revenue access to the certification information in order to enforce provisions of the chapter.

Subsection 18.74.120 requires approval of the manufacturer's packaging and marking of fire extinguishing cigarettes by the fire marshal prior to certification, and requires the fire marshal to act within 10 business days. Certain state officials are permitted to inspect the packaging markings of cigarettes being sold by wholesalers, agents, and retailers in the state.

Subsection 18.74.130 specifies the cigarette package marking requirements to indicate compliance with this chapter.

ALASKA STATE SENATE

SENATOR DONALD C. OLSON

ALASKA STATE CAPITOL
ROOM 14
JUNEAU, ALASKA 99801-1182



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Subsection 18.74.150 requires copies of a manufacturer's certification under 18.74.080 to be provided to every wholesaler, agent, and retailer who sells the cigarette.

Subsection 18.74.160 lists civil penalties for sales of cigarettes in the state that are in violation of this chapter by a manufacturer, wholesaler, agent, or retailer.

Subsection 18.74.180 directs that certification fees and civil penalties received shall be deposited in a separate account in the general fund. The legislature may appropriate from this account to the fire prevention and public safety fund established under subsection 18.74.210.

Subsection 18.74.190 requires the fire marshal, the Department of Revenue, or a law enforcement agency to seize cigarettes that are sold or offered for sale that are in violation of this chapter. Conditions for disposal of seized cigarettes are detailed.

Subsection 18.74.200 allows the state fire marshal or the attorney general to seek additional remedies for violations of this chapter through superior court action.

Subsection 18.74.210 establishes a fire prevention and public safety fund for the purpose of paying for the expenses of the state fire marshal in implementing and enforcing this chapter. Money appropriated to the fund may be expended without further appropriation.

Subsection 18.74.220 specifies the requirements for implementation of this chapter.

Subsection 18.74.230 requires the state fire marshal to report to the legislature every three years on the effectiveness of this chapter in reducing cigarette caused fires.

Subsection 18.74.240 is the fire marshal's authority to adopt regulations.

ALASKA STATE SENATE

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Subsection 18.74.250 authorizes inspections by certain state officials of cigarettes being sold and examination of paper, invoices, and records of persons who possess, control, or occupies premises where cigarettes are being sold or stored.

Subsection 18.74.260 exempts cigarettes manufactured in Alaska for sale in another state or another country from the requirements of this chapter as long as reasonable steps are taken to exclude sales in Alaska.

Subsection 18.74.270 prohibits a municipality from enacting or enforcing an ordinance that is in conflict with the purpose and provisions of this chapter.

Subsection 18.74.280 confirms the supremacy of federal law over provisions of this chapter.

Subsection 18.74.290 provides definitions of terms used in this chapter.

Section 2 provides for the transition from currently allow cigarette sales to the mandated sale of fire safe cigarettes only in the 13 month transition period.

Section 3 provides a 13 month delayed effective date.



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Fire leaves 18 homeless

City still considering sprinkler rule for downtown buildings

For years, commercial fisherman Norval Nelson III and friends lived in the eight-unit apartment building at 331 Gastineau Ave.

It was the perfect spot for a bachelor's shack.

"It was a nice comfortable place for watching the boat leave and come back and for watching fireworks," he said. "It was a cool option for someone that wasn't the richest to have a bay view."

It's not any more.

An abandoned cigarette blew out of an ashtray and into a crevice in an outdoor couch Wednesday morning, touching off a fire that gutted the three-story Gastineau Avenue apartment building and left 18 people homeless, Capital City Fire & Rescue investigators said.

Propelled by gusting winds, the fire quickly decimated the wooden building. There was no sprinkler system to stop it.

"Really, the only way to make these old buildings safe is to install a sprinkler system," Fire Chief Eric Mohrmann said. "A system that was properly installed, with two or more heads at the most, would have easily extinguished the fire."

The smoldering cigarette was left in an ashtray outside the first floor 30 minutes before the fire was reported, at 10:23 a.m., Mohrmann said.

By then, the fire was progressing rapidly up the wooden staircase. The first Capital City unit arrived at 10:28, and the first ladder truck pulled up by 10:32.

The fire has been ruled accidental. No charges have been filed, nor are any anticipated, Mohrmann said. Property damage is still unknown, but the 18 residents lost practically everything they had in the building.

"There's definitely a large group of people that were living there that aren't the wealthiest," Nelson said. "They had enough to make ends meet. I doubt

that any of them will recover any personal belongings of that loss. And if they do, it's going to take some time to regain everything.

"It's a shame to live with 10 shirts, and 10 pants and 10 shoes, and get maybe a shirt and a pair of pants and a shoe," he said.

Though belongings were lost, no lives were. One person was treated at Bartlett Regional Hospital for injuries.

As of Thursday afternoon, the Red Cross had doled out \$11,000 in immediate response credit cards to the 11 families, or 18 people, who lived in the building, said Shad Engkilterra, Southeast service center director.

The cards pay for food for each person for a week, clothing, shoes, seasonal garments, an allotment for storage containers, bedding and linens.

The Red Cross expects to give out a total of \$22,000, he said. It also has a rental assistance program that sometimes provides the first month's rent or enough money to cover a deposit.

Six of the families have been housed at the Driftwood Lodge for at least three days. Five other families found alternative options.

In a situation like this, Engkilterra said, the Red Cross is able to pay for up to five days of lodging.

"After that, I have to say, 'No, you have to pay for this on your own,' which is hard," he said. "The housing situation in Juneau being what it is, I've had some people contact us about (housing options), and the best I can do is pass that information on."

As of 3 p.m. Thursday, Juneau residents had donated \$500 to the fire relief effort. Most people had called wondering if they could donate items.

"I've been referring them to St. Vincent or the Salvation Army," Engkilterra said. "We're not equipped to deal with anything other than monetary donations."

The apartment was built in the 1960s. The codes at that time did not mandate sprinkler systems, said Sara Boesser, the city's chief building inspector.

The owner installed a six-inch fire line in 2001 to feed a sprinkler system, but apparently never took the next step.

The city's Public Works Committee is deliberating a retrofit ordinance that would require all buildings in downtown Juneau's "high hazard" core area to install sprinkler systems.

The burned apartment falls within that zone.

The "high hazard" map stretches along Gastineau Avenue to Sixth Street, down Sixth to Main Street, and down Main to the intersection with Egan Drive and Marine Way. It also includes the area by the Mount Roberts Tram and part of Willoughby Avenue.

"The problem we have is a lot of 100-year-old wood-framed construction right next to each other without fire prevention or walls or yards separating them," Mohrmann said. "That can lead to fire jumping from building to building."

At the last Public Works Committee meeting, the staff was directed to develop a financial plan to help subsidize sprinklers, Mohrmann said.

Click here to return to story:

http://www.juneauempire.com/stories/040607/loc_20070406028.shtml



State of Alaska

Department of Public Safety
Division of

Fire Prevention

Sarah Palin, Governor
Walt Monegan, Commissioner

February 21, 2007

The Honorable Donny Olson
State Senate
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Olson:

The Division of Fire Prevention supports SB84 sponsored by you: "An Act relating to the burning capability of cigarettes being sold or offered for sale, or possessed for sale; relating to compliance certifications by tobacco product manufacturers, a directory of tobacco product manufacturers, the affixing of stamps to cigarette packages, and cigarette tax stamps; 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 2005 Alaska lost \$8.0 million in property to fires with cigarettes as an ignition source.

Between 1996 and 2006 cigarette related fires caused 28% (51 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, California, Illinois, New Hampshire and Massachusetts. 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, appearing to read "Steven Belanger".

Steven "Rusty" Belanger
Acting State Fire Marshal

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

EIN #92-0098649

Phone: (907) 488-3400

FAX: (907) 488-6118



Date: February 20, 2007
To: Alaska Legislators
From: Alaska Fire Chiefs Association
Subject: Support SB 84 (Olson) and HB131 (Gatto)

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 support the Burning Capability of Cigarettes (SB 84/HB131) legislation, and encourage your yes vote when this legislation comes before you.

SB 84/HB131 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 1997 to 2006, fires caused by careless smoking resulted in 23% of all fire deaths in Alaska. This type of fire killed 37 people during the past 10 years.

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

On behalf of the 150 members of the Alaska Fire Chiefs Association, we thank you for considering our support of this legislation, and we hope you will vote YES on SB 84/HB 131 – a life saving piece of legislation.

Sincerely,

A handwritten signature in black ink, appearing to read "Warren B. Cummings". The signature is written in a cursive style and is positioned above the printed name.

Warren B. Cummings

President, Alaska Fire Chiefs Association



ALASKA FIRE CHIEF'S ASSOCIATION
and the
ALASKA STATE FIRE FIGHTERS ASSOCIATION



JOINT RESOLUTION NO. 2006-1

A JOINT RESOLUTION TO THE STATE OF ALASKA LEGISLATURE SUPPORTING
PASSAGE OF LEGISLATION TO CREATE A FIRE SAFE CIGARETTE.

WHEREAS: Commercially, mass produced cigarettes have long been the leading cause of fire deaths in the United States and particularly here in Alaska and,

WHEREAS: Decades of research done by the National Institutes of Standards and Technology, private industry and congressional research groups have shown that reduced ignition propensity cigarettes can be manufactured and,

WHEREAS: Legislation has been passed in the state of New York, Vermont, Illinois, New Hampshire and California as well as the nation of Canada requiring cigarettes sold in those jurisdictions to meet the standard in the New York law requiring fire safety performance and,

WHEREAS: Preliminary data from New York state already shows a significant reduction in fire deaths following implementation of the law and,

WHEREAS: The National Fire Protection Association along with other national safety and health related agencies have formed a coalition to propose legislation in the remaining 44 states,

THEREFORE BE IT RESOLVED: That the Alaska Fire Chiefs Association and the Alaska State Fire Fighters Association request the Alaska State Legislature to pass legislation requiring cigarettes sold in Alaska meet the fire safe requirements of the standard written in New York.

Adopted this 29th day of September 2006 by a vote of the joint memberships at their Fall Conference in Fairbanks, Alaska.

Attested by: Warren B. Cummings
Warren B. Cummings, Alaska Fire Chief's Association President

Attested by: Carol Reed
Carol Reed, President Alaska State Fire Fighters Association



National Fire Protection Association

1 Batterymarch Park, Quincy, MA 02169-7471
Phone: 617-770-3000 • Fax: 617-770-0700 • www.nfpa.org

James M. Shannon
President and Chief Executive Officer

February 23, 2007

Senator Donny Olson
State Capitol, Room 514
Juneau, AK 99801-1182

Dear Senator Olson:

I write to thank you for sponsoring SB 84, a bill that would require all cigarettes sold in Alaska to meet a fire safety standard. This important public safety bill will undoubtedly save lives and protect property all across your state.

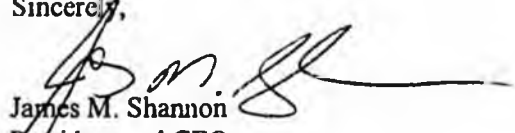
By filing this bill, you are taking a critical step to enhance fire safety by preventing fires caused by cigarettes. If the proposed fire-safe cigarette bill becomes law in Alaska, the state will be in good company. Already, legislative requirements for fire-safe cigarettes have been adopted in New York, Vermont, California, Illinois, New Hampshire and Massachusetts — covering over 25 percent of the U.S. population. Currently, there are 22 states across the country considering similar legislation.

Cigarettes are the leading cause of residential fire death across the country, killing 700 to 900 Americans each year. Additionally, thousands of victims suffer devastating burn and lung injuries, and property losses total millions of dollars each year. Cigarette fires also create a significant risk for firefighters battling these fires. Cigarette manufacturers can produce cigarettes that are more likely to go out when left unattended, greatly lowering the risk of igniting nearby furniture and bedding.

Fire-safe cigarettes work. Initial research in New York State since the implementation of its statewide mandate shows a dramatic decline in the number of fires and fatalities caused by cigarettes. Research has also shown that these fire-safe cigarettes have not reduced sales or made cigarettes more toxic to smoke. In short, fire-safe cigarettes save lives, and can make a difference in Alaska as well.

I strongly support this bill and your efforts to better protect the citizens of Alaska. Please let me know if I can be of assistance as the bill moves forward.

Sincerely,


James M. Shannon
President and CEO
National Fire Protection Association

Denise Liccioli

From: Sen. Donny Olson
Sent: Tuesday, March 27, 2007 8:09 AM
To: Denise Liccioli
Subject: FW: SB84

Jane Ann Boer
Legislative Assistant
Senator Donald Olson
Capitol Building Rm 514

(907) 465-3707
jane_boer@legis.state.ak.us

-----Original Message-----

From: Jack Smith [mailto:Jack.Smith@north-slope.org]
Sent: Tuesday, March 27, 2007 8:08 AM
To: Sen. Donny Olson
Cc: Edward Itta; George Olemaun; Andy Mack
Subject: SB84

Dear Senator Olson:

Want to again thank you for sponsoring SB 84. Was notified the bill has been read and forwarded to Senate finance. Am hopeful it can be heard and continue to move forward. The fire service strongly supports mandating safe cigarette sales in Alaska, recognizing the potential to save lives and property. Fire Chiefs around the state are in constant mail contact about important bills such as this, ready to offer additional assistance. Please let me know if there is anything we can do to continue to support your efforts.

Again, thank you for recognizing the importance of this issue and your willingness to take up the fight.

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COALITION
for **FIRE-SAFE**
CIGARETTES

The time is now.™

Coalition for Fire-Safe Cigarettes (CFSC)

Mission Statement:

The mission of the Coalition for Fire-Safe Cigarettes is to save lives, prevent injuries and devastation from cigarette-ignited fires by calling on cigarette manufacturers to immediately produce and market only cigarettes that adhere to an established cigarette fire safety performance standard, (based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes); and working to see that these standards for fire-safe cigarettes are required in every state in the country.

Who We Are:

The Coalition for Fire-Safe Cigarettes (CFSC) is a national group of fire service members, consumer and disabled rights advocates, medical and public health practitioners and others, coordinated by the National Fire Protection Association (NFPA), who are committed to saving lives and preventing injuries by reducing the threat of cigarette-ignited fires.

Background:

Cigarettes currently are the leading cause of home fire fatalities in the U.S. killing 700 to 900 people, smokers and non-smokers alike, per year. In addition, thousands of victims suffer burn and lung injuries, and property losses total millions of dollars each year.

Yet, there is a proven, practical, and effective way to eliminate the risk of cigarette-ignited fires. The use of cigarettes that have a reduced propensity to burn when left unattended will help to prevent tens of thousands of cigarette-ignited fires each year. The use of such "fire-safe" cigarettes has already been mandated in New York, California, Vermont, Illinois, New Hampshire, and Massachusetts (covering 25 percent of Americans) and in all of Canada.

Call to Action:

We applaud the successful actions of state legislatures to mandate that cigarettes sold in their states follow established guidelines for reduced ignition propensity, and we encourage all states to do so.

Therefore, we call on cigarette manufacturers to immediately begin producing and marketing only cigarettes that have a reduced propensity to burn when left unattended (*as established through testing to a performance standard based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes*).

COALITION for FIRE-SAFE CIGARETTES

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Cigarette Fire Facts

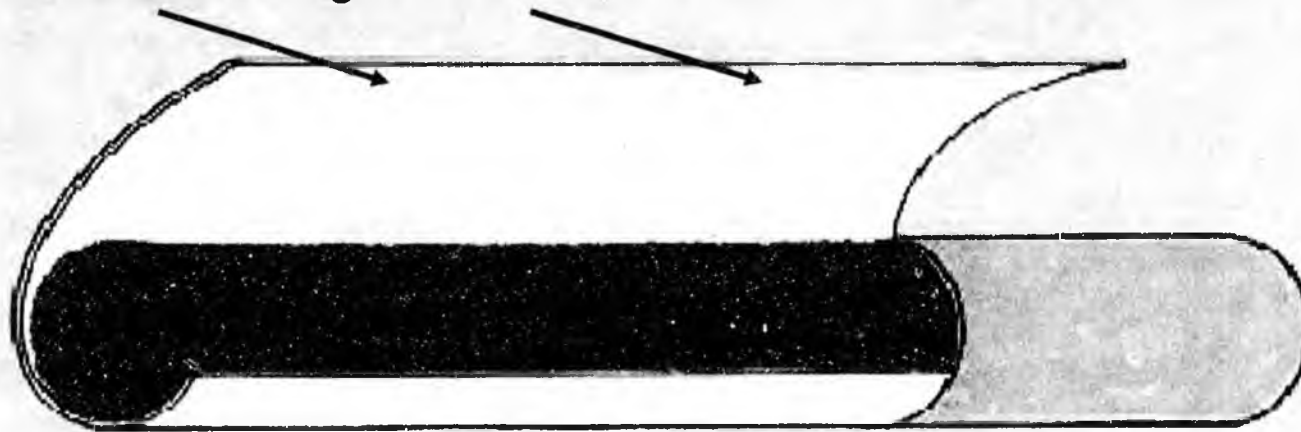
- Cigarettes are the leading cause of home fire fatalities in the United States, killing 700 to 900 people – smokers and non-smokers alike – per year.
- Smoking-material structure fires killed 760 people and injured 1,520 others in 2003.
- Property losses total hundreds of millions of dollars each year.
- There were 25,600 smoking-material structure fires in the United States in 2003.
- Fires caused by smoking materials have declined in recent years, thanks in part to more stringent standards for fire-resistive mattresses and upholstered furniture, public education, and a dramatic decrease in the number of cigarettes consumed per adult in the United States. But cigarettes are still the leading cause of residential fire deaths.
- The risk of dying in a residential structure fire caused by smoking materials rises with age. Two-fifths (38 percent) of fatal smoking-material-fire victims are age 65 or older.
- One-quarter of victims of smoking-material fire fatalities are not the smoker whose cigarette started the fire: 34 percent are children of the smokers; 25 percent are neighbors or friends; 14 percent are spouses or partners; and 13 percent are parents.
- Almost half (43 percent) of fatal home smoking-material fire victims were sleeping when injured; one-third (32 percent) were attempting to escape, to fight the fire, or to rescue others.

Fire-Safe Cigarettes – The Time Is Now!

- One in four Americans is now or soon will be covered by fire-safe cigarette mandates approved in New York, California, Vermont, Illinois, New Hampshire, and Massachusetts. A fire-safe cigarette mandate has also been approved for all of Canada.
- Research in New York State shows no decline in cigarette sales with the introduction of fire-safe cigarettes, but cigarette-fire fatalities were reported to have declined in the state by a third in 2004 when the law was in place for not quite half the year.
- NFPA research in the mid-1980s predicted that fire-safe cigarettes would eliminate three out of four cigarette fire deaths. Had manufacture of fire-safe cigarettes become universal then, approximately 15,000 lives could have been saved by now.

(Source: National Fire Protection Association, 10/06)

If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these banded "speed bumps" and self-extinguish.



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Members as of February 1, 2007

American Association of Retired Persons	Massachusetts Call/Volunteer Firefighters Associations
American Burn Association	Massachusetts Coalition for Fire-Safe Cigarettes
American College of Emergency Physicians	Metropolitan Fire Chiefs
American Fire Sprinkler Association	National Association of Emergency Medical Technicians
American Health Care Association	National Association of Hispanic Firefighters
American Society of Testing and Materials International	National Association of State Fire Marshals
AMERIND Risk Management Corporation	National Center for Assisted Living
Asian American Hotel Owners Association	National Fallen Firefighters Foundation
Automatic Fire Alarm Association, Inc.	National Fire Protection Association
Boston Society of Vulcans	National Fire Sprinkler Association
Business and Institutional Furniture Manufacturer's Association	National Native American Fire Chiefs Association
Center for Campus Fire Safety	National Safety Council
Center for Social Gerontology, Inc.	National Volunteer Fire Council
Firemen's Association of the State of New York	Phoenix Society for Burn Survivors
Florida Association of Fire & Life Safety Educators	Polyurethane Foam Association
Harvard School of Public Health	Property Casualty Insurers Association of America
Home Safety Council	Public Citizen
Illinois Fire Inspectors Association	Safe Kids Worldwide
International Association of Arson Investigators	Trauma Foundation
International Association of Black Professional Fire Fighters	Uniform Fire Code Association
International Association of Fire Chiefs	Washington Fire Chiefs
International Association of Fire Fighters	Western Fire Chiefs Association
International Association of Hispanic Firefighters	
International Code Council	<i>Supporters/State Groups</i>
International Fire Marshals Association	Tobacco Free Kids

www.firesafecigarettes.org

COALITION for FIRE-SAFE CIGARETTES™

The time is now.

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What is a fire-safe cigarette?

A fire-safe cigarette has a reduced propensity to burn when left unattended. The most common fire-safe technology used by cigarette manufacturers is to wrap cigarettes with two or three thin bands of less-porous paper that act as "speed bumps" to slow down a burning cigarette. If a fire-safe cigarette is left unattended, the burning tobacco will reach one of these speed bumps and self-extinguish.

Fire-safe cigarettes meet an established cigarette fire safety performance standard (based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes).

Fire-safe cigarettes save lives

The good news is that improved standards for cigarette-resistant materials in furniture and mattresses, and public education have all helped cut down the number of fires caused by smoking materials and have saved many lives. The bad news is that 700 to 900 people still die each year due to cigarette-ignited fires. And the fact remains: smoking materials are the #1 cause of fire deaths in the United States.

There is no doubt that fire-safe cigarettes will save hundreds of lives each year. Deaths caused by cigarette fires have declined dramatically in New York State in the first few months that fire-safe cigarettes were mandated there in 2004. The use of cigarettes with a proven, reduced propensity to ignite other materials will save lives and offer the best opportunity to achieve the next big leap forward in fire protection

Is it possible for a "fire-safe" cigarette to ignite furniture or bedding?

All cigarettes have the *potential* to ignite fires, but the use of "fire-safe" technology provides a tremendous reduction in those risks. A fire-safe cigarette cuts off the burning time before most cigarettes are able to ignite things like furniture or bedding material.

Isn't the real issue the need to educate people about using cigarettes in a responsible way?

Actually, the real issue is that cigarettes are the leading cause of home fire fatalities every year. Fires started by cigarettes kill smokers and non-smokers alike. Cigarette fires also burn and injure thousands of people, while causing millions of dollars in property losses. But, we have the opportunity to prevent those horrible situations through the use of fire-safe cigarettes.

With any fire problem, you can and should try to change the heat source (the cigarette), the items ignited (for example, mattress, couch), and the behavior that brings them together (that is, the smoker's behavior). And all of these strategies are being actively pursued. The reality is that without changing the cigarettes, there will still be hundreds of needless cigarette-fire deaths every year. That is why fire-safe cigarettes offer the best opportunity to achieve the next big leap forward in fire protection.

Wouldn't it be better if the U.S. had a federal standard with which each state had to comply?

All of us wish the tobacco companies would step up and do the right thing in this situation —

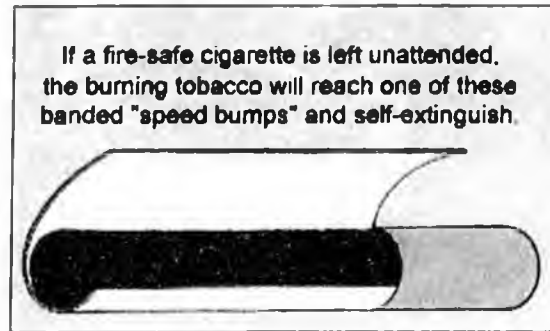
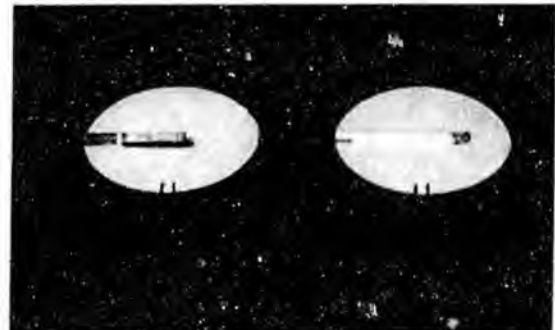


Illustration: John Roman



Cigarette regulations adopted in New York, California, and Vermont require that no more than 25 percent of 40 cigarettes tested burn their full length when placed on 10 layers of standard filter paper. The established cigarette fire safety performance standard is based on ASTM E2187, Standard Test Method for Measuring the Ignition Strength of Cigarettes. Photo: National Institute of Standards and Technology. [See larger image](#)