

ALASKA STATE LEGISLATURE
HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE

April 13, 2017

8:02 a.m.

MEMBERS PRESENT

Representative Zach Fansler, Co-Chair
Representative Justin Parish, Co-Chair
Representative Harriet Drummond
Representative Dean Westlake
Representative George Rauscher
Representative David Talerico

MEMBERS ABSENT

Representative Dan Saddler
Representative DeLena Johnson (Alternate)
Representative Jonathan Kreiss-Tomkins (Alternate)

COMMITTEE CALENDAR

HOUSE BILL NO. 201

"An Act relating to municipal regulation of trapping; and providing for an effective date."

- MOVED CSHB 201(CRA) OUT OF COMMITTEE

SENATE BILL NO. 64

"An Act adopting the Uniform Environmental Covenants Act; relating to environmental real property covenants and notices of activity and use limitation at contaminated sites to ensure the protection of human health, safety, and welfare, and the environment; and providing for an effective date."

- MOVED SB 64 OUT OF COMMITTEE

CS FOR SENATE BILL NO. 63(FIN)

"An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 201

SHORT TITLE: MUNICIPAL REGULATION OF TRAPPING
SPONSOR(s): REPRESENTATIVE(s) JOSEPHSON

03/29/17 (H) READ THE FIRST TIME - REFERRALS
03/29/17 (H) CRA, RES
04/11/17 (H) CRA AT 8:00 AM BARNES 124
04/11/17 (H) Heard & Held
04/11/17 (H) MINUTE(CRA)
04/13/17 (H) CRA AT 8:00 AM BARNES 124

BILL: SB 64

SHORT TITLE: UNIFORM ENVIROMENTAL COVENANTS ACT
SPONSOR(s): SENATOR(s) MICCICHE

02/17/17 (S) READ THE FIRST TIME - REFERRALS
02/17/17 (S) CRA, L&C
02/28/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
02/28/17 (S) Heard & Held
02/28/17 (S) MINUTE(CRA)
03/07/17 (S) CRA AT 3:30 PM BELTZ 105 (TSBldg)
03/07/17 (S) Moved SB 64 Out of Committee
03/07/17 (S) MINUTE(CRA)
03/08/17 (S) CRA RPT 2DP 2NR
03/08/17 (S) DP: BISHOP, HOFFMAN
03/08/17 (S) NR: MACKINNON, STEDMAN
03/14/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/14/17 (S) Heard & Held
03/14/17 (S) MINUTE(L&C)
03/16/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
03/16/17 (S) Moved SB 64 Out of Committee
03/16/17 (S) MINUTE(L&C)
03/20/17 (S) L&C RPT 1DP 3NR
03/20/17 (S) NR: COSTELLO, HUGHES, GARDNER
03/20/17 (S) DP: STEVENS
03/27/17 (S) TRANSMITTED TO (H)
03/27/17 (S) VERSION: SB 64
03/29/17 (H) READ THE FIRST TIME - REFERRALS
03/29/17 (H) CRA, L&C
04/11/17 (H) CRA AT 8:00 AM BARNES 124
04/11/17 (H) Heard & Held
04/11/17 (H) MINUTE(CRA)
04/13/17 (H) CRA AT 8:00 AM BARNES 124

BILL: SB 63

SHORT TITLE: REGULATION OF SMOKING
SPONSOR(s): SENATOR(s) MICCICHE

02/17/17 (S) READ THE FIRST TIME - REFERRALS
 02/17/17 (S) HSS, FIN
 03/01/17 (S) HSS AT 1:30 PM BUTROVICH 205
 03/01/17 (S) Moved SB 63 Out of Committee
 03/01/17 (S) MINUTE(HSS)
 03/03/17 (S) HSS RPT 5DP
 03/03/17 (S) DP: WILSON, BEGICH, VON IMHOF, GIESSEL,
 MICCICHE
 03/13/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/13/17 (S) Heard & Held
 03/13/17 (S) MINUTE(FIN)
 03/20/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
 03/20/17 (S) Moved CSSB 63(FIN) Out of Committee
 03/20/17 (S) MINUTE(FIN)
 03/21/17 (S) FIN RPT CS 6DP 1NR SAME TITLE
 03/21/17 (S) DP: HOFFMAN, MACKINNON, BISHOP, VON
 IMHOF, OLSON, MICCICHE
 03/21/17 (S) NR: DUNLEAVY
 03/27/17 (S) TRANSMITTED TO (H)
 03/27/17 (S) VERSION: CSSB 63(FIN)
 03/29/17 (H) READ THE FIRST TIME - REFERRALS
 03/29/17 (H) CRA, JUD
 04/13/17 (H) CRA AT 8:00 AM BARNES 124

WITNESS REGISTER

REPRESENTATIVE ANDY JOSEPHSON
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: As prime sponsor, answered questions during the hearing on HB 201.

MEGAN ROWE, Staff
 Representative Andy Josephson
 Alaska State Legislature
 Juneau, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 201 on behalf of Representative Josephson, prime sponsor.

CHERYL BROOKING, Assistant Attorney General
 Natural Resources Section
 Civil Division (Anchorage)
 Department of Law (DOL)
 Anchorage, Alaska

POSITION STATEMENT: Answered questions during the hearing on HB 201.

HAZEL NELSON, Director
Division of Subsistence
Alaska Department of Fish & Game (ADF&G)
Anchorage, Alaska

POSITION STATEMENT: Offered feedback during the hearing on HB 201.

SENATOR PETER MICCICHE
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: As prime sponsor, presented SB 63.

RACHEL HANKE
Staff
Senator Peter Micchiche
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided information during the hearing on SB 63, on behalf of Senator Micciche, prime sponsor.

EMILY NENON, Alaska Government Relations Director
American Cancer Society (ACS) Cancer Action Network (CAN)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on SB 63.

BOB URATA, MD
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 63.

JAY BUTLER, MD, Chief Medical Officer/Director
Office of the Commissioner
Department of Health & Social Services (DHSS)
Anchorage, Alaska

POSITION STATEMENT: Testified during the hearing on SB 63.

KRISTIN COX
Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 63.

JOHNA BEECH
Kenai, Alaska

POSITION STATEMENT: Testified in support of SB 63, with inclusion of e-cigs intact.

GAIL SCHIEMANN
Anchorage, Alaska

POSITION STATEMENT: Testified in support of SB 63.

JENNY OLENDORFF

Palmer, Alaska

POSITION STATEMENT: Testified in support of SB 63, including e-cigs.

TERRENCE ROBBINS

Ketchikan, Alaska

POSITION STATEMENT: Testified in support of SB 63.

JODI BLAKELY, Owner

The Mecca

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 63.

MATT SCOTT

Bethel, Alaska

POSITION STATEMENT: Testified in support of SB 63.

CARMEN LUNDE

Kodiak CHARR

POSITION STATEMENT: Testified on behalf of Kodiak CHARR in opposition to SB 63.

ALYSSA KEILL

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 63.

STEPHEN WARREN

Sitka, Alaska

POSITION STATEMENT: Testified in support of SB 63.

RILEY NEFF WARNER

Juneau, Alaska

POSITION STATEMENT: Testified in support of SB 63.

CHRYSTAL SCHOENROCK, Owner

Forelands Bar

Nikiski, Alaska

POSITION STATEMENT: Testified in opposition to SB 63.

DALE FOX, President/CEO

Alaska CHARR

Anchorage, Alaska

POSITION STATEMENT: Testified in opposition to SB 63.

MARY SEARS

Wasilla, Alaska

POSITION STATEMENT: Testified in support of SB 63.

MARNA SANFORD, Government Relations Coordinator
Tanana Chiefs Conference (TCC)

Fairbanks, Alaska

POSITION STATEMENT: Testified in support of SB 63.

BETTY MACTAVISH

Kodiak, Alaska

POSITION STATEMENT: Testified in support of SB 63.

ACTION NARRATIVE

[8:02:20 AM](#)

CO-CHAIR JUSTIN PARISH called the House Community and Regional Affairs Standing Committee meeting to order at 8:02 a.m. Representatives Talerico, Westlake, Rauscher, Fansler, and Parish were present at the call to order. Representative Drummond arrived as the meeting was in progress.

HB 201-MUNICIPAL REGULATION OF TRAPPING

[8:03:12 AM](#)

CO-CHAIR PARISH announced that the first order of business would be HOUSE BILL NO. 201, "An Act relating to municipal regulation of trapping; and providing for an effective date."

[8:03:40 AM](#)

CO-CHAIR FANSLER moved to adopt Amendment 1 to HB 201, labeled 30-LS0628\A.4, Bullard, 4/12/17, which read as follows:

Page 2, following line 13:

Insert a new subsection to read:

"(d) A municipality may not enact an ordinance under this section that eliminates reasonable opportunities for subsistence trapping of game within its boundaries."

Reletter the following subsection accordingly.

[8:05:06 AM](#)

REPRESENTATIVE TALERICO objected for discussion purposes, then removed his objection.

[8:05:24 AM](#)

CO-CHAIR PARISH announced that there being no further objection, Amendment 1 was adopted.

[8:05:30 AM](#)

REPRESENTATIVE TALERICO offered his understanding that Representative Saddler had requested some amendments but was not present to offer them; therefore, he said he would offer the amendments on Representative Saddler's behalf.

[8:05:47 AM](#)

REPRESENTATIVE TALERICO moved to adopt Amendment 2 to HB 201, labeled 30-LS0628\A.1, Bullard, 4/11/17, which read as follows:

Page 1, line 10, following "protect":
Insert "human"

CO-CHAIR FANSLER objected.

[8:06:10 AM](#)

The committee took a brief at-ease at 8:06 a.m.

[8:06:49 AM](#)

CO-CHAIR PARISH called the meeting back to order to explain the reason for the at-ease and to outline the agenda going forward.

[8:07:30 AM](#)

The committee took an at-ease from 8:08 a.m. to 8:10 a.m.

[8:10:44 AM](#)

REPRESENTATIVE TALERICO pointed out that if Amendment 2 was adopted, then the sentence it amends would read as follows: "A municipality may regulate trapping to protect human life and property within its boundaries and may exempt trappers from municipal regulation for good cause."

[8:11:32 AM](#)

CO-CHAIR FANSLER requested feedback from the bill sponsor as to whether Amendment 2 is necessary.

[8:11:44 AM](#)

REPRESENTATIVE ANDY JOSEPHSON, Alaska State Legislature, as prime sponsor of HB 201, said Amendment 2 is redundant, because "in that sentence, what's described is clearly not to regulate trapping to protect wild animals, because that's not necessarily the purpose of this ordinance at all." He said he is not sure what Amendment 2 would add. Further, he said because there is not a comma following "life", the sentence could be interpreted to mean protection of human life and human property, and since "property" is "sort of a human term," he does not know what other kind of property there is.

[8:12:40 AM](#)

MEGAN ROWE, Staff, Representative Andy Josephson, Alaska State Legislature, on behalf of Representative Josephson, prime sponsor of HB 201, said the term "life" implies human life. She said she thinks the purpose of Amendment 2 is to clarify that "life" means "human life", so a municipality cannot argue it is trying to protect animal life. She suggested "human" could be added in multiple places. For example, adding it preceding "properties" would clarify that the protection is not intended for beaver dams, for example. Nevertheless, she added that she did not think Amendment 2 would have "a huge effect."

[8:13:32 AM](#)

REPRESENTATIVE TALERICO offered his understanding that "the intent of the sponsor [of Amendment 2] ... was to differentiate ... between wild animals and domestic animals." He said domestic animals could be considered the property of someone, whereas wild animals would be considered "community property of all the residents of the state of Alaska."

[8:14:53 AM](#)

REPRESENTATIVE WESTLAKE asked if there is anything wrong with being redundant.

[8:15:21 AM](#)

REPRESENTATIVE JOSEPHSON answered no, but opined that the reading is "sort of clunky and a little awkward." Notwithstanding that, he said he took Representative Westlake's point and is "indifferent about it."

[8:15:41 AM](#)

REPRESENTATIVE DRUMMOND directed attention to the phrase "damage to persons or property" on page 2, line 2, and said she doesn't know why "this needs to be different." She noted that "persons or property" appears in several places on page 2. She said she does not think Amendment 2 is necessary.

REPRESENTATIVE DRUMMOND [moved to adopt] an amendment to Amendment 2, to [delete] "human" from Amendment 2 and change the word "life" to "persons".

[8:16:24 AM](#)

CO-CHAIR FANSLER asked for the sponsor's feedback regarding the proposed amendment to Amendment 2.

[8:16:51 AM](#)

REPRESENTATIVE JOSEPHSON told Representative Drummond that if Mr. Bullard was available to comment, he would like to hear his opinion. He stated, "I think it's a very fine idea."

CO-CHAIR PARISH noted Mr. Bullard was not on line, but listed others who were available for comment, including Cheryl Brooking from the Department of Law. He questioned whether the addition of "human", as proposed under Amendment 2, would make a substantive difference.

[8:17:19 AM](#)

CHERYL BROOKING, Assistant Attorney General, Natural Resources Section, Civil Division (Anchorage), Department of Law (DOL), in response to Co-Chair Parish, said the phrase "in defense of life and property" has been established for quite some time, and she suggested that a representative of the Department of Public Safety could address how that is enforced.

[8:18:31 AM](#)

REPRESENTATIVE DRUMMOND, in response to Co-Chair Parish, said she maintained her motion to adopt the amendment to Amendment 2.

[8:18:37 AM](#)

REPRESENTATIVE TALERICO expressed support for the proposed amendment to Amendment 2.

[8:19:02 AM](#)

REPRESENTATIVE DRUMMOND, in response to Co-Chair Parish, offered that the amendment to Amendment 2 would delete "life" and insert "persons", on page 1, line 10.

[8:19:22 AM](#)

REPRESENTATIVE RAUSCHER objected to the amendment to Amendment 2 for discussion purposes. He asked for confirmation regarding what the amendment proposed by Representative Drummond would amend.

CO-CHAIR PARISH clarified that the discussion pertained to the amendment to Amendment 2.

[8:19:46 AM](#)

MS. ROWE offered her understanding that [Representative Drummond] had offered an amendment to HB 201 and not to Amendment 2.

CO-CHAIR PARISH indicated that is a fair assessment.

[8:20:06 AM](#)

REPRESENTATIVE RAUSCHER stated, "Then I remove my objection."

CO-CHAIR PARISH offered his understanding that the amendment offered by Representative Drummond would replace [Amendment 2].

REPRESENTATIVE TALERICO requested the committee take an at-ease.

[8:20:27 AM](#)

The committee took an at-ease from 8:20 a.m. to 8:22 a.m. [Although the recording clock was not stopped during this time, the audio was turned off for the duration of the at-ease.]

[8:22:39 AM](#)

CO-CHAIR PARISH explained that under the amendment to Amendment 2, on page 1, line 10, [the word "human" proposed under Amendment 2 would be deleted, and the word "life" would be replaced by the word "persons".] As such, he clarified that the resulting language would read:

A municipality may regulate trapping to protect persons and property within its boundaries

[The amendment to Amendment 2 was treated as adopted.]

[8:23:49 AM](#)

CO-CHAIR PARISH asked Representative Rauscher if he maintained his "objection to the amendment as amended."

REPRESENTATIVE RAUSCHER, after receiving further clarification about the intent of the amendment to Amendment 2, said, "All right, I remove my objection."

[8:24:37 AM](#)

CO-CHAIR FANSLER maintained his objected to Amendment 2, [as amended], to hear from the bill sponsor.

[8:24:53 AM](#)

REPRESENTATIVE JOSEPHSON said he does not know "whether we now lose a line of cases in statutes that use the term 'life and property'," but he said people are familiar with the term "defense of life and property". He indicated that the change will read more consistently on both pages of the bill. He said he thinks the change is probably okay, but suggested hearing again from Ms. Brooking may be helpful.

[8:25:38 AM](#)

CO-CHAIR PARISH asked if legal standing would be lost as a result of Amendment 2, as amended.

MS. BROOKING answered that she thinks the language is similar and "the record you are developing would help certainly in determining the intent of what this statute would ultimately mean"; however, she does not know if the change would have a significant impact on how the law is interpreted.

[8:26:56 AM](#)

CO-CHAIR FANSLER withdrew his objection to Amendment 2, as amended. There being no further objection, it was so ordered.

[8:27:11 AM](#)

REPRESENTATIVE TALERICO moved to adopt Amendment 3 to HB 201, labeled 30-LS0628\A.2, Bullard, 4/11/17, which read as follows:

Page 1, line 11:
Delete "regulation"
Insert "trapping ordinances"

CO-CHAIR PARISH objected for discussion purposes.

CO-CHAIR FANSLER objected.

REPRESENTATIVE TALERICO said since [HB 201] pertains specifically to the regulation of trapping, he thinks exempting trappers from municipal regulation, rather than just the trapping ordinances that are adopted by local municipalities, seems broad. He stated his assumption that "we wouldn't have trappers come in and say, 'Well, I'm a trapper and I'd like to be exempted from the borough's property tax' or ... some other stipulation that might be within a municipality."

[8:28:55 AM](#)

CO-CHAIR FANSLER requested feedback from the bill sponsor.

[8:29:07 AM](#)

REPRESENTATIVE JOSEPHSON opined that the language, as is, is stylistically better. He pointed out that the language follows the heading of "**Regulation of trapping**"; therefore, it is clear that the subject is trapping. He indicated that he does not have a problem with Amendment 3, but finds it to be "a little bit clunky."

CO-CHAIR FANSLER said he would like to hear from Ms. Brooking.

[8:30:06 AM](#)

MS. BROOKING stated that the change proposed under Amendment 3, from "regulation" to "trapping ordinances", would be more accurate. She explained that when a municipal government adopts

a rule of law, it is an ordinance. The code of municipalities is considered a code of ordinances.

CO-CHAIR FANSLER asked to hear a response from the bill sponsor.

[8:30:35 AM](#)

REPRESENTATIVE JOSEPHSON said, "It's almost like asking which form of poetry is your favorite." He said he respectfully does not really agree with Ms. Brooking. He said local governments will understand the term "to regulate."

[8:31:30 AM](#)

REPRESENTATIVE DRUMMOND said under Amendment 3, the Municipality of Anchorage would have to have a set of trapping ordinances, which she said she does not think it would do. She surmised that the municipality would defer to what the state's trapping regulations already are. She concluded, "What we're talking about here is ... making municipal ordinances that cause the interpretation of state trapping regulations to be applied differently within this municipality. I don't think this amendment is necessary, and I would not support it."

[8:32:41 AM](#)

REPRESENTATIVE RAUSCHER said he appreciates the comments of [Representative Drummond], but he said he thinks "municipal regulation" is a broad term. Further, he said, "I think once this is adopted, the only way a municipality will be able to regulate this is through ordinances that they will have to write." He expressed support for Amendment 3.

[8:34:10 AM](#)

REPRESENTATIVE WESTLAKE said the issue is local control. He said the intent should not be to pass on the cost to boroughs to enforce state regulation. He encouraged writing ordinances at the local level, and he expressed support of [Amendment 3].

[8:35:05 AM](#)

CO-CHAIR FANSLER removed his objection to the motion to adopt Amendment 3.

[8:35:26 AM](#)

REPRESENTATIVE DRUMMOND maintained her objection to Amendment 3.

[8:35:34 AM](#)

A roll call vote was taken. Representatives Westlake, Talerico, Rauscher, and Fansler voted in favor of the motion to adopt Amendment 3. Representatives Drummond and Parish voted against it. Therefore, Amendment 3 was adopted by a vote of 4-2.

[8:36:14 AM](#)

REPRESENTATIVE TALERICO moved to adopt Amendment 4 to HB 201, labeled 30-LS0628\A.3, Bullard, 4/11/17, which read as follows:

Page 2, lines 4 - 5:

Delete "persons, property, or nontargeted species"

Insert "persons or property"

[8:36:29 AM](#)

The committee took an at-ease from 8:36 a.m. to 8:37 a.m.

[8:37:42 AM](#)

CO-CHAIR FANSLER objected to the motion to adopt Amendment 4.

REPRESENTATIVE TALERICO spoke to Amendment 4. He related that someone he knows, who has much experience related to the issue, told him that although there may be a targeted species along a trapline, occasionally there may be another species that is caught in a trap, which Representative Talerico explained is the reason for proposing the removal of the language "nontargeted species".

[8:39:15 AM](#)

REPRESENTATIVE JOSEPHSON stated that he does not oppose Amendment 4.

[8:39:23 AM](#)

REPRESENTATIVE FANSLER removed his objection to the motion to adopt Amendment 4.

REPRESENTATIVE RAUSCHER objected for discussion purposes. He noted that during a prior bill hearing, the committee had heard

that [the inclusion of the language] "nontargeted species" was problematic. He expressed support for Amendment 4.

REPRESENTATIVE RAUSCHER removed his objection to Amendment 4. There being no further objection, Amendment 4 was adopted.

[8:40:35 AM](#)

CO-CHAIR FANSLER moved to report HB 201, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[8:41:00 AM](#)

REPRESENTATIVE TALERICO objected for discussion purposes. He shared that he gets "squishy" whenever the legislature makes changes that affect Title 29, because it involves municipal government, and occasionally the legislature has made what it considers to be insignificant changes within Title 29, but those changes have greatly affected municipalities. He said municipalities have requirements on how they adopt powers and make ordinances, and the changes from the legislature almost come across as unfunded mandates. He said he gets nervous when changes are made to Title 29, without significant input from local governments.

REPRESENTATIVE TALERICO removed his objection.

[8:42:12 AM](#)

CO-CHAIR PARISH, for discussion purposes, objected to the motion to report HB 201, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[8:42:20 AM](#)

REPRESENTATIVE WESTLAKE asked, "Now that we've moved it over to ordinances rather than regulations here, does that free you from that trap of fiscal responsibility?"

[8:42:35 AM](#)

MS. ROWE answered that the terms "regulation" and "ordinance" are interchangeable. Regulation means "general regulation of ... people within the municipality."

REPRESENTATIVE WESTLAKE clarified that he would like to know if the legislature would be passing an unfunded mandate.

MS. ROWE answered no, because the proposed legislation would give discretionary ability to municipalities to regulate.

[8:43:16 AM](#)

CO-CHAIR PARISH noted that there were still experts available to answer questions. In response to Representative Rauscher, he confirmed that public testimony had been taken at the prior hearing of HB 201 and, upon ascertaining that there was no one currently who wished to testify, he announced that public testimony would remain closed.

REPRESENTATIVE RAUSCHER expressed concern regarding the [unintended consequences of making changes to] Title 29.

[8:44:31 AM](#)

REPRESENTATIVE DRUMMOND stated that the House Community and Regional Affairs Standing Committee is charged with making laws that allow municipalities to operate more efficiently and in the best interest of their citizens. She remarked that the Municipality of Anchorage has 41 percent of the state's population in three-tenths of one percent of the state's square miles. She commented on the close quarters in Anchorage and said tempers get frayed. She stated her belief that the Municipality of Anchorage needs the flexibility to make ordinances that protect its citizens. She said [the proposed legislation] would not require any municipality to impact Title 29, and she said she trusts each municipality will go through their public processes with their elected officials. She stated that she does not want to fail to pass this law and then have some child severely injured because of a negligent trapper. She stated, "We are never going to stop people who have no common sense, but we really do need to give our municipalities the tools to put the laws in place that will protect their people and their pets. Those are important things to people." She stated support of HB 201, [as amended].

[8:46:34 AM](#)

CO-CHAIR FANSLER said he would like to hear from Hazel Nelson to find out whether "the subsistence modification that we placed through" allay "some of the fears that she might have presented on Tuesday."

[8:47:05 AM](#)

HAZEL NELSON, Director, Division of Subsistence, Alaska Department of Fish & Game (ADF&G), said she appreciates the additional language that has been inserted. She offered her understanding that "the amendment that was included this morning is intended to reflect current state law that is similar to what's found in [AS] 16.05.258, that reasonable opportunity would mean the same as it does in current statute."

CO-CHAIR FANSLER said it makes him happy to know that Ms. Nelson does not still have cause for concern. He commented on the coexistence of trapping and trail use in rural areas, and he emphasized how important he thinks subsistence is. He said he thinks local communities can make the determinations [about issues that affect them] better than can be made at the state level. He expressed support of HB 201, [as amended].

[8:49:18 AM](#)

REPRESENTATIVE TALERICO expressed concern that under HB 201, as amended, there may be a scenario that as proposals come to ADF&G, the department might say, "That's up to the municipality". He said if the department does that, it would not only remove the science and data of the department, but would also make the municipality responsible for enforcement. He added, "But municipalities can make that decision."

CO-CHAIR PARISH commented that five out of the six members currently present on the House Community and Regional Affairs Standing Committee would be vetting the bill again as members of the House Resources Standing Committee.

[8:50:41 AM](#)

REPRESENTATIVE JOSEPHSON offered his understanding that the Board of Game tries to mirror its proposals with municipal ordinance.

[8:50:57 AM](#)

CO-CHAIR PARISH removed his objection to the motion to report HB 201, as amended, out of committee with individual recommendations and the accompanying fiscal notes. There being no further objection, CSHB 201(CRA) was reported out of the House Community and Regional Affairs Standing Committee.

[8:51:20 AM](#)

The committee took an at-ease from 8:51 a.m. to 8:55 a.m.

SB 64-UNIFORM ENVIROMENTAL COVENANTS ACT

[8:55:00 AM](#)

CO-CHAIR PARISH announced that the next order of business was SENATE BILL NO. 64, "An Act adopting the Uniform Environmental Covenants Act; relating to environmental real property covenants and notices of activity and use limitation at contaminated sites to ensure the protection of human health, safety, and welfare, and the environment; and providing for an effective date."

[8:55:30 AM](#)

REPRESENTATIVE TALERICO thanked Senator Peter Micciche for sponsoring SB 64.

[8:55:59 AM](#)

CO-CHAIR FANSLER echoed the thanks. He said the proposed bill seems a sensible way to achieve true property values, increase public knowledge, reach fair deals, and clean up environmental issues around the state.

[8:56:32 AM](#)

REPRESENTATIVE RAUSCHER expressed appreciation for SB 64. He said although he cannot predict the outcome, a lot of his constituents want legislation like this.

[8:57:10 AM](#)

CO-CHAIR PARISH noted that the bill has a further referral to the House Labor and Commerce Standing Committee.

[8:57:26 AM](#)

CO-CHAIR FANSLER moved to report SB 64 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 64 was reported out of the House Community and Regional Affairs Standing Committee.

[8:57:52 AM](#)

The committee took an at-ease from 8:58 a.m. to 9:00 a.m.

SB 63-REGULATION OF SMOKING

9:00:00 AM

CO-CHAIR PARISH announced that the final order of business would be CS FOR SENATE BILL NO. 63(FIN), "An Act prohibiting smoking in certain places; relating to education on the smoking prohibition; and providing for an effective date."

9:00:24 AM

SENATOR PETER MICCICHE, Alaska State Legislature, as prime sponsor, presented SB 63. He said as a former mayor of five years, he believes in local control; however, he said over half the state does not have local control issues. He reported that there are more people dying annually from the effects of tobacco than from suicide, motor vehicle accidents, homicides, and chronic liver disease combined. He reminded the committee of the connection between chronic liver disease and Alaska's huge problem with alcohol abuse.

SENATOR MICCICHE talked about the balance between people's freedom and liberties and public safety, and he said there is a saying that a person has a right to swing his/her arms at will, until he/she makes contact with his/her neighbor's nose. He said Senator Giessel had spoken in support of SB 63 on the Senate floor and had mentioned "Hamilton's statement," which he summarized as saying that the ultimate property right is "the right of your person."

SENATOR MICCICHE said SB 63 would ask that employees in the work place go outside to smoke; the legislation would not affect smokers at home or smokers in their places of business if they do not have employees. He stated, "Over half the population of the state are currently living under smoke-free laws that are very similar to SB 63; this covers the remainder of the state - most of them not having the ability in our current law to essentially regulate themselves."

9:02:18 AM

SENATOR MICCICHE said [vapor pens] ("vapes") and electronic cigarettes ("e-cigs") are different from tobacco. He indicated that SB 63 would grandfather vape shops and allow new shops in

the future if the shop has a separate air handling system. However, in terms of "vaping" indoors, he said he does not want employees forced to breathe "whatever it is that those using an electronic or vape device are exhaling." He stated, "This is not about the right of the smoker to smoke; it is about the rights of nonsmokers to breathe smoke-free air in the workplace."

SENATOR MICCICHE noted there is a Dittman survey in the committee packet. He said, "The fascinating thing is, even the majority of smokers support this legislation." He recollected that 85 percent of Alaskans who smoke do not smoke in their own homes. He said, "We're just gently asking them to take it outside." He illustrated that the penalties set under SB 63 would be low. He relayed that there were people available for questions.

[9:05:07 AM](#)

RACHEL HANKE, Staff, Senator Peter Micchiche, Alaska State Legislature, in response to a question from Representative Rauscher and on behalf of Senator Micciche, prime sponsor of SB 63, noted that the next committee of referral for SB 63 would be the House Judiciary Standing Committee.

[9:07:01 AM](#)

EMILY NENON, Alaska Government Relations Director, American Cancer Society (ACS) Cancer Action Network (CAN), relayed that in 1998, Bethel was the first community in Alaska to pass a smoke-free law. She echoed the sponsor's comment that currently about half of Alaska has passed similar laws at the local level, including the communities of Bethel, Barrow, Juneau, Anchorage, Dillingham, Unalaska, Nome, and Palmer. Since 1998, she reported things have changed. For example, there is more information now than there was then.

MS. NENON stated that in 2006, the U.S. Surgeon General issued a report on the health effects of secondhand smoke, in which he established that there is no safe level of exposure to secondhand smoke and that ventilation and air cleaning systems do not work to remove carcinogens or ultrafine particles. Since then, she said, the body that sets standards on air ventilation has added e-cigs to that list.

MS. NENON, regarding health, related that passing smoke-free laws has resulted in an approximate 15-20 percent drop in

admissions to hospitals for heart attacks, acute myocardial infarction, and pregnancy complications. She said once e-cigs came on the market in about 2006, the laws since then mention them. She said, "We know that nonusers can be exposed to ... the same potentially harmful chemicals as users. We don't know what's in every single one, but they have been found to contain nicotine, tobacco-specific nitrosamines, which are the carcinogens that are specific to tobacco, and, particularly concerning, those ultrafine particles that can go deeper in to the lungs."

MS. NENON continued as follows:

I want to just mention, for the purposes of this bill here, we're not having a conversation about the safety of e-cigarettes versus ... the traditional combusted cigarette; we're just talking about taking it outside and protecting nonusers.

So, today, with about half the state covered and not all local communities having the power to do this at the local level, we are here before you. We do have strong support, as Senator Micciche mentioned, in our instant polling, but we also have gathered over a thousand resolutions of support from all corners of the state over the last few years.

... To sum up: We're just asking folks to take it outside, because everyone has the right to breathe smoke-free air.

[9:11:03 AM](#)

REPRESENTATIVE RAUSCHER asked Ms. Nenon to confirm that she had said some municipalities are not currently able to "make this law right now."

MS. NENON responded yes.

REPRESENTATIVE RAUSCHER asked for a reason behind this inability.

MS. NENON offered her understanding as follows:

It has to do with the powers that have been adopted in corporation, particularly for ... the unorganized borough - places that you don't have a local

government - and then also for some of the second-class boroughs.

[9:11:53 AM](#)

CO-CHAIR PARISH announced his intent to open public testimony on Tuesday, [April 18, 2017].

[9:12:23 AM](#)

REPRESENTATIVE WESTLAKE asked what the barrier is in allowing each municipality to exercise local control over this issue. He said he is asking from the perspective of the business owner who may want to do what he/she pleases while the state is telling him/her what to do.

MS. NENON responded that ASC CAN thinks everyone should be protected from second-hand smoke, and she said that is her answer to the local control issue, because this is a serious health hazard and standards need to be set statewide. She deferred to municipal attorneys around the state to speak on the specific challenges related to municipal powers.

REPRESENTATIVE WESTLAKE remarked on the choice one has whether to frequent an establishment and the imposition of values on a business that is owned by someone who may feel he/she has the right to smoke in his/her own place of business.

MS. NENON said she understands Representative Westlake's question, because she has had a similar conversation with many Alaskans over the last 15 years. She stated, "This is a health and safety issue; this is ..., we believe, an appropriate place for government intervention, just as government intervenes in the temperature of the dishwasher that's used in the restaurant that's ... washing your dishes or saying that asbestos can't be used in your ... facility."

REPRESENTATIVE WESTLAKE said it is difficult to understand the premise that the rights of a nonsmoker to dictate where people should [not smoke] are "more than anybody else who owns a business."

MS. NENON deferred to others to respond, but remarked that she doubted anyone would be surprised to hear that the ACS wants to "protect everyone from secondhand smoke."

[9:15:17 AM](#)

REPRESENTATIVE RAUSCHER noted that some cigars stores have an area in which customers are allowed to try out product, and he asked how that would work in a municipality that decides to "go smoke-free."

MS. NENON answered that SB 63 has a provision that would address tobacco use in tobacco shops within standalone buildings. She said, "Because we know that ventilation systems don't work, you wouldn't want somebody in a strip mall having smoking right next to another building." She added that there were people prepared to testify regarding their experiences in strip malls.

[9:16:28 AM](#)

BOB URATA, MD, related he is a family physician born and raised in Wrangell, Alaska, a graduate of the first Washington, Alaska, Montana, Idaho Medical Education Program (WAMI) [with the edition of Wyoming in 1996, now called WWAMI], and a 16-year American Heart Association (AHA) volunteer. He stated support for SB 63 and the inclusion of e-cigs. He said he is also here to represent his past and future patients, including his children and grandchildren.

DR. URATA continued as follows:

Cigarette smoking continues to be the leading cause of preventable death in America and in Alaska. In Alaska, cancer, heart disease, and stroke are the number one and two causes of death. Smoking not only claims the lives [of those] who smoke or use tobacco, but also those who are exposed to secondhand smoke. In fact, just 30 minutes of exposure to secondhand smoke rapidly impairs the vascular function, and long-term exposure to secondhand smoke is associated with 25-30 percent increased risk for coronary artery disease or heart attacks in adult non-smokers.

DR. URATA said, "It is expensive." He related that the [Center for Disease Control] (CDC) reports that secondhand smoke exposure costs the United States \$6.6 billion a year in lost productivity. He surmised that Alaska would probably save millions in Medicaid if SB 63 becomes law. He noted that studies conducted in at least 10 communities or more have been published in peer review journals and show that the implementation of smoke-free laws decreases the occurrence of heart attacks. He reported that in Pueblo, Colorado, three

years after implementation of smoke-free laws, the city saw a 41 percent decline of heart attack hospitalization. He noted that Helena, Montana, had also reported a 40 percent decrease; however, he said that study "had some weaknesses in it."

DR. URATA relayed that the University of Alaska Anchorage's Institute of Social and Economic Research (ISER) showed "a positive business experience." Other studies have shown the same, he indicated. He explained that when businesses are smoke-free, more people tend to frequent them.

9:19:05 AM

DR. URATA stated that e-cigs should be included because of serious questions about their safety. He said the Federal Drug Administration (FDA) has found known toxins and nicotine in many of the [e-cig] products. Small particles, 1,000 nanometers in size, penetrate deep into the lungs and include carcinogens such as benzene, acetaldehyde, formaldehyde, isoprene, lead, nickel, nicotine, and nitrosamines. He said the base of the liquid has propylene glycol, which in children is known to cause asthma; therefore, children exposed to e-cigs in restaurants can be at risk. He advised that when propylene glycol is burned, a propylene oxide is produced, which is a known carcinogen.

DR. URATA said e-cigs are touted as being a tool to help people quit smoking, but in his own practice, he has not witnessed that result. He said he has seen a couple patients use e-cigs and combustion cigarettes at the same time, depending on their location. He said there has been a great increase of e-cig use by children of middle school and high school age, which he said is concerning. He offered his understanding that according to the CDC, 16 percent of high schoolers in the U.S. are using e-cigs, and this will lead to their continued use of tobacco products in the future. On the subject of e-cigs, Dr. Urata urged that because "we don't know everything," it is important to consider: "first do no harm." He said as a physician, whatever he chooses to do for a patient, he must first do no harm, and he asked that that be done for the citizens of Alaska. He indicated that until more is known about e-cigs, their use should not be allowed indoors "where it's all captured."

DR. URATA concluded as follows:

The positive impacts will benefit many in the short and long term. This will benefit your family, your friends, your neighbors, but most importantly, your

grandchildren. They need clean air. They don't need asthma; they don't need cancer; they don't need heart attacks; they don't need strokes. On behalf of the American Heart Association and many Alaskans, I urge you to support this bill.

[9:22:08 AM](#)

CO-CHAIR PARISH asked what the diffusion looks like for e-cigs compared with regular cigarettes.

DR. URATA indicated that he does not have that information.

[9:22:58 AM](#)

JAY BUTLER, MD, Chief Medical Officer/Director, Office of the Commissioner, Department of Health & Social Services (DHSS), said he was testifying as a physician and former tobacco user. He underscored Dr. Urata's statement about the short-term benefits of limiting exposure to secondhand smoke. He said there are three concurrent lines of evidence to that effect. One line of evidence is derived from epidemiological studies, which have linked smoke exposure to heart attack risk. Dr. Butler indicated that from a biological perspective, it is known that smoke exposure alters platelet function and the lining of the blood vessels of the heart, increasing the type of blockage that causes heart attacks.

DR. BUTLER echoed the remark of other speakers that making people who smoke do so outdoors has been shown to decrease hospitalization rates for heart attack within months of such a requirement being implemented. He indicated that if Alaska [adopted a statewide requirement that people must not smoke inside public facilities], then the healthcare system could revert an estimated \$3.7 million in costs from treating heart attack and stroke, including over half a million for the Alaska Medicaid program.

DR. BUTLER said exposure to secondhand smoke has led to the following problems for children: lung cancer, an increased risk of sudden infant death syndrome, respiratory infection, middle ear infections, and asthma attacks. He said, "Avoiding secondhand smoke not only protects the health and productivity of Alaskans, but also helps avoid the costs of illness associated with secondhand smoke that employers, the government, and all of us who chip in to the health insurance system bear."

[9:25:37 AM](#)

MR. BUTLER said it is certainly rational to think that e-cigs could play a role in smoking cessation, particularly for those who have failed other methods of nicotine replacement in attempts to quit smoking. He echoed Dr. Urata's remark that sometimes people use both combustible cigarettes and e-cigs; they may be smoking fewer combustible cigarettes, but they are not quitting completely. He said the largest trial, which was conducted in New Zealand, found that six-month quit rates for those using nicotine containing e-cigs was approximately 7 percent, compared to 6 percent for those receiving nicotine patches and 4 percent for those receiving e-cigs containing no nicotine. He said it makes sense that an e-cig may be safer than a combustible cigarette.

DR. BUTLER said another device is 95 percent vapor. He said it is important to consider: "Where does that number come from?" He indicated that information published in the European Addiction Research Journal, by Professor David Nutt, states that the number was from an expert panel that gave ratings on seven criteria for risks to users, and to others, of a number of tobacco products relative to cigarettes. He emphasized that there is no "hard, scientific data that generated this number," rather knowledgeable and intelligent people ranked the safety of "these other products" on a scale of 1-10. He said the same group determined that "smoking a pipe is 78 percent safer, smoking cigars is 85 percent safer." He said he thinks it raises important questions about "using this number to generate policy" and where the line should be drawn in terms of what is safer. He explained, "If we draw it at 75 percent, you have to question ... why are we also not allowing more public use of pipes and cigars."

DR. BUTLER noted that at the end of the aforementioned publication is "a rather unusual editor's note" pointing out "the financial interest some of the contributors had to the e-cigarette industry." He noted that the publication does not specify what 95 percent safer means. He said it is known that a lifetime combustible cigarette smoker has an approximate 50 percent chance of dying of a tobacco related illness. He asked, "Does 95 percent mean a lifetime e-cigarette user has only a 1 in 20 or 5 percent risk of dying of a tobacco-related disease?" He said that is unknown and although the odds may be better, "they're not great."

[9:29:20 AM](#)

DR. BUTLER said there are few advertisements ("ads") that purport e-cigs as smoking cessation devices, and the reason is that the FDA has not approved them for that purpose. He related that the usual focus of e-cig ads is on a smoker's ability to use the devices in places where smoking is prohibited. Dr. Butler offered an example of one such ad. He said there has been talk about the role of e-cigs in "renormalization of smoking." He said there are epidemiological studies that suggest teenagers who use e-cigs are more likely to go on to use combustible cigarettes than those who do not use e-cigs. About one-quarter of teens who use e-cigs report activities such as "dripping," which involves dripping the liquids directly on the heated atomizers. He said this is like another teen habit with e-cigs, which is "amping" or "souping up your tank device" to "get a better throat hit." He said there are instructional videos on YouTube.

DR. BUTLER said there are also concerns with substances other than nicotine. He said a few years ago there had been problems in Anchorage related to "spice" products, which are synthetic cannabinoids. He said some of the people that were hospitalized were using "tank type" e-cigs and vaping the same chemicals that were in the spice cigarette and were being sold on the street in containers marked "car air freshener." Dr. Butler talked about the flavors used in conjunction with e-cigs. He said those flavors are labeled by the FDA as being generally recognized as safe; however, that criterion is based on eating the flavors, not vaporizing and inhaling them.

[9:34:10 AM](#)

KRISTIN COX testified in support of SB 63. She opined that it is time to have smoke-free workplaces in Alaska to protect workers from the effects of secondhand smoke. She stated that that should include e-cigs. She related an experience when she was eating at a local restaurant and a diner at the next table began smoking an e-cig. Another time, at a social event, a person next to her engulfed her head in an e-cig "vaping cloud." Ms. Cox questioned whether e-cigs are safer. She suggested, "Maybe, but most smokers die of heart disease from inhaling particulate matter." She continued: "So, are e-cigarettes less carcinogenic? Maybe they are."

MS. COX said e-cig aerosol is made up of "oily clouds of heated propylene glycol and ... nanoparticles." She indicated that she had been advised by representatives of the Environmental

Protection Agency (EPA) that those nanoparticles are potentially more harmful because they linger in the air, are inhaled more deeply in the lungs, and dissipate further to land on surfaces. She said, "You get thirdhand exposure from touching surfaces where those oily clouds have descended" Ms. Cox said lungs are essential to life and nothing is safer than breathing clean air. She said people who believe e-cigs are safer should use them outside where secondhand aerosol is less likely to affect others. She stated that it is not up to legislators to determine whether e-cigs are safer, and exempting e-cigs from SB 63 would "do just that." She urged the committee to pass SB 63, "as is" - including e-cigs.

[9:36:28 AM](#)

JOHNA BEECH stated that as someone who lives in a borough without health privileges, she is asking the committee to support SB 63, with the inclusion of e-cigs. She stated that it is time to protect all Alaska employees by asking smokers, including e-cig users and "vapers" to "simply take it outside." She said, "It's not about the smoker - it's about the smoke; it's not about the vaper - it's about the 'vape'." She added, "It's just about time."

[9:37:36 AM](#)

GAIL SCHIEMANN testified in support of SB 63. She said she worked in the hospitality industry for over 20 years, before there were any protections in place, and she now has chronic obstructive pulmonary disease (COPD). She said she must use an inhaler and medications every day. She emphasized that COPD is a chronic lung disease from which she will never get better. Ms. Schiemann said she has never smoked. She opined, "Alaska's workforce deserves better now." She asked the committee to protect that workforce by passing SB 63. She concluded, "Business owners do not have the right to expose their staff to toxic environments."

[9:38:39 AM](#)

JENNY OLENDORFF testified in support of SB 63. She said for years she had worked in an office in a strip mall in Soldotna, Alaska, where "cigarette smoke from the business next door seeped in through the walls, the vents, and even the outlets." She said her place of business beseeched the business next door to have its employees smoke outside, away from the air intake and doorways, but they refused. After seven years, her place of

business gave up trying to effect change and moved to a smoke-free office place elsewhere in town. She said, "Ironically, the mall owner called me, just two weeks ago, desperately asking why a statewide law had not yet been passed. And then he enthusiastically signed a resolution of support for a workplace law." Ms. Olendorff asked the committee to pass SB 63, with the inclusion of e-cigs, "in the name of public health." She said it is unfair to ask non-users to inhale secondhand combustible cigarette smoke and secondhand e-cig aerosol.

9:39:59 AM

TERRENCE ROBBINS testified in support of SB 63. He said the damaging effects of smoking kill many Alaskans each year; several of his family members are among those who have died. He listed the following cancer related deaths in his family: a grandfather; both maternal grandparents; an aunt, who worked for the State of Alaska for 30 years; another aunt; an uncle; and Mr. Robbins' father, who retired after 30 years working for the State of Alaska. Mr. Robbins said he became addicted to flavored chewing tobacco, while playing senior league baseball at the age of 13. He quit using tobacco after 27 years. He stated his belief that flavored e-cigs are the new way to get children addicted to tobacco. He stated, "According to the CDC, smoke-free laws are associated with increased tobacco use cessation, decrease[d] ... tobacco use prevalence, ... [reduction] of cigarette consumption among continuing smokers, and ... [reduction] of tobacco use among youth." He concluded his testimony as follows:

I support SB 63, because I have witnessed the last ragged breath that my grandfather took, and my mother spent two "retirement" years desperately trying to comfort and care for her little sisters, as they wasted away and eventually succumbed to their cancer. Smoking is so addictive and so deadly that in my opinion, this simple act - protecting our friends, our family, and our neighbors from secondhand smoke - will surely prevent illness; it will save lives; it will help tobacco users quit smoking; and, by changing community norms regarding smoking, it will reduce youth smoking rates.

9:42:40 AM

JODI BLAKELY, Owner, The Mecca, said she, along with her employees and customers, made the decision to go smoke-free in

2016, and she receives gratitude from people daily based on that decision. She said she first allowed e-cigs in the bar, but found they are offensive to her employees and customers, because they smell, so e-cig users must go outside, as well. She emphasized that her business was not adversely affected by the decision to go smoke-free, and she urged the committee to support SB 63.

[9:44:06 AM](#)

MATT SCOTT testified that he is a registered nurse in Bethel, Alaska, but is testifying on behalf of himself. He said he enjoys Bethel's ordinance that created a smoke-free workplace for employees, and he has never heard a business owner complain about "the effects of having this ordinance." He said, "This is a health issue." He opined that the ability to walk into any local business without suffering unplanned health risks is a basic human right. He said, "We wouldn't allow gas station owners to spray gasoline on people; it is absolutely ridiculous to think that we could allow business owners to allow microparticles as fine as that are found in e-cigarettes to be in the air when people could be in those business places and work places." He stated support of SB 63.

[9:45:21 AM](#)

CARMEN LUNDE testified on behalf of Kodiak CHARR in opposition to [SB] 63. She explained that Kodiak CHARR believes strongly that business owners have the right to make their own choices without federal, state, or local government mandates that force them to go against their wishes. She said allowing government to take freedom of choice away is a slippery slope. Ms. Lunde continued as follows:

Smoking bans violate private property rights. The air in a bar belongs neither to smokers nor nonsmokers, and it is the bar owner who should decide the smoking policy on his or her own premises as, of course, they are the only ones who know what is best for their business and how to work out their own compromises and solutions.

MS. LUNDE related that Kodiak "uses a commonsense approach that works." She reported that three-quarters of the bars in Kodiak are smoke-free, while about 25 percent allow smoking, which she said gives every adult the opportunity to frequent a bar of his/her choice. She stated that people should not be forced to

stand outside at any time to smoke a cigarette. She remarked upon the extreme and cold weather. She stated, "I personally would not have the nerve to ask a veteran who fought for our freedoms to go stand in a snowstorm or even the rain to smoke his or her cigarette." She continued:

Smoking prohibition and the campaign for behavior modifications are a front to hide the self-satisfaction of those who feel entitled to endorse their views on choice, health, behaviors, and social values. Health campaigns cover the reasons of those who want to impose their ways with laws, programming the lives of individuals, disregarding the values that many people hold precious, one of which is freedom of choice.

MS. LUNDE quoted Abraham Lincoln, as follows:

Prohibition goes beyond the bounds of reason in that it attempts to control a man's appetite by legislation and makes a crime out of things that are not crimes. A prohibition law strikes a blow at the very principles upon which our government was founded.

[9:47:44 AM](#)

ALYSSA KEILL testified in support of SB 63. She said she thinks providing a smoke-free environment for employees is important, because a person being exposed to smoke during an entire shift can be more harmful than smoking one cigarette, and she said she does not think that is fair to an employee whether or not he/she is a smoker. Ms. Keill opined that it is important to include e-cigs in SB 63. Further, she noted that the City of Fairbanks had written a letter of support for SB 63, and she said she would appreciate the committee's support of the proposed legislation.

[9:48:36 AM](#)

STEPHEN WARREN expressed appreciation to the committee for working on SB 63, which he said would protect all Alaskans from "the proven dangers of secondhand smoke and nicotine vapor in the workplaces." He opined that "big tobacco" has a problem in that its products kill its customers; therefore, it must continue to recruit new, young smokers and "normalize public use." He continued:

And what better way to do this than start 'em out on candy-flavored, supposedly safer but still addictive, products? They know they'll crave a better, stronger fix soon enough and Marlboros will be waiting to satisfy the hunger that e-cigarettes ignited. E-cigarettes are simply training wheels for addiction. I doubt you would allow dealers to sell oxycodone gummy bears to kids. Why allow Big Tobacco to commit an equally despicable act to support their deadly business model?

[9:50:02 AM](#)

REPRESENTATIVE WESTLAKE expressed appreciation for Mr. Warren's testimony.

[9:50:14 AM](#)

RILEY NEFF WARNER acknowledged that the issue involves local and business rights and said he sympathizes, considering the size of Alaska; however, he stressed that it is important for the legislature to protect those without voice or the ability to protect themselves. For example, he said there may be single, working parents who are in situations where they work in an environment with secondhand smoke because they do not have other options for employment. Eventually, they succumb to negative health affects related to that exposure to secondhand smoke and vapors. He said the result will be more cost to the state and an impact on the families. He concluded, "These are unintended consequences that don't have to do, necessarily, with what the intention is of a smoker, but they're very real and they impact Alaskans, who currently don't have a voice or the protections that they need from the state."

[9:51:44 AM](#)

CHRYSTAL SCHOENROCK, Owner, Forelands Bar, relayed that she is also secretary of the Kenai Peninsula CHARR and a member of Alaska CHARR. She said she cannot understand why "you people don't get it" that there are smoking bars and smoke-free bars - both - and that system has worked, because people who don't smoke can choose to go to the smoke-free bar, as can the people who want to work in a smoke-free environment. She emphasized that everybody should have a choice. Ms. Schoenrock said she has veterans frequent her bar, some of whom are 70-80 years of age, while others are young veterans having already served up to three tours in the military, and they do not want to go outside

in the cold to smoke. She said those veterans have fought for the freedoms [of Americans], and [forcing them to smoke outside] would be taking their freedom away. She said that is not fair to them and she opined that the decision to make an establishment a smoking or smoke-free one should be up to the owners and patrons. She said if her patrons wished for a smoke-free bar, then she would accommodate them; however, they do not feel that way.

MS. SCHOENROCK reiterated that the status quo is working out fine; however, she said that concept "falls on deaf ears." She recalled testimony in the past where people had related the effect of going smoke-free on their bars, and she reiterated that that past testimony fell on deaf ears. She said she cannot understand why. She said not all legislators are "like that," but she urged the committee to "think about this and think about the people who fought for your rights and your freedoms also."

[9:54:35 AM](#)

DALE FOX, President/CEO, Alaska CHARR, testified that SB 63 targets bars. He explained that the rest of the locations listed under SB 63 have been smoke-free for years, including airplanes and public buildings. He reminded the committee that in terms of stated concerns for children: "children are not in bars." Regarding the idea that [a smoke-free environment] is good for business, Mr. Fox said while that may be true for some, others have experienced a 30 percent loss in business. He indicated that this issue is an economic one.

MR. FOX stated that most businesses, following their own self-interest, are becoming smoke-free. He echoed a previous testifier that in Kodiak, where there is no law against smoking, three-quarters of the establishments that sell alcohol are smoke-free. He said this gives people a choice. Mr. Fox said he is a nonsmoker and easily finds an establishment that is smoke-free. He said this bill targets bars. He stated that in several communities where there have been public votes, a number of people have voted no against the ban. In other communities, he noted, the local governing body has made the decision to make the ban. He said the legislature is being asked "to overrule those closest to the people and/or the people themselves."

MR. FOX continued as follows:

Some people may be tempted to vote in favor of this just to move it along and make it go away. But don't

think for a moment that it's going to go away. Because the smoking ban proponents will be back next year with new smoking ban proposals. Right now they're saying, "Take it outside." It wasn't within a week of the smoking ban in Anchorage where people were walking down the sidewalk where people were kicked out of the bars onto the sidewalk to smoke, and people were going, "Oh, my God, I have to walk through this cloud of smoke on the sidewalk!" Expect a sidewalk ban in the future. All you have to do is look to California and what they're doing - these guys will be right behind that.

MR. FOX said Alaska CHARR is asking that legislators vote no on SB 63.

[9:58:13 AM](#)

MARY SEARS related that she is a Tier I, retired correctional officer, who was hired when she was a single mother of six children. She said she is not a smoker, but she was working in an environment where staff and inmates smoked. She developed bronchitis, followed by asthma and pneumonia. She said her health care provider urged her to quit her job, but she was making the equivalent of male counterparts, as well as receiving good benefits, so she chose not to quit. She said that after retirement and having cancer, she found out that both her lungs are scarred. She explained that she is testifying in favor of SB 63 to support all the nonsmokers working in smoking environments. She urged the committee to pass SB 63.

[9:59:39 AM](#)

MARNA SANFORD, Government Relations Coordinator, Tanana Chiefs Conference (TCC), testified in support of SB 63. She said one of TCC's focal points is "healthy, strong, unified people." As an organization, TCC decided to be smoke-free several years ago to provide its employees a healthful place to work where they would not be adversely affected by tobacco smoke. She acknowledged that Alaskans like to march to their "own step," but she opined that as only one of ten states that has not enacted a smoke-free workplace law, "this is not the time to be individualistic." She said the state is in "the bad minority" currently and needs to be protecting its people.

MS. SANFORD, regarding a previously made point that everyone has the choice not to go into an establishment where there is

smoking, said other previous testimony has shown that the employees in those establishments "had to live through that and now are suffering the consequences."

MS. SANFORD said she does not believe that SB 63 is targeting bars. She said there are numerous businesses where the smoke-free workplace would [be a] benefit, including hotels, industrial businesses, automotive businesses, and construction businesses. She said she is blessed to be able to come to work in a smoke-free environment, but so many others do not have that option, because perhaps their particular skills put them in a position where the only place they are able to work is one where there is smoking.

MS. SANFORD said the federal government puts workplace laws in place for the safety of employees, which is why the Occupational Safety and Health Administration (OSHA) exists. She opined that it is crazy to protect employees from slips and falls but not from "the leading cause of death in Alaska." She urged the committee to support SB 63.

[10:02:55 AM](#)

BETTY MACTAVISH testified in support of SB 63. She said she lives in Kodiak, Alaska, where workers are not protected from secondhand smoke in the workplace. She said she has been diagnosed with smoker's lung and has black spots on her lungs as a result of exposure to secondhand smoke in the workplace. She said her health has been compromised, even though she has never smoked a day in her life. Ms. MacTavish said only now is information being discovered about the health effects of e-cigs; therefore, she requested the committee proactively keep e-cigs in SB 63. She urged the committee to pass SB 63 out of committee quickly, because "rural Alaskans are waiting for protection."

[SB 63 was held over.]

[10:04:14 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:04 a.m.