

**ALASKA STATE LEGISLATURE
HOUSE RULES STANDING COMMITTEE**

April 10, 2018

5:15 p.m.

MEMBERS PRESENT

Representative Gabrielle LeDoux, Chair
Representative Matt Claman, Vice Chair
Representative Sam Kito
Representative Louise Stutes
Representative Mike Chenault
Representative David Eastman
Representative Lora Reinbold
Representative Charisse Millett (alternate)

MEMBERS ABSENT

Representative Chris Tuck (alternate)

OTHER LEGISLATORS PRESENT

Representative Justin Parish
Representative Jonathan Kreiss-Tomkins
Representative Scott Kawasaki
Representative Gary Knopp
Representative George Rauscher

COMMITTEE CALENDAR

CS FOR SENATE BILL NO. 14 (FIN) AM

"An Act relating to transportation network companies and transportation network company drivers; and providing for an effective date."

- MOVED HCS CSSB 14 (RLS) 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."

- MOVED HCS CSSB 63 (RLS) OUT OF COMMITTEE

PREVIOUS COMMITTEE ACTION

BILL: SB 14

SHORT TITLE: TRANSPORTATION NETWORK COMPANIES

SPONSOR(s): SENATOR(s) COSTELLO

01/18/17 (S) PREFILE RELEASED 1/9/17
01/18/17 (S) READ THE FIRST TIME - REFERRALS
01/18/17 (S) L&C, FIN
02/02/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/02/17 (S) Heard & Held
02/02/17 (S) MINUTE(L&C)
02/09/17 (S) L&C AT 1:30 PM BELTZ 105 (TSBldg)
02/09/17 (S) Moved CSSB 14(L&C) Out of Committee
02/09/17 (S) MINUTE(L&C)
02/10/17 (S) L&C RPT CS 2DP 3NR SAME TITLE
02/10/17 (S) DP: COSTELLO, HUGHES
02/10/17 (S) NR: MEYER, STEVENS, GARDNER
02/13/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/13/17 (S) Heard & Held
02/13/17 (S) MINUTE(FIN)
02/15/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
02/15/17 (S) Heard & Held
02/15/17 (S) MINUTE(FIN)
03/02/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/02/17 (S) <Above Item Removed from Agenda>
03/02/17 (S) MINUTE(FIN)
03/06/17 (H) L&C AT 3:15 PM BARNES 124
03/06/17 (H) <Bill Hearing Canceled>
03/07/17 (S) FIN AT 9:00 AM SENATE FINANCE 532
03/07/17 (S) Moved CSSB 14(FIN) Out of Committee
03/07/17 (S) MINUTE(FIN)
03/08/17 (S) FIN RPT CS 1DP 6NR NEW TITLE
03/08/17 (S) DP: MACKINNON
03/08/17 (S) NR: HOFFMAN, BISHOP, VON IMHOF,
DUNLEAVY, OLSON, MICCICHE
03/10/17 (H) L&C AT 3:15 PM BARNES 124
03/10/17 (H) <Bill Hearing Canceled>
03/23/17 (S) TRANSMITTED TO (H)
03/23/17 (S) VERSION: CSSB 14(FIN) AM
03/24/17 (H) READ THE FIRST TIME - REFERRALS
03/24/17 (H) L&C
03/31/17 (H) L&C AT 3:15 PM BARNES 124
03/31/17 (H) Moved HCS CSSB 14(L&C) Out of Committee
03/31/17 (H) MINUTE(L&C)
04/03/17 (H) L&C RPT HCS(L&C) 4DP 2AM
04/03/17 (H) DP: SULLIVAN-LEONARD, WOOL, BIRCH, KITO
04/03/17 (H) AM: JOSEPHSON, KNOPP
04/03/17 (H) L&C AT 3:15 PM BARNES 124
04/03/17 (H) <Bill Hearing Canceled>

04/09/18 (H) RLS WAIVED PUBLIC HEARING NOTICE, RULE
23(A) UC
04/10/18 (H) RLS AT 5:00 PM BUTROVICH 205

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
04/13/17 (H) Heard & Held
04/13/17 (H) MINUTE(CRA)
04/18/17 (H) CRA AT 8:00 AM BARNES 124
04/18/17 (H) Heard & Held
04/18/17 (H) MINUTE(CRA)
04/25/17 (H) CRA AT 8:00 AM BARNES 124
04/25/17 (H) Heard & Held
04/25/17 (H) MINUTE(CRA)
04/27/17 (H) CRA AT 8:00 AM BARNES 124
04/27/17 (H) Moved HCS CSSB 63(CRA) Out of Committee
04/27/17 (H) MINUTE(CRA)
04/28/17 (H) CRA RPT HCS(CRA) 3DP 3NR 1AM
04/28/17 (H) DP: TALERICO, DRUMMOND, PARISH
04/28/17 (H) NR: WESTLAKE, SADDLER, RAUSCHER
04/28/17 (H) AM: FANSLER
01/22/18 (H) JUD AT 1:00 PM GRUENBERG 120

01/22/18 (H) Heard & Held
01/22/18 (H) MINUTE (JUD)
01/24/18 (H) JUD AT 1:00 PM GRUENBERG 120
01/24/18 (H) Moved HCS CSSB 63 (JUD) Out of Committee
01/24/18 (H) MINUTE (JUD)
01/26/18 (H) JUD RPT HCS (JUD) 4DP 1NR 2AM
01/26/18 (H) DP: KOPP, KREISS-TOMKINS, FANSLER,
CLAMAN
01/26/18 (H) NR: REINBOLD
01/26/18 (H) AM: EASTMAN, LEDOUX
01/29/18 (H) RLS AT 6:15 PM CAPITOL 106
01/30/18 (H) RLS AT 0:00 AM CAPITOL 106
01/30/18 (H) -- Rescheduled to 02/01/18 --
02/01/18 (H) RLS AT 0:00 AM CAPITOL 106
02/01/18 (H) -- Rescheduled to 02/5/18 --
02/05/18 (H) RLS AT 0:00 AM CAPITOL 106
02/05/18 (H) -- MEETING CANCELED --
04/09/18 (H) RLS WAIVED PUBLIC HEARING NOTICE, RULE
23 (A)
04/10/18 (H) RLS AT 5:00 PM BUTROVICH 205

WITNESS REGISTER

COURTNEY ENRIGHT, Staff
Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the change proposed under the proposed House committee substitute (HCS) for CSSB 14, Version 30-LS0250\P, Wallace, 4/4/18.

COURTNEY ENRIGHT, Staff
Representative Gabrielle LeDoux
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Explained the changes proposed under the proposed House committee substitute (HCS) for CSSB 63, Version 30-LS0024\L, Martin, 4/9/18.

ACTION NARRATIVE

[5:15:08 PM](#)

CHAIR GABRIELLE LEDOUX called the House Rules Standing Committee meeting to order at 5:15 p.m. Representatives Eastman, Reinbold, Stutes, Claman, Kito, Chenault, and LeDoux were present at the call to order. Representative Millett

(alternate) was present in the room. Also present were Representatives Parish, Kreiss-Tomkins, Kawasaki, Knopp, and Rauscher.

SB 14-TRANSPORTATION NETWORK COMPANIES

[5:16:12 PM](#)

CHAIR LEDOUX announced that the first order of business would be CS FOR SENATE BILL NO. 14(FIN) am, "An Act relating to transportation network companies and transportation network company drivers; and providing for an effective date." [Before the committee was HCS CSSB 14(L&C).]

[5:16:20 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed House committee substitute (HCS) for CSSB 14, Version 30-LS0250\P, Wallace, 4/4/18, as a working document.

REPRESENTATIVE EASTMAN objected.

REPRESENTATIVE KITO objected.

[5:16:38 PM](#)

REPRESENTATIVE EASTMAN spoke to his objection. He said he thought "the bill accomplished what I wanted it to last year when we passed it" and he does not want to change it.

[5:16:49 PM](#)

REPRESENTATIVE KITO spoke to his objection. He said he had not heard about the proposed change until yesterday and had not seen Version P until today. He echoed Representative Eastman's appreciation of the work that had been done on the bill last year [in the House Labor and Commerce Standing Committee] when the issue of sales tax applicability had been vetted. He indicated that the issue is whether or not the legislature may need to provide more provisions for municipalities to be able to implement or collect sales tax through transportation network companies (TNCs). He expressed concern that this topic is being brought up in the last week of legislative session when the issue could have been discussed over the last three months. He further expressed concern that there would be little public involvement regarding the change proposed [under Version P], and

he opined this change should go through the full legislative process.

[5:18:06 PM](#)

A roll call vote was taken. Representatives Claman, Stutes, Chenault, Reinbold, and LeDoux voted in favor of the motion to adopt the proposed HCS for CSSB 14, Version 30-LS0250\P, Wallace, 4/4/18, as a working document. Representatives Kito and Eastman voted against it. Therefore, by a vote of 5-2, Version P was before the committee as a working document.

[5:18:50 PM](#)

COURTNEY ENRIGHT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, explained the change proposed under Version P is a technical one that would allow [municipalities to require] TNCs to collect [and pay] a municipal sales tax on behalf of their drivers.

[5:19:12 PM](#)

REPRESENTATIVE KITO requested the committee hear testimony from representatives of TNCs.

CHAIR LEDOUX informed Representative Kito that the committee would not be hearing invited testimony.

[5:19:29 PM](#)

REPRESENTATIVE CHENAULT asked if municipalities in Juneau or other places in the state collect sales tax on cab fares.

[5:19:56 PM](#)

MS. ENRIGHT offered her understanding that is correct.

[5:20:14 PM](#)

REPRESENTATIVE KITO expressed concern about making the proposed change without hearing from people on the record saying that "this is something that they really want."

CHAIR LEDOUX indicated there are two letters in the committee packet - one from the City & Borough of Juneau (CBJ) and one from the Alaska Municipal League - "supporting this bill in its current form."

REPRESENTATIVE KITO noted that as chair of the House Labor and Commerce Standing Committee, he provides the opportunity for invited testimony, and he requested the opportunity be provided by the House Rules Standing Committee.

CHAIR LEDOUX reiterated there would be no invited testimony on SB 14.

REPRESENTATIVE KITO asked for public testimony to be offered.

CHAIR LEDOUX responded there would be no public testimony today.

REPRESENTATIVE KITO posited therefore that there was not adequate feedback to support [Version P].

[5:21:32 PM](#)

REPRESENTATIVE EASTMAN asked if Version P would affect the types of taxes that could be collected. He offered his understanding that currently the only type of situation that would create a tax is when a fare originates within a municipality. He asked if that would remain the same under Version P.

MS. ENRIGHT answered that she does not know what is allowed currently in terms of generating taxes; however, she said she does know that "nothing in this bill changes the existing requirements."

REPRESENTATIVE KITO acknowledged that Juneau is one of the communities he represents, and he said he had not seen the aforementioned letter from CBJ until receiving the committee packet. He stated for the record that CBJ did not contact him prior to the meeting to discuss the issue with him.

[5:23:01 PM](#)

REPRESENTATIVE EASTMAN expressed that his district had significant transportation issues and was hopeful that passage of the proposed legislation would "permit people to travel in ways that they otherwise wouldn't be able to." He said he would be opposing [Version P] because it would only serve to decrease transportation opportunities for his constituents.

[5:23:40 PM](#)

REPRESENTATIVE CLAMAN moved to report HCS CSSB 14, Version 30-LS0250\P, Wallace, 4/4/18, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE KITO objected.

[5:23:57 PM](#)

A roll call vote was taken. Representatives Reinbold, Claman, Stutes, Chenault, and LeDoux voted in favor of the motion to report HCS CSSB 14, Version 30-LS0250\P, Wallace, 4/4/18, out of committee with individual recommendations and the accompanying fiscal notes. Representatives Kito and Eastman voted against it. Therefore, HCS CSSB 64(RLS) was reported out of the House Rules Standing Committee by a vote of 5-2.

[5:24:28 PM](#)

The committee took an at-ease from 5:24 p.m. to 5:27 p.m.

SB 63-REGULATION OF SMOKING

[5:27:45 PM](#)

CHAIR LEDOUX 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." [Before the committee was HCS CSSB 63(JUD).]

[5:28:01 PM](#)

REPRESENTATIVE CLAMAN moved to adopt the proposed House committee substitute (HCS) for CSSB 63, Version 30-LS0024\L, Martin, 4/9/18, as a working document.

REPRESENTATIVE KITO objected.

[5:28:16 PM](#)

REPRESENTATIVE KITO stated concern about the "opt out" provision, the removal of vaping and e-cigarettes, and the removal of marijuana regulation. He said these issues were discussed in other committees, agreements were made, and there was enough support for "the bill as it sits on the House floor." He stated he does not appreciate the changes under Version L being proposed at this late date.

[5:29:02 PM](#)

REPRESENTATIVE REINBOLD echoed Representative Kito's comments.

[5:29:24 PM](#)

REPRESENTATIVE CHENAULT spoke about committee process, and he stated that while he may not agree with the proposed version of the bill, there is nothing wrong with the process that was used to create it.

[5:30:08 PM](#)

REPRESENTATIVE EASTMAN said, "I lost count awhile back of how many constituents were asking for some of these exact changes, so, I'm glad that we're discussing them tonight."

[5:30:28 PM](#)

A roll call vote was taken. Representatives Eastman, Claman, Stutes, Chenault, and LeDoux voted in favor of the motion to adopt the proposed HCS for CSSB 63, Version 30-LS0024\L, Martin, 4/9/18, as a working document. Representatives Reinbold and Kito voted against it. Therefore, by a vote of 5-2, Version L was before the committee as a working document.

[5:31:02 PM](#)

COURTNEY ENRIGHT, Staff, Representative Gabrielle LeDoux, Alaska State Legislature, explained Version L offers three substantive changes. It would: allow municipalities to opt out and allow established villages to go through a process to petition for a self-regulation and opt-out provision; remove vaping and e-cigarettes from regulation under SB 63; and remove regulation of marijuana from the purview of the smoke-free workplace bill.

[5:31:50 PM](#)

REPRESENTATIVE CHENAULT observed there was no fiscal note accompanying the proposed legislation.

MS. ENRIGHT responded, "I believe the department is working on an updated fiscal note, perhaps for the Rules' CS, but I don't have any reason to believe that these changes would necessarily add a fiscal cost. I don't know."

REPRESENTATIVE CHENAULT said he had been told that. He noted that someone had written a letter of concern to him. He said [Senator Micciche], prime sponsor, had told him that the state would not have to provide signs. Conversely, he cited language on page 6, line 9, which read as follows:

(c) The department shall furnish signs required under this section to a person who requests them with the intention of displaying them.

REPRESENTATIVE CHENAULT said he does not know what that cost is but had heard it could be as high as \$20,000. He said he would like to know how much the State of Alaska would have to pay.

[5:33:31 PM](#)

CHAIR LEDOUX indicated that she shares Representative Chenault's concerns, which were discussed at length in the House Judiciary Standing Committee. She said the bill sponsor has said the bill has such a light enforcement footprint that it would not cost the state anything. She said she has many concerns regarding the proposed legislation and is extending an olive branch by proposing Version L so that a "reasonable form" of the legislation can make it to the House floor.

[5:34:16 PM](#)

REPRESENTATIVE REINBOLD asked for confirmation that under Version L, vaping and marijuana would be allowed in the workplace and opt-outs would gut the bill.

[5:34:42 PM](#)

MS. ENRIGHT said she would not speak to the third part, because she said that is a policy call for the committee. She continued as follows:

But I will say that this doesn't speak necessarily to every work place; it says that vaping and marijuana usage are not going to be regulated under SB 63, as it is currently. There may be other provisions in other parts of law that can speak to those issues. In fact, I know that there are pieces of legislation before the body that address that, but that is what this bill does: it removes vaping and it removes marijuana from the purview of this legislation.

[5:35:26 PM](#)

REPRESENTATIVE CHENAULT proffered that there are a lot of reasons someone cannot have a tobacco shop next to a mall, for example, if the ventilation system is shared. He posed a scenario where "a marijuana place" and "a tobacco place" are next to each other, and he said, "I don't know what regulations apply to that."

CHAIR LEDOUX responded, "Well, I guess we have a [Department of Environmental Conservation] (DEC) that might come up for some."

[5:36:07 PM](#)

REPRESENTATIVE CLAMAN noted that there had been discussions about an opt-in clause, which would have required anybody who wanted to have a smoke-free workplace to opt in, which would require each municipality to vote to participate. He clarified that the opt-out clause means the provision would be statewide except for those municipalities that vote to opt out. He said he doesn't think it would gut the bill.

[5:37:02 PM](#)

REPRESENTATIVE REINBOLD ask if the opting out would have to be done via election or formal voting process.

REPRESENTATIVE CLAMAN answered yes.

[5:37:45 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 1, labeled 30-LS0024\L.1, Martin, 4/10/18, which read as follows:

Page 4, lines 16 - 21:

Delete all material and insert:

"(g) Notwithstanding (a) and (b) of this section, an individual may smoke at

(1) a private club if the private club

(A) has been in continuous operation at the same location since January 1, 2017;

(B) is not licensed to serve alcoholic beverages; and

(C) is not a place of employment; or

(2) a business or place of employment that is

(A) operated or staffed entirely by volunteers;

(B) a sole proprietorship; or
(C) operated or staffed entirely by the immediate family members of the owner; in this subparagraph, "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, or stepsibling."

Page 12, line 12:

Delete "or works for a business as a volunteer without compensation"

REPRESENTATIVE CLAMAN objected.

REPRESENTATIVE EASTMAN spoke to Amendment 1. He said if Amendment 1 passes, he would gladly [not offer] Amendments 2 and 3. He said some people have accused SB 63 of being a bill to ban smoking outright. He said the primary concern of the bill is to ban smoking in workplaces, because "the relationship between employers and employees is distinct and significant" and if employees must, as a condition of their jobs, endure a smoke-filled workplace, then they are put at a disadvantage. He said Amendment 1 would remove from the bill "those workplaces that aren't workplaces" and have no employees. He recommended those who want to ban smoking outright vote against Amendment 1 while those who want to protect employees vote for it. He indicated some examples of situations in which there are no employees: only volunteers working; a sole proprietorship with no employees; and only family members working together. He said Amendment 1 would protect volunteers, because "the volunteer relationship is ... distinctly different than the employer/employee relationship."

REPRESENTATIVE EASTMAN said there are volunteers who smoke and are willing to "give up their time without any kind of compensation," and without Amendment 1, those volunteers are being told, "If you want to smoke then we don't want your volunteer time; you'll have to go somewhere else." He concluded, "And if you have a situation where volunteers are all choosing to smoke and there's no pressure put on anyone to do so, then I think we should recognize that we do value their time and their opportunity to serve, and this simply clarifies that they can continue to do so under this bill."

CHAIR LEDOUX said she supports Amendment 1, because it clarifies that sole proprietors and volunteers are not covered by the bill. She offered her understanding that SB 63 is not intended

to ban smoking but to make sure that employees have a healthful workplace.

[5:41:35 PM](#)

REPRESENTATIVE CLAMAN opined that Amendment 1 is poor policy and would not provide any protection of employees. He said under Amendment 1, when there is a sole proprietor of a bar, anyone could smoke at the bar.

[5:42:24 PM](#)

REPRESENTATIVE STUTES stated opposition to Amendment 1, because she said she doesn't know how such a provision could even be enforced.

REPRESENTATIVE EASTMAN, in recognition of the comments that had been made, offered a conceptual amendment to Amendment 1, which would - following "a sole proprietorship;" - change "or" to "and". He said with this change "the situation put forward by Representative Claman would, in fact, not be the case" and "the only types of sole proprietorships that we're talking about in the amendment are those that fall under the other categories."

[5:43:47 PM](#)

REPRESENTATIVE CLAMAN objected to Conceptual Amendment 1 to Amendment 1.

REPRESENTATIVE EASTMAN stated, "Since that completely resolves the original concern, I have to conclude ... that the intent is simply to ban smoking outright, and that is not something that I support or that my constituents support, so I will be supporting the amendment."

[5:44:19 PM](#)

REPRESENTATIVE REINBOLD said she does not believe that voting no [on Conceptual Amendment 1 to Amendment 1] means smoking would be banned "in every private place and household and everything."

[5:44:36 PM](#)

A roll call vote was taken. Representatives Chenault, Eastman, and LeDoux voted in favor of the motion to adopt Conceptual Amendment 1 to Amendment 1. Representatives Reinbold, Claman,

and Stutes voted against it. Therefore, Conceptual Amendment 1 to Amendment 1 failed by a vote of 3-3.

[5:45:29 PM](#)

REPRESENTATIVE EASTMAN withdrew his motion to adopt Amendment 1.

[5:45:58 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 2, which read as follows:

Page 4, lines 16 - 21:

Delete all material and insert:

"(g) Notwithstanding (a) and (b) of this section, an individual may smoke at

(1) a private club if the private club

(A) has been in continuous operation at the same location since January 1, 2017;

(B) is not licensed to serve alcoholic beverages; and

(C) is not a place of employment; or

(2) a business or place of employment that is a sole proprietorship and is operated or staffed entirely by the immediate family members of the sole proprietor; in this paragraph, "immediate family member" means a spouse, child, sibling, parent, grandparent, grandchild, stepparent, stepchild, or stepsibling."

[5:46:06 PM](#)

REPRESENTATIVE REINBOLD called a point of order. She said amendments must be timely, germane, and not dilatory, and she opined that both Amendment 2 and Amendment 3 [not yet offered] were dilatory. She asked that Chair LeDoux rule Amendments 1 and 2 out of order.

CHAIR LEDOUX stated that she did not believe they were out of order.

[5:46:28 PM](#)

REPRESENTATIVE EASTMAN spoke to Amendment 2. He said it focuses on family and sole proprietorships - not on volunteers.

[5:46:51 PM](#)

REPRESENTATIVE CLAMAN stated opposition to Amendment 2.

[5:46:58 PM](#)

A roll call vote was taken. Representatives Chenault, Eastman, and LeDoux voted in favor of the motion to adopt Amendment 2. Representatives Reinbold, Claman, and Stutes voted against it. Therefore, Amendment 2 failed by a vote of 3-3.

[5:47:37 PM](#)

REPRESENTATIVE EASTMAN moved to adopt Amendment 3, which read as follows:

Page 4, lines 16 - 21:

Delete all material and insert:

"(g) Notwithstanding (a) and (b) of this section, an individual may smoke at

(1) a private club if the private club

(A) has been in continuous operation at the same location since January 1, 2017;

(B) is not licensed to serve alcoholic beverages; and

(C) is not a place of employment; or

(2) a business or place of employment that is operated or staffed entirely by volunteers."

Page 12, line 12:

Delete "or works for a business as a volunteer without compensation"

REPRESENTATIVE CLAMAN objected.

REPRESENTATIVE REINBOLD objected and called a point of order.

REPRESENTATIVE CLAMAN said, "I'll join Representative Reinbold's point of order."

REPRESENTATIVE REINBOLD stated that it is clear the amendments are almost identical. She added, "I do believe this is dilatory and wasting precious time."

CHAIR LEDOUX responded that the point of order was not accepted.

[5:48:06 PM](#)

REPRESENTATIVE EASTMAN spoke to Amendment 3. He said it would focus on volunteers. He stated that if committee members want to recognize that volunteers are not employees, then he asks them to support Amendment 3 in recognition that "the focus of this bill is - as it ought to be - focusing on workplaces and employees and employers."

[5:48:41 PM](#)

REPRESENTATIVE REINBOLD stated, "There is nothing ... that says you want to ban smoking outright everywhere." She opined, "So, once again, that is an absurd ... interpretation, and that is not how I read this at all."

[5:49:14 PM](#)

A roll call vote was taken. Representatives Chenault, Eastman, and LeDoux voted in favor of the motion to adopt Amendment 3. Representatives Stutes, Reinbold, and Claman voted against it. Therefore, Amendment 3 failed by a vote of 3-3.

[5:49:42 PM](#)

REPRESENTATIVE CLAMAN moved to report HCS CSSB 63, Version 30-LS0024\L, Martin, 4/9/18, out of committee with individual recommendations and the accompanying previous fiscal notes.

REPRESENTATIVE EASTMAN objected.

[5:50:06 PM](#)

A roll call vote was taken. Representatives Claman, Chenault, Reinbold, and LeDoux voted in favor of the motion to report HCS CSSB 63, Version 30-LS0024\L, Martin, 4/9/18, out of committee with individual recommendations and the accompanying previous fiscal notes. Representatives Stutes and Eastman voted against it. Therefore, HCS CSSB 63(RLS) was reported out of the House Rules Standing Committee by a vote of 4-2.

[5:50:50 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 5:51 p.m.