

**International Premium Cigar & Pipe Retailers Association  
Weekly Legislative Report**

**July 23, 2018 – July 30, 2018**

The following legislative activity occurred in the preceding week on key issues impacting our members. Please contact us with any questions or comments you have regarding these activities.

**ALABAMA**

Nothing to report.

**ALASKA**

Nothing to report.

**ARIZONA**

Nothing to report.

**ARKANSAS**

Nothing to report.

**CALIFORNIA**

Nothing to report.

**COLORADO**

Nothing to report.

**CONNECTICUT**

Nothing to report.

**DISTRICT OF COLUMBIA**

Nothing to report.

**DELAWARE**

Nothing to report.

**FEDERAL**

**H.R. 6529 - Flavored Products**

**Sponsor:** Representative Ralph Norman (R)

**Summary:** This measure would prohibit the use of Federal funds by the Department of Health and Human Services to award a grant to study cigar flavors.

Bill text has not yet been made available.

**Status:** Introduced 7/26/2018.

**State Outlook:** The Republican Party controls both the House of Representatives and the Senate, as well as the White House. The legislative session last for two years, beginning January 3 of odd-numbered years. The Legislature meets year-round, though there are many breaks that coincide with holidays. Bills left pending at the end of a session in an odd-numbered year may be carried over to the following session in subsequent even-numbered year. Bills are generally sent to the Library of Congress from the Government Publishing Office a few days after they are introduced on the floor of the House or Senate. Delays can occur when there are a large number of bills to prepare or when a very large bill must be printed.

Upon introduction, a bill is referred to all committees that have jurisdiction over the bill. Committees are not required to hear every bill referred to them, and hearings are not required for a bill to receive further consideration in its respective chamber. If a bill receives a hearing, members of the public may be invited to testify. The bill can be amended during markup sessions, which are open to the public. House rules require amendments and substitutes to be germane, but the Senate applies this restriction only in limited circumstances.

Once the bill passes Committee, it moves to the floor, where procedures vary by measure. Bills in the House are typically considered under suspension of the rules procedure, which limits debate to 40 minutes and does not allow amendments. For bills to be considered under suspension of the rules, two-thirds of members must agree. If the bill is not considered under suspension of rules procedure, the House Rules Committee has the authority to determine limitations on debate and the amendment process. For bills to be considered on the Senate floor, members must agree to a unanimous consent request or pass a motion to proceed. Unlike the House, there are no time limits on debate or amendments. Unanimous consent agreements allow the Senate to limit debate and amendments and are specific to an individual bill. While three-fifths of members can vote to end debate, bills only require a simple majority for final passage.

The Federal budget process occurs on an annual basis and contains policy and appropriations. The federal budget process begins when the President submits a detailed budget request for the coming fiscal year. Following the President's recommendation, Congress holds hearings in the House and Senate budget committees to question agency officials about their requests. The committees then draft their own plan, which is called a "budget resolution." Upon passage from the budget committees, the bills go to their respective chamber, where they are debated and amended by a majority vote. A conference committee resolves any differences before the budget receives final passage. The final budget resolution is a simple document with a set of numbers stating how much Congress is supposed to spend in 19 broad spending categories. Following adoption of the budget resolution, Congress considers the annual appropriations bills that fund discretionary programs or make changes to spending or revenue levels.

## FLORIDA

Nothing to report.

**GEORGIA**

Nothing to report.

**HAWAII**

Nothing to report.

**IDAHO**

Nothing to report.

**ILLINOIS**

Nothing to report.

**INDIANA**

Nothing to report.

**IOWA**

Nothing to report.

**KANSAS**

Nothing to report.

**KENTUCKY**

Nothing to report.

**LOUISIANA**

Nothing to report.

**MAINE**

Nothing to report.

**MARYLAND**

Nothing to report.

**MASSACHUSETTS**

Nothing to report.

**MICHIGAN**

Nothing to report.

## MINNESOTA

Nothing to report.

## MISSISSIPPI

Nothing to report.

## MISSOURI

Nothing to report.

## MONTANA

Nothing to report.

## NEBRASKA

Nothing to report.

## NEVADA

Nothing to report.

## NEW HAMPSHIRE

### **S.B. 2534 - Smoking Bans**

**Sponsor:** Senator Stephen Sweeney (D)

**Summary:** Final version (6/7/2018): This bill would extend the provisions of the “New Jersey Smoke Free Air Act,” P.L.2005, c.383 (C.26:3D-55 et seq.), which generally prohibit smoking in indoor public places and workplaces, to apply to public beaches throughout the State. This measure excludes golf courses from the smoking prohibition. This measure removes the requirement to establish signs at a public beach indicating whether smoking is allowed or prohibited.

This measure provides that a penalty may be imposed and recovered for a violation at a public park or beach and, if so imposed and recovered, require it to be done in accordance with current law, and involving the person having control of a public park or beach, the Department of Health or the local board of health or the board, body, or officers exercising the functions of the local board of health according to law, and the courts, except that any penalty recovered for a violation at a public park or beach that is recovered by and in the name of the Commissioner of Health or by and in the name of the local board of health would be paid 50% to the Treasury of the State and be dedicated to smoking cessation programs administered by the State Department of Health, and 50% would be paid to the treasury of the municipality where the violation occurred.

Defines a “person having control of a public park or beach” as the person having supervisory authority over a public park or beach or that person’s designee, as applicable.

Defines a “public park or beach” as a State park or forest, a county or municipal park, or a State, county, or municipal beach, but not including any parking lot that is adjacent to, but outside of, the public park or beach.

Defines a “state park or forest” as any State owned or leased land, water or facility administered by the Department of Environmental Protection, including, but not limited to, a park, forest, recreational area, marina, historic site, burial site, or natural area, but not including a wildlife management area or reservoir land.

Final version (6/7/2018): [http://www.njleg.state.nj.us/2018/Bills/S3000/2534\\_R1.PDF](http://www.njleg.state.nj.us/2018/Bills/S3000/2534_R1.PDF)

Introduced version: [http://www.njleg.state.nj.us/2018/Bills/S3000/2534\\_I1.PDF](http://www.njleg.state.nj.us/2018/Bills/S3000/2534_I1.PDF)

**Status:** Introduced; referred to Senate Environment and Energy Committee; hearing held; passed committee; referred to Senate Budget and Appropriations Committee 5/10/2018. Hearing held; passed committee 6/4/2018. Passed Senate; Substituted; passed Assembly; Senate concurrence 6/7/2018. Signed by Governor Phil Murphy (D) 7/20/2018.

#### **State Outlook:**

The Democratic Party controls both chambers of the Legislature and the Governor's Office. New Jersey operates on a biennium and the Legislature meets annually. The legislative session lasts all year, with each two-year term beginning on the second Tuesday in even-numbered years. Bills left pending at the end of a session in an even-numbered year may be carried over to the following session in subsequent odd-numbered year. As the Legislature uses a two-year legislative session, measures may remain dormant for extended periods of time.

Upon introduction, a bill is typically referred to a committee. However, the Senate President or Assembly Speaker can send a bill directly to the second reading without committee review to speed up the process. Committees are not required to hear every bill referred to them. While not required for passage, most bills in New Jersey have companions in the opposite chamber with identical text. A bill may be substituted for its companion if that bill has already undergone the committee process in its chamber of origin. If the measure receives a hearing, members of the public may testify on the bill and legislators may amend the measure. If the bill passes the committee, it is either referred to another committee or reported to the floor for a second reading, where it can be debated and amended. Bills in New Jersey require three readings for passage in each chamber. Amendments can only be added during the second reading, and the second and third readings cannot take place on the same day unless an emergency vote of three-fourths of the governing body's members is passed.

The New Jersey budget occurs on an annual basis and contains policy and appropriations. Companion budget bills are written and introduced by each chamber following the Governor's initial budget proposal. Normal committee procedures occur and both bills progress through the legislative process in their respective chambers. Once one of the measures has passed its chamber of origin, it may be substituted for its companion in the second chamber. If further deliberation is needed for the bill, a conference committee may be formed resolve differences. After passage, the final budget is sent to the Governor for approval.

#### **NEW MEXICO**

Nothing to report.

## NEW YORK

Nothing to report.

## NORTH CAROLINA

### **Special Session: General Assembly Issues Joint Proclamation to Convene a Special Session on July 24 - Special Session**

**Summary:** The North Carolina General Assembly issued a joint proclamation to convene for a special session. Lawmakers are expected to discuss language used on the ballot for constitutional amendments, however, they may consider bills concerning any matters the General Assembly elects to consider.

<https://www.ncleg.net/sessions/2017/ProclamationExtraSession7-24-2018.pdf>

**Effective Date:** July 24, 2018

## NORTH CAROLINA

Nothing to report.

## NORTH DAKOTA

Nothing to report.

## OHIO

Nothing to report.

## OKLAHOMA

Nothing to report.

## OREGON

Nothing to report.

## PENNSYLVANIA

Nothing to report.

## RHODE ISLAND

Nothing to report.

## SOUTH CAROLINA

Nothing to report.

## SOUTH DAKOTA

### Potential Special Session to Address Wayfair Decision - Special Session

**Summary:** According to news reports, Governor Dennis Daugaard (R) has indicated that a special session of the legislature may be needed to address the Supreme Court's decision in the Wayfair v. South Dakota case. The Governor's Chief of Staff, Tony Venhuizen, reportedly stated in an email that a special session may be necessary in order to expedite the rulemaking process to allow for the collection of internet sales tax per the Supreme Court's ruling in the Wayfair case. However, Venhuizen has cautioned that the special session is "not a certainty". Underscoring the uncertainty, House Majority Leader Lee Qualm (R) said he needs more information about the changes that would be made and whether the issue can wait: "We are looking at potential dates, what works for everybody, and I'm just waiting for the Governor to give more specifics as to why this should be a special session."

Should the special session be held, one possible topic of debate will likely be how to address the sales tax increase and reduction mechanism passed as H.B. 1182 during the 2016 session. Provisions in the measure raised the state's sales tax rate from 4% to 4.5% and used the additional revenue for property tax relief and teacher salaries: an amendment by then-Representative Jeff Partridge (R) required the sales tax increase to be reduced by .1% for every \$20 million generated in revenue from taxing remote sales. In a presentation to the Legislature's Joint Committee on Appropriations, Venhuizen told lawmakers that if they plan to carry out the law as intended, certain provisions need to be clarified.

While it remains unclear if a special session will ultimately be called ahead of the 2019 legislative session, in remarks to reporters Venhuizen indicated that Governor Daugaard is looking at "late summer or early fall" to resolve the issue; Representative Lance Carson (R) told reporters that legislative leaders have begun asking lawmakers whether dates in August would work for the special session.

**State Outlook:** The Republican Party controls the House of Representatives and the Senate, as well as the Governor's Office. South Dakota meets for 40 legislative days during odd-numbered years and 35 legislative days in even-numbered years. Legislation is not eligible for carryover from one session to the next.

Upon introduction, a bill may be referred to a committee. Committees are not required to hear every bill referred to them. If a bill receives a hearing, members of the public may testify on the bill and legislators may amend the measure. Committees can kill bills by tabling them or deferring action until the 35th or the 41st day of session, since there are only 35 or 40 session days depending on the year. Additionally, bills can be ordered from the Committee to the floor by a one-third vote of the full chamber in a process called "smoke out." Amendments may also be proposed on the floor. All amendments and substitutions must be germane to the original bill. Bills in South Dakota require two readings for final passage and may be amended on second reading. If there are differences between the House and Senate versions of the bill, a conference committee is appointed to resolve differences. Members of the conference committees are appointed by the Speaker of the House and Senate President and consist of three members of the House of Representatives and three members of the Senate. If the report is passed by the committee, it goes back to the House and Senate for final approval. After the report passes both chambers, the final bill is sent to the Governor for action.

South Dakota's budget process occurs on an annual basis and only contains appropriations.

The Governor's budget is heard in the Joint Appropriations Committee, and other appropriation bills are heard in various committees depending on subject matter. A simple majority in both chambers is needed to pass the budget. After passage, the final budget is sent to the Governor for approval.

#### **TENNESSEE**

Nothing to report.

#### **TEXAS**

Nothing to report.

#### **UTAH**

Nothing to report.

#### **VERMONT**

Nothing to report.

#### **VIRGINIA**

Nothing to report.

#### **WASHINGTON**

Nothing to report.

#### **WEST VIRGINIA**

Nothing to report.

#### **WISCONSIN**

Nothing to report.

#### **WYOMING**

Nothing to report.