

SENATE COMMITTEE ON JUDICIARY

March 10, 2005
1:00 P.M.

Hearing Room 343
Tapes 62 - 63

MEMBERS PRESENT: Sen. Ginny Burdick, Chair
Sen. Charles Starr, Vice-Chair
Sen. Roger Beyer
Sen. Floyd Prozanski
Sen. Charlie Ringo
Sen. Vicki Walker
Sen. Doug Whitsett

STAFF PRESENT: William E Taylor, Counsel
Dale Penn, Committee Assistant

MEASURES/ISSUES HEARD:
SB 272 – Work Session
SB 544 – Public Hearing

These minutes are in compliance with Senate and House Rules. Only text enclosed in quotation marks reports a speaker's exact words. For complete contents, please refer to the tapes.

TAPE/#	Speaker	Comments
TAPE 62, A		
003	Chair Burdick	Calls the meeting to order at 1:15 p.m. and opens a work session on SB 272.
<u>SB 272 – WORK SESSION</u>		
016	William E. Taylor	Counsel. Describes SB 272 relating to the Oregon State Bar establishing deadlines for filing nominating petitions for board members. Introduces the -4 amendment (EXHIBIT A).
040	Sen. Starr	MOTION: Moves to ADOPT SB 272-4 amendments dated 3/9/05.
		VOTE: 4-0-3
		EXCUSED: 3 - Prozanski, Ringo, Walker
041	Chair Burdick	Hearing no objection, declares the motion CARRIED.
044	Sen. Starr	MOTION: Moves SB 272 to the floor with a DO PASS AS AMENDED recommendation.
		VOTE: 4-0-3
		EXCUSED: 3 - Prozanski, Ringo, Walker
047	Chair Burdick	Hearing no objection, declares the motion CARRIED.
		SEN. BURDICK will lead discussion on the floor.
049	Chair Burdick	Closes the work session on SB 272 and opens a public hearing on SB 544.
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<u>SB 544 – PUBLIC HEARING</u>		
041	William E. Taylor	Counsel. Describes SB 544 relating to smoking in places of employment.
059	Rep. Diane	House District 42. Submits testimony and testifies in support of

106	Rosenbaum Rep. Rosenbaum	SB 544 (EXHIBIT B). Talks about their responsibility to monitor the clean air and health of the citizens.
118	Mel Kohn	State Epidemiologist, Department of Human Services. Submits testimony and testifies in support of SB 544 (EXHIBIT C). Discusses the current smoke-free workplace act.
145	Kohn	Details how many other municipalities have limited smoking in their communities.
161	Chair Burdick	Submits written testimony from (EXHIBITS D – I). Comments on the effects of second-hand smoke on allergies.
168	Kohn	Articulates the effects of second-hand smoking on allergies.
177	Chair Burdick	Talks about how asthma is worsened by tobacco use.
183	Sen. Whitsett	Raises a conflicting issue that as the number of smokers goes down, the number of asthma cases increases. Inquires about the number of death certificates that list second-hand smoke as a cause.
192	Kohn	Addresses the issue of asthma cases linked with tobacco. Talks about the different diseases on death certificates that have relevance to second-hand smoke.
211	Sen. Whitsett	Wonders if the death certificate discerns between second hand smoke and those who are smokers.
214	Kohn	Replies in the negative, and gives information on the estimate of second hand smokers.
221	Sen. Whitsett	Inquires if the figures are based on a model as opposed to empirical evidence.
223	Kohn	Responds with information on the estimates.
231	Sen. Beyer	Asks if SB 544 is part of the Governor's budget.
233	Kohn	Replies that there is not a fiscal impact, to his knowledge.
237	Sen. Beyer	Gives information on the revenue impact from loss of cigarette taxes.
258	Sen. Walker	Talks about how Eugene prohibits smoking in these areas, and has not seen a decrease in revenue.
270	Kohn	Discusses comprehensive smoke free workplaces in other municipalities and states.
285	Michael G. Penner	Submits testimony and testifies in support of SB 544 (EXHIBIT J). Details his personal story with second hand smoking.
316	Sen. Beyer	Asks what prevented him from making the bar smoke-free.
318	Penner	Replies that competition forces him to keep smoking available in his bar.
328	Sen. Beyer	Inquires about lottery not being supported by the legislature as a comparison.
347	Penner	Responds that he would take a 30% cut in his lottery proceeds if he could have a 30% longer life.
365	Sen. Walker	Talks about Eugene's smoke free statute. Addresses the issue of leveling the playing field for all places of employment.
376	Sen. Whitsett	Raises the issue of removing the ability to smoke in places of employment.
405	Rep. Carolyn Tomei	House District 41. Testifies in support of SB 544.
425	Rep. Tomei	Recounts personal stories of second hand smoke.
490	Sen. Whitsett	Comments on his wife being allergic to smoke.
TAPE 63, A		
038	Ellen Whyte	Musician. Submits testimony and testifies in support of SB 544 (EXHIBIT K). Sings for the committee.
073	Tony Uliano	Manager of Environmental Health & Safety, Oregon Health

		Sciences University. Submits testimony and testifies in support of SB 544 (EXHIBIT L).
120	Uliano	Discusses a recent study he performed on two known agents resulting from cigarette smoke in places of employments.
170	Uliano	Talks about the Citizens Task Force on Ventilation, dealing with eliminating tobacco smoke in public places.
220	Misty Eichholz	Waitress. Submits testimony and testifies in support of SB 544 (EXHIBIT M).
275	Eichholz	Discusses waiters and waitresses dealing with second hand smoke. Talks about everyone's right to breathe fresh air.
301	Chair Burdick	Submits written testimony from Jennifer McKee (EXHIBIT N).
304	Rick Clingman	Musician. Submits testimony and testifies in support of SB 544 (EXHIBIT O).
355	Clingman	Details that people go to these places because of the social environment, not because of the smoking available.
412	Kylie Meiner	Tobacco-Free Coalition of Oregon. Submits testimony and testifies in support of SB 544 (EXHIBIT P).
430	Meiner	Continues reading testimony (Exhibit P).
470	Meiner	Continues reading testimony (Exhibit P).
TAPE 62, B		
055	Bill Perry	Oregon Restaurant Association. Testifies in opposition to SB 544. Discusses the law in place (no smoking in bars in certain areas) as a compromise between the opponents and proponents of these types of laws.
085	Perry	Addresses the freedom of choice to use a legal product such as tobacco. Stresses that law in Oregon is better enforced than anywhere else in the country.
130	Perry	Discusses the relation between smoking and Oregon Lottery sales. Details the losses from fraternal organizations and bingo halls.
172	Chair Burdick	Asks about the worker perspective and what amount of restaurants provide health insurance to their workers.
175	Perry	Replies that he doesn't have the exact numbers. States that some restaurants will pay their employees more money to stop smoking.
200	Chair Burdick	Inquires if members are concerned with second-hand smoke issues.
205	Perry	Stresses the atmosphere is a big selling point for many bars, and that they aren't health clubs; everyone knows this.
231	Steve Rowe	Owner, Cascade Cigar and Wine. Testifies in support of SB 544. Discusses how bar owners and state of Oregon residents would be negatively affected by this bill. States that the Oregon Lottery revenues will go down because of this bill.
282	Rowe	Addresses studies that deal with negative effects from second hand smoke. Highlights the numbers dealing with the studies on smoking.
341	Sen. Beyer	Asks about the definition of a lounge area and a tobacconist in the drafting of the bill.
354	Taylor	Responds with information on the definition.
363	Sen. Prozanski	Brings up the issue of Ireland banning all smoking in their pubs.
373	Rowe	Replies with data on Ireland's legislation on banning smoking in their pubs.
391	Perry	States that many microbreweries that are going to non-smoking.
406	Andrea Brinlee	Waitress, Magoo's. Testifies in opposition to SB 544.

450	Chair Burdick	Asks if she smokes herself.
451	Brinlee	Responds that she does not smoke regularly.
457	Chair Burdick	Inquires about smoke getting into the clothes.
461	Brinlee	Replies that no matter where you work as a waitress, your clothes will smell.
482	Perry	Discusses the consumer standpoint.
411	Rowe	Gives statistics on the impacts on bars in New York due to smoking customers going elsewhere.
TAPE 63, B		
052	Shawn Miller	Oregon Charitable Gaming Association. Submits a testimony packet and testifies in support of SB 544 (EXHIBIT Q).
070	Jack Elder	Chairman, Oregon Charitable Gaming Association. Submits testimony and testifies in opposition to SB 544 (EXHIBIT R). Cites information on Bingo customers.
110	Elder	Stresses that the industry will be negatively impacted and the charitable groups will lose their license.
143	Greg Hitchcock	Submits testimony and testifies in opposition to SB 544 (EXHIBIT S).
153	Don Smith	Submits testimony and testifies in opposition to SB 544 (EXHIBIT T).
194	Rae Gleason	Executive Director, National Fibromyalgia Research Association. Submits testimony and testifies in opposition to SB 544 (EXHIBIT U).
235	Kevin Cradock	Licensee, Alto Lounge. Testifying in support of SB 544.
259	Pat Schumacher	Testifies in support of SB 544. Stresses that people will play bingo if they can smoke or not.
284	Jeremiah Hess	Waiter. Submits testimony and testifies in support of SB 544 (EXHIBIT V). Talks about a reduction in athletic capabilities after getting a job in the hospitality industry.
322	Laura Culberson	Executive Director, Tobacco-Free Coalition of Oregon. Submits testimony and testifies in support of SB 544 (EXHIBIT W).
370	Culberson	Discusses the economic benefits in different states resulting from the ban of smoking in work places.
385	Chair Burdick	Introduces written testimony from James Lussier (EXHIBIT X). Closes the public hearing on SB 544 and moves SB 494, SB 238, SB 239, and HB 2261 to the agenda for Monday, March 14, 2005.
396	Chair Burdick	Adjourns the meeting at 3:05 p.m.

EXHIBIT SUMMARY

- A. SB 272, -4 amendment, staff, 6 pp
- B. SB 544, written testimony, Rep. Rosenbaum, 1 p
- C. SB 544, written testimony, Mel Kohn, 4 pp
- D. SB 544, written testimony, Jay Harris, 2 pp
- E. SB 544, written testimony, Ann Trombley, 1 p
- F. SB 544, written testimony, Sue Fratt, 1 p
- G. SB 544, written testimony, Sue Fratt, 2 pp
- H. SB 544, written testimony, Jennifer McKee, 1 p
- I. SB 544, written testimony, Sam Burns, 2 pp

- J. SB 544, written testimony, Michael Penner, 2 pp
- K. SB 544, written testimony, Ellen Whyte, 3 pp
- L. SB 544, written testimony, Tony Uliano, 2 pp
- M. SB 544, written testimony, Misty Eichholz, 2 pp
- N. SB 544, written testimony, Jennifer McKee, 1 p
- O. SB 544, written testimony, Rick Clingman, 2 pp
- P. SB 544, written testimony, Kylie Meiner, 2 pp
- Q. SB 544, written testimony, Shawn Miller, 17 pp
- R. SB 544, written testimony, Jack Elder, 2 pp
- S. SB 544, written testimony, Greg Hitchcock, 1 p
- T. SB 544, written testimony, Dan Smith, 1 p
- U. SB 544, written testimony, Rae Gleason, 1 p
- V. SB 544, written testimony, Jeremiah Hess, 1 p
- W. SB 544, written testimony, Laura Culberson, 1 p
- X. SB 544, written testimony, James Lussier, 1 p