



TOUGH TIMES FOR TOBACCO
TOBACCO BANS, TAX INCREASES PASS, DESPITE BIG
TOBACCO CAMPAIGN DONATIONS

By
THE NATIONAL INSTITUTE ON MONEY
IN STATE POLITICS

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The National Institute on Money in State Politics is a nonpartisan 501(c)3 tax-exempt charitable organization dedicated to accurate, comprehensive and unbiased documentation and research on campaign finance at the state level. It compiles campaign-contribution information on every state-level candidate, major party committee and non-bond ballot measure committee in the country.

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833 North Last Chance Gulch, Second Floor • Helena, MT 59601

Phone: 406-449-2480 • Fax: 406-457-2091

E-mail: institute@statemoney.org

www.FollowTheMoney.org

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OVERVIEW

Tobacco manufacturers and retailers gave \$96 million to state-level candidates, committees and ballot measures in the 2005 and 2006 election cycles.¹ Despite that mass of cash, concerted lobbying efforts, and well-coordinated ballot measure campaigns, tobacco interests lost many legislative battles in 2007 and five of seven ballot measure campaigns in 2006.²

Laws restricting public smoking passed in 13 states in 2007. Six states increased the tobacco taxes; 23 states considered increasing the tax or still have legislation pending.³ Furthermore, the two ballot measure campaigns in which tobacco interests prevailed passed in 2006 only by narrow margins.

Most of the \$96 million came from the two largest cigarette manufacturers, R.J. Reynolds and Philip Morris/Altria. Of the total money given by tobacco interests, 91 percent went to ballot measure committees in opposition to measures seeking near-total public smoking bans or to increase tobacco taxation.

A major factor in the disparity between the amounts tobacco interests gave to ballot measure committees and the amounts given to individual candidates is the limits states place on contributions to individual candidates. According to the National Conference of State Legislatures, most states limit the amount a corporation or a non-party committee can give directly to candidates.⁴ There are few to no limits, however, on contributions to ballot measures committees. Additionally, it can cost a great deal to mount a ballot measure campaign.

Tobacco interests gave nearly \$3.8 million to state-level candidates and \$4.4 million to party committees. Of the money given to candidates and party committees, 73 percent went to Republicans. Candidate money went to incumbent candidates 88 percent of the time; and 83 percent of the money went to winning candidates.

TOBACCO-INTEREST CONTRIBUTIONS IN 2005-2006

TYPE	TOTAL
Ballot Measure Committees	\$87,799,773
Party Committees	\$4,398,914
State Candidates	\$3,761,812
TOTAL	\$95,960,499

¹ While the National Institute on Money in State Politics' (Institute) data collection process is nearly complete, these figures might change slightly as the last records are received and input.

² As of Sept. 1, 2007.

³ Information provided by Thomas Carr, manager of national policy for the American Lung Association's State Legislated Actions on Tobacco Issues (SLATI) group.

⁴ "Contributions Limits," *National Conference of State Legislatures* [on-line]; available from <http://www.ncsl.org/programs/legismgt/about/ContribLimits.htm>; Internet; accessed Oct. 4, 2007.

WHO GAVE

The four largest tobacco manufacturers — R.J. Reynolds, Philip Morris and its parent company, Altria, and U.S. Smokeless Tobacco — and their employees gave \$91.7 million, or 96 percent of the total.

TOP TOBACCO GIVERS 2005-2006

COMPANY	TOTAL
R.J. Reynolds Tobacco	\$48,867,322
Philip Morris	\$36,739,424
U.S. Smokeless Tobacco	\$3,813,611
Altria	\$2,305,465
TOTAL	\$91,725,822

Other tobacco interests include manufacturers Commonwealth Brands, Dosal Tobacco, Lorillard Tobacco, and the Cigar Association of America, as well as individual tobacco shops and distributors.

R.J. REYNOLDS

R.J. Reynolds is the second largest cigarette manufacturer in the United States; among other brands, it makes Camels and Kools.⁵ R.J. Reynolds contributed more money to state-level candidates and committees in 2005 and 2006 than any other tobacco contributor. The company shelled out \$48.9 million in 39 states, or 51 percent of the total tobacco money given during the 2005-2006 elections. Funds were primarily aimed at defeating ballot measures requiring near-total smoking bans and tobacco tax increases. Reynolds contributed nearly all tobacco-interest funds raised in Arizona and Missouri, most of tobacco money in Ohio when funds from Smoke Less Ohio were included, and 37 percent of the tobacco interest money in California.

TOTAL GIVEN BY R.J. REYNOLDS, 2005-2006

COMMITTEE TYPE	TOTAL
Ballot Measure Committees	\$46,796,472
Party Committees	\$1,354,936
State Candidates	\$715,913
TOTAL	\$48,867,321

To defeat smoking bans advanced by health advocacy organizations in Arizona and Ohio, R.J. Reynolds created and provided the majority of the funding for ballot measure committees that promoted competing, less restrictive smoking bans.⁶ In Arizona, the Reynolds-backed committee was called the Non-Smoker Protection Committee. In Ohio, the Reynolds committee went by the name Smoke Less Ohio. Despite those efforts, the three measures opposed by Reynolds in both states passed. Cigarette tax measures in Missouri and California were both narrowly defeated by voters in 2006.

⁵ "R.J. Reynolds Tobacco Company Fact Book," *R.J. Reynolds* [on-line]; available from <http://www.rjrt.com/company/profileFactBook.asp>; Internet; accessed Oct. 2, 2007.

⁶ Steve Hartsoe, "Reynolds Fights Anti-Tobacco Initiatives," *Los Angeles Times*, July 27, 2006.

While R.J. Reynolds contributed primarily to ballot measure campaigns, the company also gave to candidates and party committees. R.J. Reynolds, together with its employees and committees, gave nearly \$1.4 million to party committees in all 39 states and \$715,913 went to candidates. Republican candidates and committees got the most money — \$1.7 million, or 83 percent of the total given to candidates and committees.

TOP R.J. REYNOLDS RECIPIENT STATES, 2005-2006

STATE	BALLOT MEASURES	PARTY COMMITTEES	STATE CANDIDATES	TOTAL
California	\$25,500,023	\$1,056,500	\$114,250	\$26,670,773
Arizona	\$8,785,727	\$0	\$0	\$8,785,727
Ohio	\$6,705,689	\$2,750	\$36,550	\$6,744,989
Missouri	\$5,787,236	\$12,000	\$0	\$5,799,236
TOTAL	\$46,778,675	\$1,071,250	\$150,800	\$48,000,725

PHILIP MORRIS/ALTRIA

Philip Morris, owned by Altria, is the number one cigarette manufacturer in the United States and makes Marlboros and Virginia Slims cigarettes, among others.⁷ Philip Morris and Altria combined to contribute \$39 million in 46 states during the 2005-2006 election cycle.

According to the *Washington Post*, Philip Morris did not lobby against ballot measures or legislation involving smoking bans in 2005 and 2006.⁸ Further, company officials said they were not part of any effort to preserve or increase public smoking during that time.⁹ However, the company did begin lobbying against anti-smoking legislation again in 2007.¹⁰

TOTAL GIVEN BY PHILIP MORRIS AND ALTRIA, 2005-2006

COMMITTEE TYPE	TOTAL
Ballot Measure Committees	\$35,259,206
Party Committees	\$1,991,887
State Candidates	\$1,793,796
TOTAL	\$39,044,889

The company may have forgone lobbying in the hallways of the state capitols in 2005 and 2006, but it did not, however, forgo efforts to sway the outcome of a proposed law on California’s 2006

⁷ “About Us,” *Philip Morris* [on-line]; available from http://www.philipmorrisusa.com/en/about_us/default.asp; Internet; accessed Oct. 2, 2007.

⁸ Amy Gardner, “Tobacco Giant Reasserts Itself as Calls for Va. Smoking Ban Grow,” *Washington Post*, Feb. 1, 2007 [newspaper on-line]; available from: http://www.washingtonpost.com/wp-dyn/content/article/2007/01/31/AR2007013102127_pf.html; Internet; accessed Oct. 10, 2007.

⁹ Lea Thompson, “A Smoke Screen at the Ballot Box?, Subheading “Philip Morris Responds to This Story,” *MSNBC*, Aug. 24, 2006 [on-line]; available from <http://www.msnbc.msn.com/id/14233906/>; Internet; accessed May 11, 2007.

¹⁰ Amy Gardner, “Tobacco Giant Reasserts Itself as Calls for Va. Smoking Ban Grow,” *Washington Post*, Feb. 1, 2007 [newspaper on-line]; available from: http://www.washingtonpost.com/wp-dyn/content/article/2007/01/31/AR2007013102127_pf.html; Internet; accessed Oct. 10, 2007.

ballot. Philip Morris and Altria gave \$35 million to committees working to defeat Proposition 86, a California tobacco taxation measure.

Philip Morris and Altria also spread largesse to state party committees and candidates in several states. Of the almost \$3.8 million given to party committees and candidates in 46 states, nearly \$2 million went to party committees in the states and \$1.8 million went to candidates. Republican candidates and committees got the most money from Philip Morris/Altria, receiving \$2.7 million, or 70 percent.

TOP PHILIP MORRIS/ALTRIA RECIPIENT STATES, 2005-2006

STATE	MEASURES	PARTIES	CANDIDATES	TOTAL
California	\$35,181,003	\$570,000	\$276,584	\$36,027,587
Virginia	\$1,250	\$75,684	\$341,802	\$418,736
Illinois	\$0	\$98,500	\$259,150	\$357,650
New York	\$0	\$317,972	\$3,500	\$321,472
TOTAL	\$35,182,253	\$1,062,156	\$881,036	\$37,125,445

U.S. SMOKELESS TOBACCO

U.S. Smokeless Tobacco (UST) contributed more than \$3.8 million total in 38 states to committees formed to defeat tobacco taxation ballot measures and also lobbied to support legislation changing taxation of its product — moist smokeless tobacco (MST) — from a tax based on wholesale price to a tax based on weight, to place itself in a better competitive position with respect to its lower price competitors. Said UST Director of Category Development Ed Chrupcala, “the current prevalence of unfair ad valorem — price-based — state excise taxes on smokeless tobacco products is unacceptable, and we are working very hard with state governments to establish an equitable tax structure for the MST category.”¹¹ As of Sept. 1, 2007, Delaware and Iowa both had changed their tax on snuff from ad valorem to weight-based.¹²

TOTAL GIVEN BY US SMOKELESS TOBACCO, 2005-2006

COMMITTEE TYPE	TOTAL
Ballot Measure Committees	\$2,811,786
Party Committees	\$489,446
State Candidates	\$512,379
TOTAL	\$3,813,611

UST contributed to ballot measure committees opposing tobacco tax increases in California, South Dakota and Missouri. In South Dakota, UST was the primary financial backer of two of the five committees opposing Measure 2, which increased the tobacco tax on cigarettes by \$1 a pack and increased other tobacco products similarly. Of the \$1 million given to candidates and party committees, Republicans got 77 percent of the money, or \$773,602.

¹¹ “Sizzlin’ Smokeless,” *Tobacco Outlet Business*, March/April 2007; [newsletter on-line]; <http://www.tobonline.com/ArticlePages/ArticlePagesVol102/vol102p34.htm>; Internt; accessed Oct. 4, 2007.

¹² Information provided by Thomas Carr, manager of national policy for American Lung Associations’ State Legislated Actions on Tobacco Issues (SLATI) group.

TOP U.S. SMOKELESS TOBACCO RECIPIENT STATES, 2005-2006

STATE	BALLOT MEASURE COMMITTEES	PARTY COMMITTEES	STATE CANDIDATES	TOTAL
California	\$2,646,806	\$300,940	\$63,627	\$3,011,373
South Dakota	\$151,980	\$0	\$0	\$151,980
Virginia	\$0	\$11,150	\$136,147	\$147,297
Florida	\$0	\$52,955	\$17,000	\$69,955
Illinois	\$0	\$14,000	\$46,700	\$60,700
TOTAL	\$2,798,786	\$379,045	\$263,474	\$3,441,305

WHERE THE MONEY WENT

Tobacco interests gave 97 percent of their total contributions, or \$92.8 million, in just eight states.

California commanded far and away the largest chunk of tobacco money — \$68.6 million, or 71 percent of the total — due primarily to a 2006 ballot measure proposing a steep tobacco tax increase. The narrowly defeated Proposition 86 sought to increase the tax on cigarettes an additional \$2.60 per pack, from \$0.87 to \$3.47. Tax on other tobacco products would have gone up, as well.

Arizona voters were subjected to battles over three tobacco-related ballot measures, fueled in part by the \$8.8 million spent by tobacco interests. Proposition 203 increased the tobacco tax another 80 cents per pack on cigarettes and similar amounts on other tobacco products; it passed with 53 percent of the vote. The tobacco company-sponsored measure, Proposition 206, also proposed a limit on public smoking but made exceptions for bars and restaurants. The measure failed, garnering only 43 percent of the vote. Proposition 201, a measure vetted by health- and public-interest groups, banned smoking in almost all public places. This measure passed with 55 percent of the vote.

Ohio saw \$6.7 million of the \$6.8 million contributed by tobacco interests infused into ballot measure committee coffers. The remainder of tobacco money in Ohio went to state candidates and party committees. Public health advocates filed Issue 5, which banned smoking in public places with very few exceptions. It passed with 59 percent of the vote. Tobacco companies fronted a group called Smoke Less Ohio. Primarily bankrolled by R.J. Reynolds, Smoke Less Ohio put forth an alternative measure, Issue 4, to compete with Issue 5.¹³ Issue 4 would have banned smoking in most public places, but as in Arizona, sought to exempt bars and restaurants.

Missouri voters rejected Amendment 3, a proposal to increase the tax on cigarettes to 80 cents per pack by 51 percent of the vote. Tobacco interests spent \$5.9 million in Missouri in the 2005–2006 election cycle.

¹³ Christopher Cooper, "Big Tobacco Spending Big Money to Fight State Bans, Taxes," *Wall Street Journal*, Oct. 10, 2006, sec B, p.1.

For a comprehensive look at tobacco-related ballot measure battles in the states in 2006, see the Institute's report "Smoking Showdown" in the Research and Reports section of www.FollowTheMoney.org.

STATES RECEIVING LARGEST AMOUNTS OF TOBACCO MONEY, 2005-2006

STATE	MEASURES	PARTIES	CANDIDATES	TOTAL
California	\$66,183,247	\$1,944,940	\$462,482	\$68,590,669
Arizona	\$8,795,178	\$2,000	\$0	\$8,797,178
Ohio	\$6,705,909	\$15,250	\$92,550	\$6,813,709
Missouri	\$5,872,460	\$53,100	\$8,100	\$5,933,660
Virginia	\$1,250	\$116,291	\$812,471	\$930,012
Florida	\$0	\$740,941	\$142,550	\$883,491
Illinois	\$0	\$125,000	\$399,250	\$524,250
New York	\$0	\$345,972	\$15,950	\$361,922
TOTAL	\$87,558,044	\$3,343,494	\$1,933,353	\$92,834,891

WHO GOT THE MONEY

While 91 percent of tobacco interest money went to support and oppose ballot measures, largesse was also spread to party committees and candidates to the tune of almost \$8.2 million. Republican candidates and party committees garnered 73 percent of that money.

PARTY	PARTY COMMITTEES	STATE CANDIDATES	TOTAL
Republican	\$3,665,225	\$2,286,834	\$5,952,059
Democrat	\$733,689	\$1,452,628	\$2,194,771
Nonpartisan	\$0	\$14,100	\$14,100
Independent	\$0	\$8,250	\$8,250
TOTALS	\$4,398,914	\$3,761,312	\$8,160,226

PARTY COMMITTEES

Party committees represent another way to support candidates and wield influence, because those committees both contribute money to and make independent expenditures on behalf of candidates. Tobacco interests gave \$4.4 million to state party committees and legislative caucuses. Of that, 65 percent, or almost \$2.9 million, went to four committees. The California Republican Party alone received 44 percent of the total.

TOP PARTY COMMITTEE RECIPIENTS, 2005-2006

COMMITTEE	TOTAL
California Republican Party	\$1,944,940
Florida Republican Party	\$539,155
Senate Republican Campaign Committee of New York	\$189,972
Florida Democratic Party	\$185,786
TOTAL	\$2,859,853

CANDIDATES

Tobacco interests gave \$3.8 million to state-level candidates, four percent of their total giving in 2005-2006 elections. Of the money given to state-level candidates, \$3.3 million, or 88 percent, went to incumbents. Further, 83 percent of the money went to candidates who held or won their seats; nearly \$2.7 million went to winning candidates and an additional \$505,808 went to lawmakers who were not up for election in this cycle.

Eight of the top 10 candidate recipients enjoyed uncontested elections, won their races or were not up for reelection. Of the over 2,170 candidate recipients in all states, 18 percent, or \$691,594, went to the top 10 candidates. Of the top 10 candidates, four were gubernatorial candidates. Five of the top 10 ran for statewide office in Virginia; of those, two candidates opposed one another for governor, and another two candidates opposed one another for attorney general. Three candidates were part of the widely influential House and Senate leadership in Illinois.

TOP CANDIDATE RECIPIENTS, 2005-2006

CANDIDATE	STATUS	OFFICE	PARTY	STATE	AMOUNT
Kilgore, Jerry	Lost	Governor	Republican	Virginia	\$167,221
Kaine, Timothy	Won	Governor	Democrat	Virginia	\$105,125
Jones Jr., Emil	Did not run	Senate	Democrat	Illinois	\$80,000
McDonnell, Bob	Won	Attorney General	Republican	Virginia	\$63,042
Watson, Frank *	Won	Senate	Republican	Illinois	\$59,250
Cross, Tom *	Won	House	Republican	Illinois	\$46,500
Baril, Stephen	Lost	Attorney General	Republican	Virginia	\$44,956
Richardson, Bill	Won	Governor	Democrat	New Mexico	\$44,000
Rendell, Ed	Won	Governor	Democrat	Pennsylvania	\$42,500
Bolling, Bill	Won	Lt. Governor	Republican	Virginia	\$39,000
TOTAL					\$691,594

* Candidate ran unopposed.

CASE STUDIES

The eight case studies contained in this report represent a variety of situations faced by state lawmakers and voters regarding smoking bans and tobacco legislation in states.

Colorado

By Julia Saylor

Colorado's 2006 Clean Indoor Air Act, in effect for just over one year, bans smoking in all public places except casinos, smoking lounges at the Denver International Airport, and so-called cigar bars. A cigar bar is defined as a bar that earns at least 5 percent or \$50,000 of its sales from tobacco products and the rental of on-site humidors. But problematic exemptions to the ban (mainly casinos and cigar bars) resulted in confusion, accountability problems and legal challenges.

During the 2007 session, lawmakers passed two laws changing where people can and cannot smoke in the state:

- HB07-1196 exempted nursing homes and assisted living facilities from the smoking ban.
- HB07-1269 extends the statewide smoking ban to casinos.

Three other bills related to the Clean Indoor Act smoking ban failed in the 2007 session:

- SB07-103 would have allowed mom-and-pop tavern establishments the option of paying an extra \$500 for a liquor license to allow for smoking.
- SB07-250 would have repealed the so-called cigar bar exemption from the 2006 Clean Indoor Air Act.
- SB07-120 would have exempted from the smoking ban regular meeting places of local chapters/lodges of the American Legion, Veterans of Foreign Wars, or other veterans' organizations.

Despite press and public discussions thrashing out the three main issues (health, revenue, and individual rights) surrounding smoking legislation in 2007, those with stated public positions and/or potential vested interests in the outcome of the legislation gave relatively minor campaign contributions — a collective total of \$142,916 — to legislators, the governor and political party committees during the 2006 election cycle.

CONTRIBUTIONS FROM VESTED INDUSTRIES ON SMOKING LEGISLATION, 2006

INDUSTRY	LAWMAKERS	GOVERNOR/ LT. GOVERNOR	PARTY COMMITTEES	TOTAL
Alcohol Industry	\$5,397	\$6,600	\$39,100	\$51,097
Physician Association	\$34,600	\$0	\$0	\$34,600
Gaming Industry	\$9,100	\$4,320	\$5,625	\$19,045
Bars and Restaurants	\$12,830	\$4,100	\$325	\$17,255
Nursing Homes and Assisted Living Facilities	\$8,069	\$2,450	\$7,100	\$17,619
Tobacco Industry	\$3,300	\$0	\$0	\$3,300
TOTAL	\$73,296	\$17,470	\$52,150	\$142,916

THE CONTRIBUTORS

Family members of the Coors Brewing Company, headquartered in Golden, Colo., gave a total of \$36,750 during the 2006 election cycle. Peter Coors, chairman of the company, and his wife Marilyn, gave the majority of that money — \$31,000. Employees of the company gave an additional \$3,100 in contributions.

The Colorado Medical Society was the largest single contributor, spreading \$34,600 to 67 legislators in 2006.

CONTRIBUTORS WITH VESTED INTERESTS OR STATED POSITIONS ON SMOKING LEGISLATION TO LAWMAKERS, THE GOVERNOR AND STATE PARTY COMMITTEES, 2005-2006

CONTRIBUTORS	TOTAL
Coors Brewing Company family members or company employees	\$39,850
Colorado Medical Society	\$34,600
Colorado Restaurant Association (HOSTPAC)	\$12,650
Neilsen, Craig H. (Ameristar Casino)	\$8,250
Colorado Beer Distributors Association	\$7,950
Colorado Health Care Association	\$6,500
Friedman, David I. (Sandy River Health System)	\$6,069
Nursing home and nursing home operators	\$5,050
Bar & restaurant owners or employees	\$4,605
Isle of Capri Casinos	\$3,500
Colorado Association of Distributors (tobacco)	\$3,300
Colorado Gaming Association (Black Jack PAC)	\$3,300
Casino owners or employees	\$2,945
Wine & Spirits Wholesalers of Colorado	\$2,032
Liquor distributors	\$1,265
Cripple Creek Casino Association	\$650
Ameristar Casino	\$400
TOTAL	\$142,916

HB07-1269 — REPEAL OF THE CLEAN INDOOR AIR ACT'S CASINO EXEMPTION

House Bill 1269 rescinded the Clean Indoor Act's casino exemption, but included an extended deadline to provide casino owners adjustment time in order to build outdoor patios for smoking, if desired.¹⁴

Proponents of the bill included the Colorado Medical Society, Smoke-Free Gaming Colorado, the National Hispanic Nurse Association, the Gilpin County Board of County Health, Colorado Public

¹⁴ Ed Sealover, "Next Target of Smoking Ban: Casinos," *The Colorado Springs Gazette*, March 27, 2007, [newspaper on-line]; available from http://64.233.167.104/search?q=cache:kvyc5s1j4R4J:findarticles.com/p/articles/mi_qn4191/is_20070327/ai_n18790124+sealover+next+target+of+smoking+ban&hl=en&ct=clnk&cd=1&gl=us; Internet; accessed Sept. 6, 2007.

Health Association, the American Cancer Society, Smoke-Free Colorado Coalition, Rocky Mountain Campaign for Tobacco-Free Kids, as well as various casino patrons and concerned citizens.¹⁵ In addition, the American Legion, the Veterans of Foreign Wars (VFW) and the United Veterans Committee of Colorado testified in favor of the bill, asking legislators to "... [level] the playing field in regard to the smoking ban."¹⁶ (Veterans clubs had not been exempted in the 2006 Clean Indoor Air Act.)

However, only the Colorado Medical Society made contributions, spreading \$34,600 to 67 legislators in 2006.

Opponents to the bill included the Colorado Gaming Association, Colorado Card Players Association, and the Colorado Gaming Consumer Council, as well as casino representatives and employees.¹⁷

Casino interests gave a total of \$19,045. The Colorado Gaming Association testified against the bill and gave a total of \$3,300 from their Black Jack PAC. Other opponents that gave include the Isle of Capri Black Hawk Casino, with \$3,500 in contributions.

HB07-1196 — NURSING HOME EXEMPTION

In presenting House Bill 1196, Republican Rep. Mike May, prime sponsor of the bill and House Minority Leader, pointed out that the intent of the Clean Indoor Air Act of 2006 was not to tell individuals whether or not they could smoke in their own homes. Since a person living in an assisted living facility or nursing home considers that place their home, the Clean Indoor Air Act should contain an exemption for these facilities.¹⁸

The bill passed easily through two committees — the House Health & Human Services Committee and the Senate State, Veterans, and Military Affairs Committee — and by the full Senate and the House, and was signed into law by Democratic Gov. Bill Ritter, Jr.

Nursing home interests gave a total of \$17,619 — \$6,500 of which came from the Colorado Health Care Association, which testified in favor of the bill.¹⁹

Testifying against the bill was the Colorado Medical Society, which gave \$34,600 to 67 legislators in 2006.²⁰ Democratic Sen. Betty Boyd, one of the bill's sponsors, received \$4,400 from the Colorado Medical Society, while other lawmakers received anywhere from \$200 to \$2,400.

¹⁵ Final Bill Summary for HB07-1269, *Committee On State, Veterans and Military Affairs* [on-line]; available from <http://www.leg.state.co.us/CLICS/CLICS2007A/commsumm.nsf/IndSumm/147DEA2958CB93BC8725729C006BAE27?OpenDocument>; Internet; accessed Sept. 13, 2007.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ Final Bill Summary for HB07-1196, *House Committee on Health and Human Services*, [on-line]; available from <http://www.leg.state.co.us/clics/clics2007a/csl.nsf/fsbillcont/9C5AD45EA3DA9C0D8725726800759B07?Open&target=/clics/clics2007a/commsumm.nsf/GetVotes?OpenAgent&billnum=HB07-1196>; Internet; accessed Sept. 18, 2007.

¹⁹ *Ibid.*

²⁰ *Ibid.*

In a May 7, 2007, article in the *Las Vegas Sun*, Liz Benston indicates a national trend that perhaps illuminates the reason for the relatively small amounts of money from gambling and tobacco interests in Colorado in 2006. Quoting Judy Patterson, executive director of the American Gaming Association, the article states, “fighting smoking bans is an uphill battle. All the momentum is with the health groups.”²¹

²¹ Liz Benston, “Casino Fight Goes Up In Smoke,” *Las Vegas Sun*, May 6, 2007 [newspaper on-line]; available from <http://www.lasvegassun.com/sunbin/stories/text/2007/may/06/566614607.html>; Internet; accessed Sept. 25, 2007.

Idaho

By Linda Casey

The 2007 Idaho Legislature amended the Idaho Clean Indoor Air Act by over-riding Republican Gov. C.L. “Butch” Otter’s veto and adding previously exempted bowling alleys to the list of public places where smoking is prohibited.

Both the state House and Senate heard from a number of supporters who spoke in favor of House Bill 121 that would remove the smoking ban exemption for bowling alleys and require those facilities to go smoke-free. However, there was no recorded testimony in opposition to the legislation.

This case study looked at contributions from five donors to Idaho policymakers: two vocal proponents of the ban on smoking in bowling alleys — the Idaho Medical Association and the Regence Blue Shield of Idaho — and three tobacco companies — Altria (parent company of Philip Morris), R.J. Reynolds Tobacco Company and Swisher International, Inc.

An analysis of money given to elected officials from those five sources reveals:

- Interested parties gave a combined total of \$25,690 to 39 of the 70 House members — \$7,500 from the Idaho Medical Association; \$4,350 from Regence Blue Shield of Idaho; and \$13,840 from tobacco-industry contributors.
- Interested parties gave a combined total of \$16,100 to 23 out of the 35 senators — \$6,100 from the Idaho Medical Association; \$3,750 from Regence Blue Shield of Idaho; and \$6,250 from Altria.
- Although Gov. Otter received \$15,000 from HB 121 proponents — 33 percent of their overall total — he still vetoed the bill.
- Tobacco interests gave the governor’s campaign \$9,500 — 31 percent of their total contributions.
- Tobacco interests offered no testimony in opposition to HB 121 but gave a combined \$30,590 to the governor, legislators and legislative caucuses.
- Proponents gave a combined \$6,550 to members of committees hearing the bill, accounting for 30 percent of the combined total they gave all legislators.
- Tobacco-interest donors gave \$4,600 to committee members, or 23 percent of the total contributions they gave to legislators.

INTERESTED PARTIES

Idaho’s governor, lawmakers and legislative caucuses received \$23,700 from the Idaho Medical Association; \$13,100 from Regence Blue Shield of Idaho; and a combined \$30,590 from three tobacco-industry contributors. Regence Blue Shield also gave \$8,000 to the Idaho Republican Party and \$1,000 to Republican Lt. Governor Jim Risch.

INTERESTED PARTY CONTRIBUTIONS BY OFFICE, 2005-2006

INTERESTED PARTIES	LAWMAKERS	GOVERNOR	LEGISLATIVE CAUCUS	TOTAL
Tobacco Industry	\$20,090	\$9,500	\$1,000	\$30,590
Idaho Medical Association	\$13,600	\$10,000	\$100	\$23,700
Regence Blue Shield of Idaho	\$8,100	\$5,000	\$0	\$13,100
TOTAL	\$41,790	\$24,500	\$1,100	\$67,390

CONTRIBUTIONS TO COMMITTEE MEMBERS HEARING HB 121

House Bill 121 passed out of both the 16-member House State Affairs Committee and the nine-member Senate Health and Welfare Committee.

Four House State Affairs Committee members received contributions from both HB 121 supporters (\$1,400) and tobacco-industry donors (\$1,850.) Another six members received \$2,400 from the bill’s supporters, but did not receive donations from contributors with the tobacco industry. One member got \$300 from a tobacco-industry donor but nothing from supporters of the legislation.

Six Senate Health and Welfare Committee members received a combined \$2,750 from the Idaho Medical Association and Regence Blue Shield of Idaho. The tobacco-industry contributors gave \$2,450 to four members of the Senate committee.

The Idaho Medical Association gave \$500 to Republican Rep. Robert “Bob” Ring, HB 121’s sponsor, and another \$300 to the bill’s co-sponsor, Republican Sen. Brent Hill.

Republican Sen. Joyce M. Broadsword, chair of the Senate Health and Welfare Committee, voted against HB 121 on the Senate floor and was one of six senators who voted to sustain the governor’s veto. Sen. Broadsword received \$300 from the Idaho Medical Association, \$250 from Regence Blue Shield and \$450 from Altria.

Five House members who voted against the bill during the House floor vote also voted to override the veto: Republican House Majority Leader Rep. Mike Moyle, and Republican Representatives Clifford R. “Cliff” Bayer, Janice K. McGeachin, Ken A. Roberts and Rep. Dean Mortimer.

Bayer, McGeachin and Roberts were not members of the House State Affairs Committee. They received \$550, \$650 and \$550, respectively, from Altria but received no contributions from either

the Idaho Medical Association or from Regence Blue Shield of Idaho. Rep. Mortimer received no money from either supporters of HB 121 or tobacco-industry interests.

CONTRIBUTIONS TO COMMITTEE MEMBERS HEARING HB 121

COMMITTEE MEMBERS	FROM HB 121 SUPPORTERS	FROM TOBACCO INDUSTRY
HOUSE STATE AFFAIRS		
Anderson, Eric (R)	\$200	\$800
Andrus, Ken (R)	\$0	\$0
Bilbao, Carlos (R)	\$500	\$0
Black, Max C. (R)	\$600	\$0
Crane, Brent (R)	\$200	\$0
King, Phylis K. (D)	\$0	\$0
Labrador, Raul R. (R)	\$0	\$0
Loertscher, Tom (R) *	\$300	\$500
Luker, Lynn M. (R)	\$0	\$0
Mathews, Russ (R)	\$0	\$0
Pasley-Stuart, Anne (D)	\$300	\$0
Rusche, John (D)	\$500	\$0
Shepherd, Mary Lou (D)	\$0	\$300
Smith, Elaine (D)	\$500	\$300
Snodgrass, Mark A. (R)	\$400	\$250
Stevenson, John A. "Bert" (R)	\$300	\$0
TOTAL	\$3,800	\$2,150
SENATE HEALTH & WELFARE		
Bair, R. Steven (R)	\$0	\$0
Broadsword, Joyce M. (R)*	\$550	\$450
Coiner, Charles H. (R)	\$0	\$0
Darrington, Denton (R)	\$300	\$0
Hammond, Jim (R)	\$0	\$500
Kelly, Kate (D)	\$500	\$0
Lodge, Patti Anne (R)*	\$300	\$500
McGee, John (R)	\$300	\$1,000
Werk, Elliot (D)	\$800	\$0
TOTAL	\$2,750	\$2,450
GRAND TOTAL	\$6,550	\$4,600

* Committee chair or vice-chair.

CONTRIBUTIONS TO STATEWIDE OFFICIALS AND LEGISLATIVE LEADERSHIP

Gov. Butch Otter received \$15,000 from supporters of the smoking ban in bowling alleys — \$10,000 from the Idaho Medical Association, \$5,000 from Regence Blue Shield of Idaho and \$750 from Lyn Darrington, a Regence Blue Shield representative.

Two tobacco companies gave to the governor's campaign committee — \$7,000 from Altria Group, the parent company of Philip Morris Tobacco and \$2,500 from R.J. Reynolds Tobacco.

CONTRIBUTIONS TO STATEWIDE OFFICIALS & LEGISLATIVE LEADERSHIP, 2005-2006

ELECTED OFFICIAL	OFFICE	FROM HB 121 SUPPORTERS	FROM TOBACCO INDUSTRY
Davis, Bart M. (R)	Senate Majority Leader	\$800	\$500
Denney, Lawrence E. (R)	Speaker of the House	\$500	\$1,000
Geddes, Robert L. (R)	President Pro Tempore	\$300	\$0
Moyle, Mike (R)	House Majority Leader	\$0	\$800
Otter, C.L. "Butch" (R)	Governor	\$15,750	\$9,500
Risch, Jim (R)	Lt. Governor and President of the Senate	\$1,000	\$0
TOTAL		\$18,350	\$11,800

Illinois

By Anne Bauer

Lawmaking can be analogous to sausage making, in that it takes fortitude to watch the process up close; that was certainly the case in the twists and turns surrounding passage of the Illinois Smoke Free Air Act in 2007. Senate Bill 500, signed into law by Democratic Gov. Rod Blagojevich on July 23, 2007, bans smoking in and near most public places and workplaces, including bars and casinos. Private homes, nursing homes, tobacco stores, and hotel rooms were exempted.

During the bill's journey into law and even afterward, many attempts had been made to amend it. Most of those amendments focused on exempting casinos within five miles of the state border from the ban. Some of those amendments are attached to other bills still pending before the General Assembly at time of print and may yet pass.

In addition to the public smoking bills, the Illinois General Assembly considered a bill to increase the cigarette tax. HB 556, filed by Democratic Rep. Barbara Flynn Currie, originally was concerned with the income tax credit. Later, Democratic Sen. John Cullerton became the new alternate chief sponsor and put forth Amendment Number 1, which deleted all the text after the enacting clause and made the bill about cigarette taxation. Further amendments put the tax at 50 mills per cigarette (an additional 90 cents per pack)²² and allowed counties to opt into taxation. Democratic Sen. Terry Link became an alternate chief co-sponsor. HB 556 passed the Senate on third reading 34 to 24 and is now awaiting further action in the House. Final action on this bill has been extended to Nov. 2, 2007.²³

Altogether, organizations with a public position for or against SB 500 and the various amendments contributed nearly \$3.5 million to sitting lawmakers and party committees.

2006 CONTRIBUTIONS BY MAJOR SUPPORTERS AND OPPONENTS OF SB500

PROPONENTS	TOTAL
Illinois State Medical Society	\$1,229,155
Illinois State Dental Society	\$368,968
Professional Independent Insurance Agents	\$167,220
Health Care Service Corporation (Blue Cross/Blue Shield)	\$66,500
Illinois Society for Advanced Practice Nursing	\$41,700
Order of Saint Francis Health System	\$41,270
Illinois Nurses Association	\$40,500
Illinois Pharmacists Association	\$28,635
TOTAL	\$1,983,948

²² "Illinois Senate Votes to Raise Cigarette Tax," *CSP Daily News*, [on-line] available from <http://www.cspnet.com/ME2/Audiences/dirmod.asp?sid=&nm=&type=Publishing&mod=Publications%3A%3AArticle&mid=8F3A7027421841978F18BE895F87F791&tier=4&id=4B821DC59D20439B89D661C0B48476F4&AudID=6C81F2B488CE41838BC84AF1AE2AF9CD>; Internet; accessed Oct. 18, 2007.

²³ As of Oct. 12, 2007.

OPPONENTS	TOTAL
Penn National Gaming/Argosy Gaming Alton Belle	\$526,101
Altria/Philip Morris	\$347,650
Harrah's	\$253,850
Casino Queen/Timothy Rand, Co-Owner	\$170,952
RJ Reynolds Tobacco	\$94,000
Illinois Licensed Beverage Association	\$86,326
Boyd Gaming/Par-A-Dice Casino	\$34,000
TOTAL	\$1,512,879
GRAND TOTAL	\$3,496,827

SUPPORTERS AND OPPONENTS OF SB 500

The American Lung Association of Illinois spearheaded support of Senate Bill 500 through Smoke-Free Illinois, a coalition group with the single goal of making Illinois smoke free.²⁴ The group mobilized and coordinated supporter efforts and lobbied, according to Kathy Drea, director of the Smoke-Free Illinois campaign and director of public policy for the American Lung Association of Illinois.²⁵ Many other organizations representing a spectrum of interests supported SB 500, but only those organizations that gave money and could be readily identified by a supporters' list are included in this study.²⁶

All but \$12,950 of the nearly \$2 million contributed by identified smoking ban supporters came from the top eight contributors.

Identified contributors came from the gambling, tobacco, and licensed beverage industries.²⁷ The total money contributed to candidates in Illinois by stakeholders opposed to a smoking ban in the 2006 election cycle came to more than \$1.5 million. Seven contributors accounted for 98 percent of that money.

TARGETED RECIPIENTS

Players on both sides of the issue gave strategically, targeting key decision makers in leadership positions and on the Senate Executive Committee. Supporters and opponents of SB 500 gave large amounts to the top four Senate and House leaders, popularly known as the Four Tops, though none of them faced opposition in 2006. Democratic President of the Senate, Emil Jones, Jr., was not up for reelection in 2006, while the other three — Democratic Speaker of the House Michael Madigan, Republican Senate Minority Leader Frank Watson, and Republican House Minority Leader Tom Cross — ran for reelection but were unopposed.

²⁴ "About Us," *Smoke-Free Illinois* [on-line], available from <http://www.smokefreeillinois.org/about.cfm>; Internet; accessed Sept. 26, 2007.

²⁵ Phone conversation with Kathy Drea, Director of Smoke-Free Illinois on Sept. 26, 2007.

²⁶ "Partners," *Smokefree Illinois* [on-line]; available from <http://www.smokefreeillinois.net/partners.php>; Internet; accessed Sept. 17, 2007.

²⁷ Jim Ritter, "Kicking Some Ash," *Chicago Sun Times*, July 24, 2007 [newspaper on-line]; available from <http://www.suntimes.com/lifestyles/health/480994,CST-NWS-smoke24.article>; Internet; accessed Sept. 17, 2004 and "ILBA Local Smoking Ban Position Paper," *Illinois Licensed Beverage Association* [on-line]; available from <http://www.ilba.net/cgi-bin/ILBA/info.pl?domain=info&name=SmokingBan>; Internet; accessed Oct. 16, 2007.

RECIPIENTS OF SMOKING BAN CONTRIBUTIONS, 2006

OFFICE	SUPPORTERS	OPPONENTS	TOTAL
House of Representatives	\$1,004,884	\$626,552	\$1,631,436
Senate	\$579,664	\$574,427	\$1,154,091
State Party Committees	\$329,650	\$289,650	\$619,300
Governor/Lt. Governor	\$83,200	\$26,000	\$109,200
TOTAL	\$1,997,398	\$1,516,629	\$3,514,027

While supporters of the bill contributed nearly \$2 million to 168 lawmakers and party committees, 13 recipients received \$987,170, or 49 percent of the supporters' total. Opponents to the bill contributed over \$1.5 million to 155 lawmakers and party committees. Of that total, \$836,650, or 55 percent, went to 13 recipients.

TOP RECIPIENTS OF CONTRIBUTIONS FROM SMOKING BAN SUPPORTERS AND OPPONENTS, 2006

RECIPIENT	OFFICE	SUPPORTERS	OPPONENTS	TOTAL
Watson, Frank (R)	Senate Minority Leader	\$128,400	\$124,250	\$252,650
Jones Jr., Emil (D)	Senate President House Minority Leader	\$90,250	\$155,500	\$245,750
Cross, Tom (R)	Leader	\$117,050	\$104,500	\$221,550
Republican State Senate Campaign Committee (Frank Watson, Chair)	Senate	\$126,750	\$66,350	\$193,100
House Republican Organization (Skip Saviano, Chair)	House	\$114,000	\$68,000	\$182,000
Madigan, Michael J. (D)	House Speaker	\$77,600	\$68,550	\$146,150
Illinois Senate Democratic Fund (Emil Jones, Chair)	Senate	\$46,000	\$87,600	\$133,600
Blagojevich, Rod R. (D)	Governor	\$81,000	\$26,000	\$107,000
Illinois Democratic Party (Michael Madigan, Chair)	State Party	\$42,900	\$42,700	\$85,600
Granberg, Kurt M. (D)	House Assistant Majority Leader	\$55,025	\$11,800	\$66,825
Saviano, Angelo (Skip) (R)	House	\$35,200	\$30,300	\$65,500
Clayborne Jr., James F. (D)	Senate	\$20,996	\$42,500	\$63,496
Schock, Aaron (R)	House	\$51,999	\$8,600	\$60,599
TOTAL		\$987,170	\$836,650	\$1,823,820

SB 500'S LEGISLATIVE JOURNEY

Senate Bill 500 was filed, by Democratic Sen. John J. Cullerton, on Feb. 8, 2007. Several other senators signed on as chief co-sponsors. On March 2, Sen. Terry Link became the chief sponsor and Sen. Cullerton became a chief co-sponsor. On March 8, the Executive Committee passed the bill by a vote of 8 to 5.²⁸

There were two floor amendments then offered to the bill, one in the Senate and one in the House. Both failed.

The Senate amendment, proposed by chief bill sponsor Sen. Link on March 23, sought to exempt riverboat casinos operating within five miles of the border for a period of three years. This floor amendment passed out of both the Senate Rules Committee and the Senate Executive Committee, but died when the full Senate did not act upon it prior to the bill's passage.

CONTRIBUTIONS TO SB 500 CHIEF SPONSORS & CO-SPONSORS

LAWMAKER	ACTIVITY	PRO BAN	ANTI BAN	TOTAL
Link, Terry (D)	SB 500 chief sponsor & SB 125 sponsor, and author of exemption amendments	\$5,750	\$15,750	\$21,500
Cullerton, John J. (D)	SB 500 chief co-sponsor & SB125 sponsor	\$3,600	\$12,700	\$16,300
Hunter, Mattie (D)	SB 500 chief co-sponsor	\$1,700	\$1,750	\$3,450
Schoenberg, Jeffrey M. (D)	SB 500 chief co-sponsor	\$1,800	\$200	\$2,000
Martinez, Iris Y. (D)	SB 500 chief co-sponsor	\$2,300	\$300	\$2,600
Yarbrough, Karen (D)	HB 246 chief sponsor, chief House sponsor of SB 500	\$5,255	\$0	\$5,255
Currie, Barbara Flynn (D)	Chief House co-sponsor of SB 500, chief co-sponsor of HB 2277	\$4,900	\$0	\$4,900
May, Karen (D)	Chief House co-sponsor of SB 500	\$4,000	\$0	\$4,000
Krause, Carolyn H. (R)	Chief House co-sponsor of SB 500	\$4,000	\$0	\$4,000
Collins, Annazette (D)	Chief House co-sponsor of SB 500	\$0	\$0	\$0
TOTAL		\$33,305	\$30,700	\$64,005

Once in the House, Republican Rep. Renee Kosel offered an amendment in committee to exempt bars which earn less than 10 percent of total revenue from food, casinos and private clubs from the ban, provided those establishments proved that three-fifths of its members approved of smoking, that signs were posted and the establishment paid a fee. This amendment essentially died in the Rules Committee; the bill then passed the House 73 to 42.

²⁸ Repeated calls to the office of the chair of the Executive Committee, Democratic Sen. Ira Silverstein, asking for the roll call of votes made by each member of the committee went unreturned; therefore, this information was not available.

CONTRIBUTIONS TO SENATE EXECUTIVE COMMITTEE MEMBERS

SENATOR	POSITION	PRO BAN	ANTI BAN	TOTAL
Watson, Frank C. (R)	Senate Minority Leader	\$128,400	\$124,250	\$252,650
Jones Jr., Emil (D)	Senate President	\$90,250	\$155,500	\$245,750
Clayborne Jr., James F. (D)	Senate Assistant Majority Leader	\$20,996	\$42,500	\$63,496
DeLeo, James A. (D)	Co-sponsor of 2 casino exemption amendments	\$7,200	\$17,750	\$24,950
DeFrancesco Halvorson, Debbie (D)	Chair, Rules Committee	\$14,500	\$9,950	\$24,450
Radogno, Christine (R) ²⁹	Rules Committee member, SB 500 chief co-sponsor	\$0	\$0	\$0
Righter, Dale A. (R)	Rules Committee member	\$11,450	\$3,800	\$15,250
Sieben, Todd (R)	SB 500 co-sponsor	\$8,300	\$3,375	\$11,675
Burzynski, J. Bradley (R)	Executive Committee member	\$8,300	\$500	\$8,800
Silverstein, Ira I. (D)	Chair, Executive Committee	\$3,000	\$5,050	\$8,050
Viverito, Louis S. (D)	Rules Committee member, SB 500 co-sponsor	\$500	\$3,000	\$3,500
Martinez, Iris Y. (D)	SB 500 co-sponsor	\$2,300	\$300	\$2,600
Hendon, Rickey R. (D)	Rules Committee member	\$750	\$1,750	\$2,500
TOTAL		\$295,946	\$367,725	\$663,671

Gov. Blagojevich signed the un-amended bill into law July 23, 2007. That is hardly the end of the matter, however. Amendments to change SB 500 were attached to seven other bills, four in the House and three in the Senate. Four of those bills contain amendments allowing smoking on riverboat casinos and the others sought to change the definition of public place to allow smoking in places like bars and bowling alleys. Some of those bills are awaiting further action and may yet succeed.³⁰

According to Sen. Link’s staffer Bill Holland, the fact that a bill awaits further action does not mean it’s dead.³¹ Kathy Drea concurs. “Nothing is ever really dead in Illinois,” Drea said.³²

²⁹ Sen. Christine Radogno was not up for Senate reelection, and did not raise funds for her Senate campaign. However, she did run and raise funds for her bid for State Treasurer. In that campaign, Radogno collected \$13,300 from opponents of SB 500 and \$5,000 from proponents of the bill.

³⁰ As of Oct. 12, 2007.

³¹ Phone conversation with Bill Holland, staffer to Sen. Terry Link on Sept. 14, 2007.

³² Phone conversation with Kathy Drea, Director of Smoke-Free Illinois on Sept. 26, 2007.

New Mexico

By Anne Bauer

New Mexico lawmakers voted on two important tobacco-related bills in 2007.

The New Mexico Legislature passed House Bill 283, the Dee Johnson Indoor Air Act and Democratic Gov. Bill Richardson signed it into law on March 13, 2007. The act, which went into effect on June 15, 2007, prohibits smoking in most public places and workplaces, including restaurants and bars. However, casinos, bingo halls and other gaming facilities, as well as cigar bars and workplaces employing only one person besides the owner were exempted. "Most of the casinos are on tribal lands anyway," and are thus exempt from the ban in any case, said Cheryl Ferguson of New Mexicans Concerned about Tobacco.³³ The bill specifically allowed communities to implement stronger bans.

A cigar smoker,³⁴ Gov. Richardson wasn't sure until just before signing it if he would or not, but said he got many calls in favor of the bill and none opposed.³⁵

Another tobacco-related bill, HB 965, sponsored by Democratic Rep. Gail Chasey, sought to increase the cigarette tax by 60 cents per pack and the tax on other tobacco products to 40 percent of the manufacturer's price. This bill never made it to the House floor.

HOUSE BILL 283

Altogether, organizations and individuals with a public position for or against the smoking ban contributed \$303,540 to sitting lawmakers and party committees. The top contributors on both sides of the issue contributed \$276,750, or 93 percent of that.

CONTRIBUTIONS FROM SMOKING BAN CONTRIBUTORS BY OFFICE

OFFICE	SUPPORTERS	OPPONENTS	TOTAL
Governor/Lt. Governor	\$123,350	\$36,640	\$159,990
House of Representatives	\$66,650	\$17,700	\$84,350
Senate	\$40,300	\$6,300	\$46,600
Party PAC	\$8,275	\$4,325	\$12,600
TOTAL	\$238,575	\$64,965	\$303,540

Identified contributors who supported HB 283 gave a total of \$238,575 to candidates and party committees.³⁶ Of that, three contributors gave 97 percent. While supporters of the bill contributed

³³ Phone conversation with Cheryl Ferguson, New Mexicans Concerned About Tobacco spokesperson, Sept. 19, 2007.

³⁴ Diana Del Mauro, "Governor Signs Anti-Smoking Law," *Santa Fe New Mexican*, March 16, 2007; [newspaper on-line]; Internet; available at <http://freewmexican.com/news/58550.html>; accessed Sept. 19, 2007.

³⁵ Walter Rubel, "Richardson Signs Smoking Ban," *Las Cruces Sun-News*, March 14, 2007, [newspaper on-line]; available at http://www.lcsun-news.com/legislature2007/ci_5430663; Internet; accessed Sept. 19, 2007.

³⁶ "Official Endorsers for Statewide Clean Indoor Legislation 2007," *New Mexicans Concerned About Tobacco*, March 12, 2007 flyer provided by NMCAT.

to 87 lawmakers and party committees, the top single recipient — Gov. Richardson — received \$108,350, or 45 percent of the money.

MAJOR CONTRIBUTORS FOR AND AGAINST HB 283

NAME	POSITION	AMOUNT
Presbyterian Health Services	Pro-ban	\$145,950
New Mexico Hospitals & Health Systems	Pro-ban	\$44,300
New Mexico Medical Society	Pro-ban	\$42,300
Altria	Anti-ban	\$40,000
R.J. Reynolds Tobacco	Anti-ban	\$11,750
TOTAL		\$284,300

Opposition to House Bill 283 came from tobacco sellers and manufacturers, which gave \$64,965; 63 percent of that, or \$40,940, was given to the top three recipients. In all, 50 lawmakers and party committees received money from tobacco interests. Of the total given, two contributors gave \$51,450, or 78 percent of that total.

Smokeless tobacco manufacturers did not have a public position on the smoking ban bill, perhaps because smokers may use more smokeless tobacco products as a result of a smoking ban.³⁷

TOP RECIPIENTS OF SUPPORTERS AND OPPONENTS OF THE SMOKING BAN HB 283

NAME	OFFICE	SUPPORT	OPPOSE	TOTAL
Richardson, Bill (D)	Governor	\$108,350	\$28,140	\$136,490
Denish, Diane (D)	Lt. Governor	\$15,000	\$8,500	\$23,500
New Mexico Democratic Legislative Campaign Caucus	Party	\$7,750	\$4,300	\$12,050
Sanchez, Michael S. (D)	Senate	\$5,000	\$1,000	\$6,000
Lujan, Ben (D)	House Speaker	\$3,550	\$1,200	\$4,750
Robinson, Shannon (D)	Senate	\$4,600	\$0	\$4,600
Rodella, Debbie (D)	House	\$3,850	\$500	\$4,350
Altamirano, Ben D. (D)	Senate	\$3,250	\$1,000	\$4,250
Martinez, W. Ken (D)	House	\$3,250	\$1,000	\$4,250
TOTAL		\$154,600	\$45,640	\$200,240

LEGISLATIVE PROCESS OF HB 283

There was not a great deal of controversy surrounding the bill as it made its way through the legislative process. No opponents surfaced at any of the five committee meetings on the bill, according to bill sponsor, Democratic Rep. Al Parks, and the bill was amended only slightly in committee.³⁸ The bill passed the House on a unanimous vote and passed the Senate 27 to 9.

³⁷ Renee M. Covino, "Smokeless Tobacco Focus," *Tobacco Outlet Business*, March/April 2007 [newsletter on-line]; available from <http://www.tobonline.com/ArticlePages/ArticlePagesVol102/vol102p34.htm>; Internet; accessed Oct. 16, 2007.

³⁸ Walter Rubel, "Richardson Signs Smoking Ban," *Las Cruces Sun-News*, March 14, 2007 [newspaper on-line] available from http://www.lcsun-news.com/legislature2007/ci_5430663; Internet; Sept. 19, 2007.

Senators who voted against the ban were Democratic Senators Phil Griego and James Taylor; and Republican Senators Sue Wilson Beffort, Diana Duran, Clinton Harden, Stuart Ingle, Gay Kernan, Carroll Leavell, William Sharer.

The ban had very little evident opposition. According to a poll conducted by an independent research firm and commissioned by New Mexicans Concerned About Tobacco (NMCAT), 76 percent of New Mexicans supported a public smoking ban that included workplaces, buildings and restaurants. The number of respondents favoring a public smoking ban that included stand-alone bars fell to 58 percent.³⁹

HOUSE BILL 965

Democratic Rep. Gail Chasey sponsored HB 965, which sought to increase the tax on cigarettes from 91 cents per pack to \$1.51 per pack and increase the tax on other tobacco products from 25 percent to 40 percent of product value. Money from the tax increase was slated for a new cancer research and treatment center at the University of New Mexico. The bill cleared the House Health and Government Affairs Committee 5 to 3, and stalled in the House Taxation and Revenue Committee.

CONTRIBUTIONS FROM SUPPORTERS AND OPPONENTS OF HB 965 BY OFFICE

OFFICE	SUPPORTERS	OPPONENTS	TOTAL
Governor/Lt. Governor	\$29,545	\$52,640	\$82,185
House of Representatives	\$49,292	\$25,700	\$74,992
Party PAC	\$19,414	\$11,825	\$31,239
Senate	\$15,450	\$10,300	\$25,750
TOTAL	\$113,701	\$100,465	\$214,166

MAJOR CONTRIBUTORS FOR AND AGAINST HB 965

NAME	POSITION	AMOUNT
New Mexico Medical Society	Pro-tax	\$42,300
Altria	Anti-tax	\$40,000
New Mexico Education Association	Pro-tax	\$36,820
U.S. Smokeless Tobacco	Anti-tax	\$35,500
AFL-CIO State	Pro-tax	\$28,600
R.J. Reynolds Tobacco	Anti-tax	\$11,750
TOTAL		\$194,970

Top contributors on both sides of the issue contributed \$194,970, or 91 percent of that.

³⁹ Research & Polling, Inc. "New Mexicans Concerned About Tobacco Legislation Survey (New Mexico)," Nov. 2006, provided by NMCAT.

Identified contributors who supported HB 965 gave a total of \$113,701 to candidates and party committees, 96 percent of which was given by three contributors.⁴⁰ While supporters of the bill contributed to 79 lawmakers and party committees, the top three recipients — Gov. Bill Richardson, Democratic Lt. Gov. Diane Denish and the New Mexico Democratic Legislative Campaign Committee — received \$43,295, or 38 percent of the money.

Again, opposition to House Bill 965 came from tobacco interests. The total money contributed by tobacco sellers and manufacturers in the 2006 election cycle came to \$100,465; 87 percent of that, or \$87,250, came from the top three contributors. In all, 53 lawmakers and party committees received money from these tobacco interests. The same top three recipients took in \$61,940, or 62 percent of the total.

TOP RECIPIENTS OF SUPPORTERS AND OPPONENTS OF THE TOBACCO TAX INCREASE HB 965

NAME	OFFICE	SUPPORT	OPPOSE	TOTAL
Richardson, Bill (D)	Governor	\$18,700	\$43,140	\$61,840
New Mexico Democratic Legislative Campaign Caucus	Party	\$13,750	\$9,300	\$23,050
Denish, Diane (D)	Lt. Governor	\$10,845	\$9,500	\$20,345
Park, Al (D)	HB 283 Sponsor	\$1,200	\$4,300	\$5,500
New Mexico Democratic Party	Party	\$5,414	\$25	\$5,439
Robinson, Shannon (D)	Senate	\$3,750	\$500	\$4,250
Martinez, W. Ken (D)	House	\$1,350	\$2,250	\$3,600
Fox-Young, Justine (R)	House	\$1,500	\$1,550	\$3,050
	TOTAL	\$56,509	\$70,565	\$127,074

LEGISLATIVE PROCESS OF HB 965

The tax bill was assigned to the House Health and Government Affairs Committee, which passed it 5 to 3. Representatives voting in favor were: Democratic Chair and Vice Chair, Mimi Stewart and Nick Salazar. Other Democratic members voting in favor were: Rep. John Heaton, Rep. Jeff Steinborn and Rep. Luciano “Lucky” Varela. Representatives voting against HB 965 were Democratic Rep. Paul Bandy and Republican Reps. Justine Fox-Young and Jeannette Wallace.⁴¹

It then went to the House Taxation and Revenue Committee, and its current status is “Action Postponed Indefinitely.” Members of that committee are as follows: Democratic Reps. House Speaker Ben Lujan, committee Chair Edward Sandoval, committee Vice Chair Roberto Gonzales, Ernest Chavez, Nathan Cote, George Hanosh, Manuel Herrera, Andy Nunez, Daniel Silva; and, Republican Reps. Janice Arnold-Jones, Anna Crook, Keith Gardner, William Gray, James Strickler, and Tomas Taylor.⁴²

⁴⁰ “Tobacco Tax Increases: Whose Side Are You On?” *New Mexicans Concerned About Tobacco*, March 6, 2007 flyer provided by NMCAT.

⁴¹ All committee member names were obtained from New Mexico Legislative Council Services staff on Oct. 10, 2007.

⁴² All committee member names were obtained from New Mexico Legislative Council Services staff on Oct. 10, 2007.

North Carolina

By Julia Saylor

North Carolina along with Kentucky are two of the largest tobacco-producing states, “accounting for about two-thirds of the country’s tobacco production.”⁴³ Yet despite concerns about the financial importance and long-standing heritage of the tobacco industry, the 2007 North Carolina legislature passed four smoking ban bills — HB 24/S.L. 2007-193, which prohibits smoking in state government buildings; HB 1294/S.L. 2007-459, which prohibits smoking in long-term care facilities; SB 1086/S.L. 2007-236, which mandates schools become smoke-free; and SB 862/S.L. 2007-114, which bans smoking at the University of North Carolina.

HB 259, as initially presented, would have prohibited smoking in public and work places, as well as eliminating a 1993 law that disallows local governments from passing smoking ordinances more restrictive than state ones. The bill was later retooled, for the sake of gaining a better chance at passing, keep the earlier provision on local ordinances but narrowing the scope of the smoking bans to just restaurants and hotels.

This case study examines the \$603,801 in campaign contributions made during the 2006 election cycle to lawmakers and party committees by the tobacco industry and health care entities with a vested interest in the outcome of two smoking bills: the successful House Bill 24/S.L. 2007-193 — Smoking in State Government Buildings/Prohibition, and the failed House Bill 259 — Prohibit Smoking in Public and Work Places.⁴⁴

For the purposes of this report, contributors from health interests included — medical and dental associations and their related political action committees and contributors from the tobacco industry that included tobacco growers, manufacturers, and their related political action committees.

CONTRIBUTIONS FROM HEALTH AND TOBACCO INTERESTS, 2006

INTERESTED PARTIES	LAWMAKERS	STATE DEMOCRATIC PARTY	STATE REPUBLICAN PARTY	TOTAL
Health Interests	\$407,109	\$12,100	\$7,600	\$426,809
Tobacco Industry	\$142,742	\$25,750	\$8,500	\$176,992
TOTAL	\$549,851	\$37,850	\$16,100	\$603,801

An analysis of the contributions from health and tobacco interests reveals:

- Tobacco interests gave significantly less than their competing health interests — the \$176,992 they gave was 41 percent of the \$426,809 given by health interests.

⁴³ “Tobacco Background,” *USDA Economic Research Service Briefing Room* [on-line]; available from <http://www.ers.usda.gov/Briefing/Tobacco/background.htm>; Internet; accessed Oct. 16, 2007.

⁴⁴ *Ibid.*

- Party committees were clearly not the focus of either side, receiving a total of \$53,950 — \$19,700 from health interests and \$34,750 from tobacco interests.
- Democratic Gov. Mike Easley and Democratic Lt. Gov. Beverly Perdue, not up for election in 2006, received no contributions from the tobacco and health interests examined in this report.
- Five senators in key positions to affect the outcome of the smoking bills were top recipients of money receiving a combined \$86,750 from health and tobacco interests.
- Tobacco and health interests did not, however, seem to target those representatives in key positions to affect the outcome of the tobacco legislation, either as bill sponsors, committee members or in a leadership position. These members received a total of \$116,600, or 37 percent of the total given to representatives.

The expansive smoking ban legislation, House Bill 259, sponsored by Democratic House Majority Leader Hugh Holliman, moved with favor out of the House Judiciary I Committee but was defeated by a narrow 55 to 61 vote on the House floor.⁴⁵ This bill would have prohibited smoking in public places — food and lodging establishments and state government buildings, and also would have granted local governments the authority to establish smoking bans in public places.⁴⁶ (In 1993, the North Carolina legislature established a law disallowing local governments from establishing smoking ordinances more stringent than state law.)⁴⁷

Neither the national trend toward state level legislation-driven smoking bans nor contributions from health interests seemed to influence the outcome of this particular piece of legislation. Instead, revenue and rights won in the end, as expressed by two legislators. “I believe upholding private property rights is simply more important to the fabric of our society than the effects of second-hand smoke,” said Republican Rep. Ric Killian.⁴⁸ “To me, it’s just a bread-and-butter issue for my constituents,” said Democratic Rep. Earl Jones.⁴⁹

Steve Kottak, spokesperson for Reynolds American, indicated his company understands second-hand smoke concerns and supports “reasonable legislation,” exempting bars and tobacco shops.⁵⁰

⁴⁵ General Assembly of North Carolina, Session 2007, House Bill 259 [on-line]; available from <http://www.ncleg.net/gascritps/BillLookUp/BillLookUp.pl?Session=2007&BillID=h259&submitButton=Go>; Internet; accessed Oct. 1, 2007.

⁴⁶ Ibid.

⁴⁷ General Assembly of North Carolina 1993 Session, An Act To Regulate Smoking in Public Places and to Establish Standards for Local Governments Electing to Regulate Smoking [on-line]; available from <http://www.ncga.state.nc.us/sessions/1993/bills/house/html/h957v5.html>; Internet; accessed Oct. 18, 2007.

⁴⁸ House Rejects Smoking Ban,” *The News Observer*, May 3, 2007 [on-line]; available from <http://72.14.253.104/search?q=cache:6igGBHn0J:www.newsobserver.com/114/story/570218.html+house+ejects+smoking+ban+dan+kane&hl=en&ct=clnk&cd=1&gl=us>; Internet; accessed Sept. 13, 2007.

⁴⁹ Ibid.

⁵⁰ James Romoser “N.C. Tobacco Ties Strong, Complex, Rejection of Smoking Ban Shows Conflict,” *Winston-Salem Journal* May 6, 2007 [on-line]; available from http://www.journalnow.com/servlet/Satellite?pagename=WSJ/MGArticle/WSJ_BasicArticle&cid=1173351089821&c=MGArticle;Internet; accessed Oct. 19, 2007.

Total money coming from health interests to representatives was \$247,250 — almost quadruple tobacco’s contribution of \$65,442. Eighteen representatives received contributions of \$5,000 or more from health interests, with the highest amounts received by Democratic Rep. Pryor Gibson — \$10,000, and Republican Rep. Harold J. Brubaker — \$10,500, who received \$3,000 and \$4,750, respectively from tobacco interests. On the tobacco side, top recipients were Democratic Rep. Nelson Cole with \$8,392; Democratic Rep. Bill Faison with \$6,000,;and Republican Rep. Joe L. Kiser, with \$5,000. Health interests gave Rep. Cole \$3,250 and Rep. Kiser \$4,500.

Tobacco and health interests did not seem to target those representatives in key positions to affect the outcome of the tobacco legislation, either as bill sponsors, committee members, or in a leadership position. These members received a total of \$116,600, or 37 percent of the total given to representatives.

CONTRIBUTIONS TO MEMBERS OF THE HOUSE HEALTH COMMITTEE, 2006

MEMBER	POSITION	FROM HEALTH INTEREST S	FROM TOBACCO INTERESTS	TOTAL
Brubaker, Harold J. (R)		\$10,500	\$4,750	\$15,250
Barnhart, Jeff (R)		\$9,000	\$1,000	\$10,000
Earle, Beverly Miller (D)	Vice Chair	\$8,500	\$1,000	\$9,500
Grady, Robert (R)		\$7,250	\$2,000	\$9,250
Goforth, D. Bruce (D)		\$5,350	\$0	\$5,350
Rapp, Ray (D)	Vice Chair	\$5,250	\$0	\$5,250
England, Bob (D)	Vice Chair	\$5,000	\$0	\$5,000
Wainwright, William L. (D)		\$2,000	\$2,750	\$4,750
Wright, Thomas E. (D)	Chair	\$2,250	\$1,000	\$3,250
McAllister, Mary E. (D)		\$3,000	\$0	\$3,000
McLawhorn, Marian N. (D)		\$3,000	\$0	\$3,000
Parmon, Earline W. (D)		\$2,000	\$1,000	\$3,000
Thomas, Charles C. (R)		\$3,000	\$0	\$3,000
Farmer-Butterfield, Jean (D)		\$2,500	\$0	\$2,500
Wilkins, W.A. (D)		\$2,500	\$0	\$2,500
Insko, Verla C. (D)		\$2,300	\$0	\$2,300
Justus, Carolyn K. (R)	Vice Chair	\$2,000	\$0	\$2,000
Glazier, Rick (D) *		\$1,750	\$0	\$1,750
Dollar, Nelson (R)		\$500	\$1,000	\$1,500
Alexander, Martha (D)		\$1,000	\$0	\$1,000
Neumann, Wil (R)		\$0	\$1,000	\$1,000
Adams, Alma (D)		\$0	\$0	\$0
Avila, Marilyn (R)		\$0	\$0	\$0
Boylan, Joe (R)		\$0	\$0	\$0
Current, William A. (R)		\$0	\$0	\$0
Harrell, Ty (D)		\$0	\$0	\$0
Walend, Trudi (R)		\$0	\$0	\$0
	TOTAL	\$78,650	\$15,500	\$94,150

* Prime Sponsor HB 24/SL 193

CONTRIBUTIONS TO MEMBERS OF THE HOUSE JUDICIARY 1 COMMITTEE, 2006

MEMBER	POSITION	FROM HEALTH INTERESTS	FROM TOBACCO INTERESTS	TOTAL
Clary, Debbie Ann (R)		\$6,000	\$0	\$6,000
Ross, Deborah K. (D)	Chair	\$2,750	\$0	\$2,750
Insko, Verla C. (D)		\$2,300	\$0	\$2,300
Holmes, George (R)		\$2,000	\$0	\$2,000
Stam, Paul (R)	Vice Chair	\$2,000	\$0	\$2,000
Stiller, Bonner (R)	Vice Chair	\$1,000	\$1,000	\$2,000
Alexander, Martha		\$1,000	\$0	\$1,000
Goodwin, Melanie Wade (D)	Vice Chair	\$500	\$0	\$500
Martin, Grier (D)		\$250	\$0	\$250
Blust, John M. (R)		\$0	\$0	\$0
Bryant, Angela R. (D) *		\$0	\$0	\$0
Hall, Larry D. (D)		\$0	\$0	\$0
Harrison, Mary Price (D)		\$0	\$0	\$0
Mobley, Annie W. (D) *		\$0	\$0	\$0
West, Roger (R)		\$0	\$0	\$0
TOTAL		\$17,800	\$1,000	\$18,800

* appointed Jan. 23, 2007

The contributions to representatives show no strong pattern coming out of the floor vote on HB 259. Thirty-nine of the 55 representatives voting in favor of the ban received \$106,250 from health interests, more than four times the \$23,250 they received in tobacco contributions. However, the 47 of the 61 representatives who voted against the smoking ban bill received a total of \$139,500 from health interests, more than three times the \$41,192 they received from tobacco interests.

However, most of the representatives who voted against the expansive HB 259 overwhelmingly supported the less-restrictive HB 24/S.L. 2007-193, which prohibited smoking in state government buildings and also provided the option to local governments to make local government buildings smoke free. The House Health Committee successfully moved this bill to the House floor, where 110 members voted in favor. Only 3 representatives voted against this bill, as they had voted against HB 259: Republican Reps. George C. Cleveland, Bryan R. Holloway, and Linda P. Johnson.

Michael Shannon, speaking for the tobacco company Lorillard, pointed out that his company is not opposed to smoking bans in state government buildings: "As fiduciary owner of those buildings, the state should have that right to make that choice."⁵¹

A strong supporter of smoking ban legislation, the North Carolina Alliance for Health whose membership includes the American Cancer Society and the American Heart Association and the North Carolina Medical Society, considers the passage of HB 24/S.L. 2007-193 prohibiting

⁵¹ Margaret Lillard, "Health, Property Rights At Issue With Workplace Smoking Ban," *Associated Press*, March 15, 2007.

smoking in state government buildings “one of the Alliance’s top legislative priorities this session and one of the coalition’s biggest successes.”⁵²

Contributions To The Senate

Only one senator, Republican Don W. East, voted against HB 24/S.L. 2007-193 when the bill came to the floor for a vote. Support for prohibiting smoking in government buildings and extending control to local governments to enact similar ordinances dominated, in this instance.

Money coming from health interests to senators totaled \$159,859, dwarfing the \$77,550 coming from the tobacco industry.

Members of the Commerce, Small Business and Entrepreneurship Committee received \$86,000 from health interests and \$45,750 from tobacco interests totaling \$131,750. Of that, five senators, four of whom are members of the Commerce, Small Business and Entrepreneurship Committee and are in key positions received \$49,000 health interests and \$37,750 from tobacco interests.

- Republican **Sen. Philip E. Berger**, Republican Leader and member of the Commerce, Small Business and Entrepreneurship Committee, which heard HB 24/S.L. 2007-193, received \$21,750 — \$13,250 from tobacco interests and \$8,500 from health interests.
- Democratic **Sen. David W. Hoyle**, also a member of the Senate Commerce, Small Business and Entrepreneurship Committee, came next with a total of \$17,500 — \$12,000 from health interests, the most received by any of the senators.
- **Senate President Pro Tem**, Democrat, **Marc Basnight** received \$16,750 — \$9,000 from health interests and \$ 7,750 from tobacco interests.
- Democratic **Sen. Tony Rand**, Majority Leader and also a member of Commerce and Vice-chair of Small Business and Entrepreneurship Committee, received \$10,500 from health interests and \$3,500 from tobacco interests, for a total of \$14,000.
- **Sen. Tom Apodaca**, Senate Deputy Republican Leader, also a member of the Commerce Small Business and Entrepreneurship Committee receive \$16, 750 total — \$9,000 from health interests and \$7,750 from tobacco interests.

As in most other states, North Carolina’s smoking ban legislation walks a line between health concerns on one side and revenue and individual rights on the other. Coming from a background in tobacco farming, Democratic Gov. Mike Easley, said, “. . . I think this Legislature has moved a

⁵² North Carolina Alliance for Health, Legislative Updates [on-line]; available from http://72.14.205.104/search?q=cache:gJBpRrmVK_kJ:www.rtpnet.org/alliance/+north+carolina+alliance+for+health&hl=en&ct=clnk&cd=1&gl=us; Internet; accessed Oct. 12, 2007

lot faster than I ever thought they would.... They put the health of the people ahead of the industry.”⁵³

However, Susan King Cope, of the American Lung Association of North Carolina, regarding the failure of HB 259 expressed, “ It goes back to the tobacco industry having a very heavy lobby and still having big pockets and deep pockets as well as far-reaching pockets.”⁵⁴

⁵³ Gary D. Robertson, “Failure of NC restaurant smoking ban masks other victories” *Associated Press*, August 12, 2007 [on-line]; available from http://www.statesville.com/servlet/Satellite?pagename=SRL%2FVGArticle%2FWSJ_BasicArticle&c=MGArticle&cid=1173352351947&path=!statenews; Internet; accessed Oct. 1, 2007.

⁵⁴ James Romoser “N.C. Tobacco Ties Strong, Complex, Rejection of Smoking Ban Shows Conflict,” *Winston-Salem Journal* May 6, 2007 [on-line]; available from http://www.journalnow.com/servlet/Satellite?pagename=WSJ/MGArticle/WSJ_BasicArticle&cid=1173351089821&c=MGArticle;Internet;Internet; accessed Oct. 19, 2007.

Pennsylvania

By Linda Casey

In Pennsylvania's 2007 legislative session, efforts to pass a statewide smoking ban were supported in both the House and Senate, with strong backing from the governor, for whom such a ban was central to his health care initiative. In addition, polls showed that most Pennsylvanians were in favor of such a ban.⁵⁵ Despite this broad support and with no public opposition from tobacco interests, the measure ran into a roadblock when the House and Senate couldn't agree on a series of amendments.

Lawmakers came close to passing the smoking ban outright, with the Senate 33 out of 50 in favor of the bill and the House voting 141 out of 203 for an altered version. But a final passage was delayed when the Senate rejected House amendments to the measure, despite assertions from the bill's primary sponsor, Republican Sen. Stewart Greenleaf, that the House amendments had improved the bill. Hoping to iron out the differences between the House and Senate versions, the Senate moved immediately to authorize the appointment of a Committee of Conference on SB 246.

It was expected the bill would be brought to a joint House and Senate Committee of Conference in the fall of 2007, but as of this writing such a conference committee has not been called.

Senate Bill 246 called for the creation of a Clean Indoor Air Act that would prohibit smoking in "certain public places and workplaces."⁵⁶ The House amended the bill by changing its name to the Smoke Free Pennsylvania Act and by making changes to the provisions of enforcement, allowing local governments the option of asking for stricter prohibitions and by exempting private clubs.

This case study looked at seven donors to Pennsylvania policymakers involved in the statewide smoking ban discussion during the 2007 Legislature: the Pennsylvania Medical Society, the Pennsylvania Restaurant Association and five tobacco industry donors.

An analysis of money given to Pennsylvania elected officials by these donors reveals:

- No tobacco interests voiced opposition to SB 246, but as a whole the five tobacco industry donors gave a total of \$92,985.
- Two vocal SB 246 proponents, the Pennsylvania Medical Society and the Pennsylvania Restaurant Association, gave a combined \$268,490 — \$192,529 to legislators and \$75,960 to legislative caucuses.
- Members of the two committees hearing the bill received \$23,320, or 9 percent of the money given by the two proponents to legislators, the governor and legislative caucuses.

⁵⁵ Tom Barnes, "Poll Finds Pa. Residents Favor Statewide Ban on Smoking," *Post-Gazette Harrisburg Bureau*, [newspaper on-line]; available from <http://www.post-gazette.com/pg/07039/760401-85.stm>; Internet; accessed Sept. 26, 2007.

⁵⁶ "Senate Bill No. 246," *The General Assembly of Pennsylvania*, [on-line]; available from <http://www.legis.state.pa.us/CFDOCS/Legis/PN/Public/btCheck.cfm?txtType=HTM&sessYr=2007&sessInd=0&billBody=S&billTyp=B&billNbr=0246&pn=1227>; Internet; accessed Oct. 1, 2007.

- Democratic Gov. Ed Rendell, a strong supporter of a smoking ban, did not receive money from SB 246 supporters but received \$42,500 from tobacco interests.⁵⁷
- Tobacco interests gave \$9,700 — or 10 percent of their overall total given to legislators, the governor and legislative caucuses — to three of the four legislative caucuses. No contributions went to either of the two state party committees from interests on either side of the issue.
- SB 246 proponents gave \$75,960, or 28 percent of their overall total given to legislators, the governor and legislative caucuses to four legislative caucuses.
- Nine of the 13 SB 246 sponsors received contributions from either proponents of the SB 246, the tobacco industry or both.

INTERESTED PARTIES

Interestingly, the Pennsylvania Restaurant Association not only gave \$16,325 to legislators, but also asked their members to support a smoking ban in Pennsylvania and even offered a link from their Web site to the Pennsylvania Alliance to Control Tobacco (PACT) Web site.⁵⁸

CONTRIBUTIONS BY OFFICE, 2006

CONTRIBUTORS	LAWMAKERS	GOVERNOR	LEGISLATIVE CAUCUS	TOTAL
Pennsylvania Medical Society	\$176,204	\$0	\$34,960	\$211,164
Tobacco Industry	\$46,485	\$42,500	\$4,000	\$92,985
Pennsylvania Restaurant Assoc.	\$16,325	\$0	\$41,000	\$57,325
TOTAL	\$239,014	\$42,500	\$79,960	\$361,474

While the Pennsylvania Tavern Association (PTA) did not contribute to lawmakers or other elected officials, they urged their membership to get involved in the “smoking ban fight” and promised that PTA “will be deeply involved.”⁵⁹ The PTA encouraged their members to voice their opposition to a smoking ban by suggesting they contact their legislators, write letters to the editor, call in to talk shows and speak out publicly regarding their opposition to a ban. None of their suggestions included campaign contributions.

Although the five tobacco interest contributors gave a total of \$92,985, they were silent on the issue, and there is no evidence they made a concerted lobbying effort to derail the bill.

⁵⁷ Tom Barnes, “Poll Finds Pa. Residents Favor Statewide Ban on Smoking,” *Post-Gazette Harrisburg Bureau*, [newspaper on-line]; available from <http://www.post-gazette.com/pg/07039/760401-85.stm>; Internet; accessed Sept. 26, 2007.

⁵⁸ *Pennsylvania Restaurant Association* [on-line]; available from <http://www.parestaurant.org/>; Internet; accessed Sept. 26, 2007.

⁵⁹ “Start Communicating Now,” *Pennsylvania Tavern Association* [on-line]; available from <http://www.mybizmydecision.com/communicate.htm>; Internet; accessed Sept. 26, 2007.

CONTRIBUTIONS TO COMMITTEE MEMBERS HEARING SB 246

Two committees — the Senate Public Health and the Welfare Committee and House Health and Human Services Committee — heard and passed SB 246. Subsequent floor votes took place on June 26, 2007, in the Senate, and July 16, 2007, in the House. The Senate then voted non-concurrence with the House amendments on July 16, 2007, and elected to call for a joint House and Senate conference committee. As of this writing the committee has not been appointed.

CONTRIBUTIONS TO COMMITTEE MEMBERS HEARING SB 246

COMMITTEE MEMBER	VOTES ON SB 246				FROM SB 246 SUPPORTERS	FROM TOBACCO INDUSTRY
	CMTE	HOUSE FLOOR	SENATE FLOOR			
		ON 7.16	ON 6.26	ON 7.16		
HOUSE						
Benninghoff, Kerry A. (R)	No	No			\$1,000	\$0
Gingrich, Mauree (R)	Yes	Yes			\$750	\$0
Kauffman, Rob (R)	Yes	Yes			\$650	\$0
Kenney Jr., George T. (R) *	Yes	Yes			\$2,000	\$1,500
MacKereth, Beverly (R)	Yes	Yes			\$520	\$0
McIlhattan, Fred (R)	Yes	Yes			\$500	\$0
Pashinski, Eddie Day (D)	Yes	No			\$1,000	\$0
Reichley, Douglas G. (R)	Yes	Yes			\$600	\$300
Ross, Chris (R)	Yes	Yes			\$450	\$0
Sonney, Curt (R)	Yes	Yes			\$500	\$0
Taylor, John J. (R)	Yes	Yes			\$0	\$2,000
Watson, Katharine M. (R)	Yes	Yes			\$500	\$0
TOTAL					\$8,470	\$3,800
SENATE						
Baker, Lisa (R)	Yes		No	Yes	\$5,300	\$0
Erickson, Edwin B. (R) **	Yes		Yes	No	\$1,750	\$0
Orie, Jane Clare (R) †	Yes		Yes	Yes	\$1,500	\$0
Scarnati III, Joseph B. (R)	Yes		No	No	\$6,000	\$500
Vance, Patricia H. (R)	Yes		Yes	Yes	\$300	\$0
TOTAL					\$14,850	\$500
GRAND TOTAL					\$23,320	\$4,300

* SB 246 sponsor

** committee chairman

† majority whip

CONTRIBUTIONS TO SB 246 SPONSORS

The Pennsylvania Medical Society and the Pennsylvania Restaurant Association gave \$13,650, or 5 percent of their overall total, to eight sponsors of the legislation. Tobacco company donors gave three SB 246 sponsors \$3,900, or 4 percent of their overall total. Three sponsors received no contributions from either SB 246 supporters or the tobacco industry.

CONTRIBUTIONS TO SB 246 SPONSORS

SB 246 SPONSOR	FLOOR VOTES ON SB 246			FROM SB 246 SUPPORTERS	FROM TOBACCO INDUSTRY
	HOUSE	SENATE			
	ON 7.16	ON 6.26	ON 7.16		
Corman III, Jacob D. (R)		Yes	Yes	\$3,650	\$1,250
Dinniman, Andrew E. (D)		Yes	No	\$0	\$0
Erickson, Edwin B. (R)		Yes	No	\$1,750	\$0
Ferlo, Jim (D)		No	No	\$500	\$0
Greenleaf, Stewart J. (R) *		Yes	Yes	\$0	\$0
Kenney Jr., George T. (R)	Yes			\$2,000	\$1,500
Logan, Sean (D)		Yes	No	\$1,250	\$0
Mundy, Phyllis (D)	Yes			\$0	\$0
O'Pake, Michael A. (D)		Yes	No	\$0	\$1,000
Orie, Jane Clare (R)		Yes	Yes	\$1,500	\$0
Stack, Mike (D)		Yes	Excused	\$500	\$0
Washington, Leanne (D)		Yes	No	\$0	\$0
Williams, Connie (D)		No	No	\$2,500	\$0
			TOTAL	\$13,650	\$3,750

* Primary sponsor of SB 246

CONTRIBUTIONS TO STATEWIDE OFFICIALS AND LEGISLATIVE LEADERSHIP

Gov. Rendell, strongly in favor of a smoking ban, included such a ban in his Prescription for Pennsylvania program.⁶⁰ But neither the Pennsylvania Medical Society nor the Pennsylvania Restaurant Association contributed to the governor's campaign, while he received \$42,500 from tobacco interests. Howard Lorber, an executive with Vector Group Ltd. gave the governor's campaign \$37,500. Lorber is from Valley Stream, N.Y.

Lt. Governor and Senate President Catherine Baker Knoll, a Democrat, did not receive money from players on either side of the issue.

⁶⁰ Tom Barnes, "Poll Finds Pa. Residents Favor Statewide Ban on Smoking," *Post-Gazette Harrisburg Bureau*, [newspaper on-line]; available from <http://www.post-gazette.com/pg/07039/760401-85.stm>; Internet; accessed Sept. 26, 2007.

CONTRIBUTIONS TO GOVERNOR AND LEGISLATIVE LEADERS

ELECTED OFFICIAL	OFFICE	FROM SB 246 SUPPORTERS	FROM TOBACCO INDUSTRY
Argall, David G. (R)	House Minority Whip	\$1,750	\$150
	House Majority Floor		
DeWeese, Bill (D)	Leader	\$1,000	\$4,000
McCall, Keith R. (D)	House Majority Whip	\$750	\$0
	Senate Minority Floor		
Mellow, Robert J. (D)	Leader	\$2,400	\$700
O'Brien, Dennis M. (R)	Speaker of the House	\$0	\$0
O'Pake, Michael A. (D) *	Senate Minority Whip	\$0	\$1,000
Orie, Jane Clare (R) †	Senate Majority Whip	\$1,500	\$0
Rendell, Ed (D)	Governor	\$0	\$42,500
	Senate President Pro		
Scarnati III, Joseph B. (R) **	Tempore	\$6,000	\$500
	House Minority Floor		
Smith, Sam (R)	Leader	\$0	\$4,500
TOTAL		\$13,400	\$53,350

* SB 246 sponsor

** Member of committee hearing SB 246.

† SB 246 sponsor and member of committee hearing SB 246.

CONTRIBUTIONS TO LEGISLATIVE CAMPAIGN COMMITTEE

Supporters of SB 246 gave a combined \$75,960 to the four legislative caucus committees, accounting for 28 percent of their overall contributions. Tobacco interests gave \$9,700, or 9 percent of their overall total to three of the four committees.

CONTRIBUTIONS TO LEGISLATIVE CAMPAIGN COMMITTEES

PENNSYLVANIA LEGISLATIVE CAMPAIGN COMMITTEE	SB 246 SUPPORTERS	TOBACCO INTERESTS	TOTAL
House Republican Campaign Committee	\$25,550	\$3,000	\$28,550
Senate Republican Campaign Committee	\$28,410	\$0	\$28,410
Democratic State Senate Campaign Committee	\$14,000	\$1,000	\$15,000
House Democratic Campaign Committee	\$8,000	\$0	\$8,000
TOTAL	\$75,960	\$4,000	\$79,960

Tennessee

By Megan Moore

Democratic Tennessee Gov. Phil Bredesen's plan to fund education with a cigarette tax increase came to fruition when the state legislature passed a 3.1-cent per cigarette tax in June 2007.⁶¹ Prior to the tax increase, Tennessee's 20-cent per pack cigarette tax was the fourth lowest in the nation.⁶² The new tax rate brings the Tennessee cigarette tax to 62 cents for a pack of 20 cigarettes, or 36th among the 50 states.⁶³

The cigarette tax increase is expected to raise an additional \$230 million per year, the bulk of which will fund K-12 education.⁶⁴ The bill ultimately passed with two amendments that earmarked \$21 million for agriculture grants and increased the tax from the original 3-cent per cigarette to 3.1 cents per cigarette. The additional 0.1-cent per cigarette was designated for the state's trauma system fund.

A group of 27 education, health and business groups combined forces to form the SchoolsFirst! coalition in support of funding education with an increased cigarette tax.⁶⁵ Four of the group's members contributed a total of \$246,300 to Tennessee legislators, the governor and state party committees during the 2006 election cycle. Contributions from the Tennessee Education Association and Friends of the Tennessee Hospital Association, which gave \$164,000 and \$74,800, respectively, accounted for most of the SchoolsFirst! coalition contributions. Both entities had a vested interest in the cigarette tax increase but also have broad legislative agendas. The remainder of the SchoolsFirst! contributions came from the Tennessee Chamber of Commerce and Industry and the Tennessee Business Roundtable.

Days after Gov. Bredesen's 2007 State of the State Address, in which he outlined his education funding plan,⁶⁶ R.J. Reynolds Tobacco announced its opposition to a cigarette tax increase.⁶⁷ Philip Morris USA, a subsidiary of Altria, favored the bill as amended by the Senate Finance, Ways and Means Committee, which cut the tax increase from 40 cents per pack to 20 cents per pack.⁶⁸ Those two companies, along with Lorillard Tobacco lobbied against a 40-cent cigarette tax increase.⁶⁹

⁶¹"New Statewide Coalition Puts 'Schools First'; Broad Group Supports Cigarette Tax Hike for Education," *Business Wire*, March 20, 2007.

⁶² *Ibid.*

⁶³ "State Cigarette Excise Tax Rates & Rankings," *Campaign for Tobacco Free Kids* [on-line]; available from <http://tobaccofreekids.org/research/factsheets/index.php?CategoryID=18>; Internet; accessed Oct. 12, 2007.

⁶⁴ Richard Locker, "Tennessee Cigarette Taxes Will Increase," *The Commercial Appeal*, June 5, 2007.

⁶⁵ "Who We Are," *SchoolsFirst!* [on-line]; available from <http://www.tnschoolsfirst.com/Who%20we%20are.htm>; Internet, accessed Oct. 3, 2007.

⁶⁶ "New Statewide Coalition Puts 'Schools First'; Broad Group Supports Cigarette Tax Hike for Education," *Business Wire*, March 20, 2007.

⁶⁷ Andy Sher, "Tobacco Giant R.J. Reynolds to Fight Bredesen's Cigarette Tax," *Chattanooga Times Free Press*, Feb. 8, 2007.

⁶⁸ Andy Sher, "Tobacco Company Says 20-Cent Cigarette Tax Hike 'Reasonable,'" *Chattanooga Times Free Press*, May 26, 2007.

⁶⁹ *Ibid.*

Members of the SchoolsFirst! coalition contributed nearly seven times more than the three tobacco companies that worked against the 40-cent cigarette tax increase. R.J. Reynolds Tobacco, Philip Morris' parent company Altria and Lorillard Tobacco combined to give just \$36,250 to lawmakers, the governor and state party committees.

SchoolsFirst! coalition members contributed the largest share of their money to state legislators, with state party committees not far behind. House members received \$85,300 from the coalition compared to senators, who received \$53,000. Democrats serving in the Legislature collected \$91,650, nearly twice as much as Republicans' \$46,650. Democrats control the Tennessee state House and at the time of the cigarette tax increase vote, the Senate was comprised of 16 Democrats, 16 Republicans and one Independent.⁷⁰

Of the \$88,500 contributed to state party committees, \$83,500 went to Democratic committees, with the Tennessee Democratic Party and the Senate Democratic Caucus each receiving about \$35,000 and the House Senate Democratic Caucus collecting \$14,000. The Senate Republican Caucus received \$5,000 and was the only Republican Party committee to receive contributions from the coalition members. Gov. Bredesen, the driving force behind the cigarette tax increase education funding plan, collected \$19,500 from the coalition.

State legislators received three-quarters of the tobacco-interest money, with \$16,200 going to Republicans and Democrats receiving \$11,050. Democratic state party committees received all of the tobacco company money given to state party committees. The Senate Democratic Caucus collected \$6,000 and the House Senate Democratic Caucus received \$1,000. Altria also gave Gov. Bredesen \$2,000 for his 2006 re-election campaign.

CONTRIBUTIONS BY OFFICE, 2005-2006

INTERESTED PARTIES	TO LAWMAKERS	TO GOVERNOR	TO STATE PARTIES	TOTAL
Tennessee Education Association	\$70,000	\$11,500	\$82,500	\$164,000
Friends of Tennessee Hospital Association	\$60,800	\$8,000	\$6,000	\$74,800
Tennessee Chamber of Commerce & Industry	\$7,250	\$0	\$0	\$7,250
Tennessee Business Roundtable	\$250	\$0	\$0	\$250
TOTAL FOR INCREASE	\$138,300	\$19,500	\$88,500	\$246,300
R.J. Reynolds Tobacco	\$11,250	\$0	\$5,000	\$16,250
Altria	\$12,500	\$2,000	\$1,000	\$15,500
Lorillard Tobacco	\$3,500	\$0	\$1,000	\$4,500
TOTAL AGAINST INCREASE	\$27,250	\$2,000	\$7,000	\$36,250
OVERALL TOTAL	\$165,550	\$21,500	\$95,500	\$282,550

In addition to the discord over how much the cigarette tax should be increased, if at all, legislators disagreed on how this new tax revenue should be spent. Competing with the governor's plan to tie the cigarette tax increase to education funding was a so-called "food tax swap" that would have

⁷⁰ Democratic Sen. Ward Crutchfield has since resigned. "Crutchfield Submits Resignation Letter: Bredesen to Call Special Election," *Chattanooga.com*, July 27, 2007 [on-line]; available from http://www.chattanooga.com/articles/article_110711.asp; Internet; accessed Oct. 12, 2007.

used the revenue generated from the increased cigarette tax to cut sales tax on food.⁷¹ In order to prevent an amendment that would siphon off some of the cigarette tax increase funds from education and apply them to lowering the food tax, Democrats agreed to support a half-cent decrease in the food tax that appeared in a budget bill.⁷² The only vocal proponent of the food tax swap, Tennesseans for Fair Taxation, did not make contributions.

SENATE BILL 2326

Senate Bill 2326 was referred to the Senate Finance, Ways and Means Committee, which recommended it for passage, albeit with an amendment that cut the proposed 3-cent per cigarette tax increase in half and added a tax increase on other forms of tobacco.⁷³ Nine Senate Finance committee members voted to send the bill to the Senate floor; for a vote by all Senate members; the remaining two members were present but did not vote.

The 11 members of the Senate Finance Committee received a total of \$19,450 from contributors that took a position on the bill, with 90 percent of the money given by members of the SchoolsFirst! coalition. The top recipient was committee Vice Chair Sen. Douglas D. Henry, who is a Democrat. He received \$7,000 from proponents of the tax increase and \$100 from Altria. Bill sponsor Democratic Sen. James F. Kyle, Jr. collected the second largest sum, \$4,000, all from SchoolFirst! coalition members. Four committee members received money from contributors both for and against the cigarette tax increase; all except one received more from SchoolsFirst! coalition members than from tobacco interests.

Republican Sen. Bo Watson, who introduced the amendment in committee to reduce the proposed cigarette tax increase to 2 cents per cigarette, did not receive money from either side and did not confer with tobacco industry representatives on the bill.⁷⁴

⁷¹ Richard Locker, "Tobacco-Food Taxes at Odds; Bredesen, Lawmakers Differ on Spreading Wealth," *The Commercial Appeal*, Feb. 14, 2007, sec. Metro, p. B1.

⁷² Richard Locker, "Tennessee Cigarette Taxes Will Increase," *The Commercial Appeal*, June 5, 2007.

⁷³ Andy Sher, "Tobacco Company Says 20-Cent Tax Hike 'Reasonable'," *Chattanooga Times Free Press*, May 26, 2007.

⁷⁴ *Ibid.*

CONTRIBUTIONS TO SENATE FINANCE, WAYS & MEANS COMMITTEE MEMBERS, 2005-2006

COMMITTEE MEMBER	COMMITTEE VOTE	FLOOR VOTE	FROM PROPONENTS	FROM OPPONENTS	TOTAL
Henry, Douglas (D)(Vice Chair)	Yes	Yes	\$7,000	\$100	\$7,100
Kyle Jr., James F. (D)*	Yes	Yes	\$4,000	\$0	\$4,000
	Present Not				
Black, Diane (R)	Voting	No	\$2,000	\$350	\$2,350
Haynes, Joe M. (D)	Yes	Yes	\$1,000	\$1,000	\$2,000
McNally, Randy (R)(Chair)	Yes	No	\$1,000	\$500	\$1,500
Burchett, Tim (R)(Secretary)	Yes	No	\$1,000	\$0	\$1,000
Norris, Mark (R)	Yes	No	\$1,000	\$0	\$1,000
	Present Not				
Finney, Raymond (R)	Voting	No	\$500	\$0	\$500
Kurita, Rosalind (D)*	Yes	Yes	\$0	\$0	\$0
Watson, Bo (R)	Yes	No	\$0	\$0	\$0
Wilder, John (D)	Yes	Yes	\$0	\$0	\$0
		TOTAL	\$17,500	\$1,950	\$19,450

*Sponsor of SB 2326.

Once the bill was on the Senate floor, Senate Finance Committee chair and Republican Sen. Randy McNally introduced two amendments: one that restored the cigarette tax increase to its original 3-cent per cigarette tax and a competing amendment that instead levied a 2-cent per cigarette tax and doubled the rate of taxation on other forms of tobacco from 6.6 percent to 13.2 percent. Both amendments also set aside \$21 million for agricultural development. The first amendment passed and the second was tabled. Sen. McNally received \$1,000 from organizations in favor of the cigarette tax increase and \$500 from Altria, whose subsidiary — Philip Morris USA — preferred a smaller cigarette tax increase.⁷⁵

One of the bill’s sponsors, Democratic Sen. Rosalind Kurita, introduced two floor amendments and moved to amend one of her amendments after it failed. The amendments all aimed to increase the cigarette tax by more than 3-cents per cigarette and divert the increase to the state’s newly created trauma system fund, which benefits hospitals. Senators passed an additional 0.1-cent increase, significantly less than the 2-cent increase Kurita first proposed. Kurita, who was not up for reelection in 2006, did not receive any contributions from any of the interested parties.

The cigarette tax increase bill passed the Senate on a razor thin 17-to-16 vote. In addition to the eight members of the Senate Finance Committee who received contributions from interested parties, 20 other senators also received money from these contributors. Proponents of the cigarette tax increase contributed \$32,500 to senators that voted for the bill on the Senate floor and \$20,500 to senators that voted against the bill. The tobacco companies that opposed Senate Bill 2326 gave \$2,200 to senators that favored the bill and \$7,750 to those that voted against it.

The highest-ranking Senate Republican, Speaker Ron Ramsey, voted against SB 2326. Ramsey received \$1,250 from tobacco interests and \$3,000 from SchoolsFirst! coalition member Friends of the Tennessee Hospital Association. Speaking in front of the National Association for the

⁷⁵ Andy Sher, “Tobacco Company Says 20-Cent Tax Hike ‘Reasonable’,” *Chattanooga Times Free Press*, May 26, 2007.

Advancement of Colored People, Ramsey outlined Republicans' preference for either not increasing the cigarette tax or using an increase to reduce food taxes. He stated that there was an "overcollection of taxes" and that reducing the food tax "is a way to return the overcollection to taxpayers."⁷⁶

HOUSE BILL 2354

The companion bill to the Senate cigarette tax bill, House Bill 2354, went through both the House Agriculture and the House Finance, Ways and Means committees, where various attempts were made to lower the rate of the cigarette tax increase and to direct the new revenue to programs other than education, such as a food tax reduction.⁷⁷

The House Agriculture Committee voted 11 to 7 to recommend the bill for passage with amendments. Agriculture Committee Chair and Democratic Rep. Stratton Bone, who also sits on the House Finance, Ways and Means Committee, introduced an amendment in the Agriculture Committee to cut the cigarette tax increase by half.⁷⁸ Bone received \$1,000 from R.J. Reynolds Tobacco, \$750 Altria and \$500 from Lorillard Tobacco. He also collected \$500 from each the Tennessee Education Association and Friends of the Tennessee Hospital Association. Though Bone's amendment was later overturned and the cigarette tax was restored to the originally proposed rate, Bone voted for the bill on the House floor.

Altogether, House Agriculture Committee members received \$16,800 from pro- and anti-cigarette tax forces, with tobacco interests accounting for 52 percent of contributions. Those that voted for the cigarette tax increase in committee received a total of \$5,750 from members of the SchoolsFirst! coalition and \$5,100 from the three tobacco companies. Agriculture Committee members that voted against the measure in committee collected a total of \$5,950, with \$3,700 coming from tobacco interests and \$2,250 from the state education and hospital associations.

CONTRIBUTIONS TO HOUSE AGRICULTURE COMMITTEE MEMBERS, 2005-2006

COMMITTEE MEMBER	COMMITTEE VOTE	FLOOR VOTE	FROM PROPONENTS	FROM OPPONENTS	TOTAL
Bone, Stratton (D)(Chair)*	Yes	Yes	\$1,000	\$2,250	\$3,250
McDaniel, Steve K. (R)*	Yes	Yes	\$1,500	\$1,250	\$2,750
Litz, John (D)	No	No	\$1,000	\$1,250	\$2,250
Borchert, Willie (D)(Vice Chair)	Yes	Yes	\$500	\$1,350	\$1,850
Shaw, Johnny W. (D)*	Yes	Yes	\$1,000	\$250	\$1,250
		Did Not			
Baird, William (R)	No	Vote	\$0	\$1,200	\$1,200
Swafford, Eric (R)	No	No	\$500	\$500	\$1,000
Bibb, Robert T. (D)(Secretary)	Yes	Yes	\$750	\$0	\$750
Lollar, Ron (R)	No	No	\$750	\$0	\$750
Bass, Eddie (D)	Yes	Yes	\$500	\$0	\$500
Crider, Chris (R)	Yes	No	\$500	\$0	\$500
Gresham, Dolores (R)	No	No	\$0	\$500	\$500

⁷⁶ Richard Locker, "Tobacco-Food Taxes at Odds; Bredesen, Lawmakers Differ on Spreading Wealth," *The Commercial Appeal*, Feb. 14, 2007, sec. B, p. 1.

⁷⁷ Andy Sher, "House Panel Stokes Cigarette Tax Confusion," *Chattanooga Times Free Press*, April 11, 2007.

⁷⁸ Andy Sher, "House Panel Stokes Cigarette Tax Confusion," *Chattanooga Times Free Press*, April 11, 2007.

COMMITTEE MEMBER	COMMITTEE VOTE	FLOOR VOTE	FROM PROPONENTS	FROM OPPONENTS	TOTAL
Dunn, Bill (R)*	No	No	\$0	\$250	\$250
Bell, Mike (R)	No	No	\$0	\$0	\$0
Ford, Dale (R)	Yes	Yes	\$0	\$0	\$0
Windle, John Mark (D)	Yes	No	\$0	\$0	\$0
TOTAL			\$8,000	\$8,800	\$16,800

*Also on the House Finance, Ways & Means Committee.

Once HB 2354 reached the House Finance, Ways and Means Committee, the sponsor — Democratic Rep. Gary Odom — managed to restore the original 40-cent per pack cigarette tax increase.⁷⁹ Odom received a combined \$2,250 from the Friends of the Tennessee Hospital Association, the Tennessee Education Association and the Tennessee Chamber of Commerce & Industry. He did not collect any contributions from the three tobacco companies opposed to his bill.

Members of the SchoolsFirst! coalition contributed \$30,600 to House Finance Committee members who voted in favor of HB 2354 in committee. Those same representatives received \$6,800 from the three tobacco companies that worked against the bill. The four House Finance members who voted against the cigarette tax increase bill in committee raised \$5,250 from members of the SchoolsFirst! coalition and \$1,350 from tobacco contributors. Republican Rep. Doug Overbey, who was present but did not vote, collected \$1,000 each from the Tennessee Education Association and the Friends of the Tennessee Hospital Association and \$100 from Altria.

CONTRIBUTIONS TO HOUSE FINANCE, WAYS & MEANS COMMITTEE MEMBERS, 2005-2006

COMMITTEE MEMBER	COMMITTEE VOTE	FLOOR VOTE	FROM PROPONENTS	FROM OPPONENTS	TOTAL
Mumpower, Jason (R)	No	No	\$3,000	\$500	\$3,500
Harrison, Mike (R)	Yes	Yes	\$2,350	\$1,000	\$3,350
Bone, Stratton (D)**	Yes	Yes	\$1,000	\$2,250	\$3,250
McDaniel, Steve K. (R)*	Yes	Yes	\$1,500	\$1,250	\$2,750
Maddox, Mark L. (D)	Yes	Yes	\$2,500	\$0	\$2,500
Odom, Gary (D)*	Yes	Yes	\$2,250	\$0	\$2,250
Rinks, Randy (D)	Yes	Yes	\$1,750	\$500	\$2,250
	Present Not				
Overbey, Doug (R)	Voting	No	\$2,000	\$100	\$2,100
Armstrong, Joe (D)	Yes	Yes	\$2,000	\$0	\$2,000
Fitzhugh, Craig (D)(Chair)	Yes	Yes	\$2,000	\$0	\$2,000
Briley, Rob (D)	Yes	Yes	\$1,500	\$450	\$1,950
Tindell, Harry (D)(Vice Chair)	Yes	Yes	\$1,750	\$100	\$1,850
Deberry, Lois (D)	Yes	Yes	\$1,000	\$750	\$1,750
Sontany, Janis Baird (D)	Yes	Yes	\$1,750	\$0	\$1,750
Sargent Jr., Charles M. (R)	No	No	\$1,000	\$600	\$1,600

⁷⁹ Joe White, "Legislature Moving Fast in Final Days of Session," *Nashville Public Radio*, May 31, 2007 [on-line], available from <http://wpln.org/news/transcripts/?p=1495>; Internet, accessed Oct. 4. 2007.

COMMITTEE MEMBER	COMMITTEE VOTE	FLOOR VOTE	FROM PROPONENTS	FROM OPPONENTS	TOTAL
Roach, Dennis (R)	Yes	Yes	\$1,500	\$0	\$1,500
Coleman, Kent (D)	No	Yes	\$1,250	\$0	\$1,250
Curtiss, Charles (D)	Yes	Yes	\$1,000	\$250	\$1,250
Shaw, Johnny W. (D)* (Secretary)	Yes	Yes	\$1,000	\$250	\$1,250
Pinion, Phillip (D)	Yes	Yes	\$1,000	\$0	\$1,000
Vaughn, Nathan (D)	Yes	Yes	\$1,000	\$0	\$1,000
Brown, Tommie F. (D)	Yes	Yes	\$750	\$0	\$750
Hood, John (D)	Yes	Yes	\$750	\$0	\$750
Williams, Kent (R)	Yes	Yes	\$750	\$0	\$750
Brooks, Harry (R)	Yes	Yes	\$500	\$0	\$500
Harwell, Beth (R)	Yes	No	\$500	\$0	\$500
Miller, Larry (D)	Yes	Yes	\$500	\$0	\$500
Dunn, Bill (R)*	No	No	\$0	\$250	\$250
TOTAL			\$37,850	\$8,250	\$46,100

*Also on House Agriculture Committee. **HB 2354 sponsor

When the House version of the cigarette tax increase reached the House floor, members chose to substitute the bill passed by the Senate the previous week. Nineteen amendments were introduced on the House floor; some to slash the rate of the cigarette tax increase and others to direct some or all of the new revenue to sources other than education. Democratic leadership viewed the amendments as a Republican attempt to prevent passage of the bill.⁸⁰ If the House attached any amendments to the bill, the new version would have had to be approved by the Senate. With two Democratic senators who favored the bill absent, it was unlikely an amended bill would have passed the Senate.⁸¹

After proponents staved off attempts to amend the cigarette tax increase bill, it passed the House with a final vote of 59 to 35. SchoolsFirst! coalition members contributed a total of \$63,500 to House members who voted for the final bill and \$17,800 to those who voted against it. The three tobacco companies that lobbied against the 40-cent cigarette tax increase gave \$10,200 to state representatives who voted on the House floor for the increase and \$5,900 to members who voted against the bill.

⁸⁰ Richard Locker, "Tennessee Cigarette Taxes Will Increase," *The Commercial Appeal*, June 5, 2007.

⁸¹ *Ibid.*

Virginia

By Scott Jordan

Tobacco manufacturer Philip Morris emerged in 2007 from a self-imposed two-year exile from lobbying against smoking bans.⁸² The company's re-emergence came in response to the introduction of several bills to regulate smoking in public places during Virginia's 2007 legislative session.

Philip Morris, with headquarters in Richmond, Va., has been a formidable presence in the hallways of the state legislature, known for its ability to kill legislation before it can even face a vote. The *Washington Post* reported how, in the past, anti-smoking legislation in Virginia could meet its demise simply by Phillip Morris instructing its lobbyists to announce at a committee hearing "Philip Morris opposes this bill."⁸³

Though Philip Morris disengaged from the lobbying process in 2005 and 2006, Altria, the parent company of Philip Morris, did not shut its wallet to Virginia lawmakers. Altria gave over \$300,000 to Virginia lawmakers and state party committees during the 2005 election cycle. The company spread its money around, giving to 119 of 140, or to close to 81 percent, of the members of the 2007 Virginia General Assembly, as well as to the campaign of Democratic Gov. Timothy Kaine.

ALTRIA CONTRIBUTIONS TO LAWMAKERS AND PARTY COMMITTEES IN VIRGINIA, 2005

RECIPIENT	TOTAL
Delegates	\$106,917
State Party Committees	\$75,684
Senators	\$53,570
Gov. Tim Kaine (D)	\$50,000
Lieutenant Gov. William T. Bolling (R)	\$30,278
TOTAL	\$311,171

Several other tobacco interests also made significant campaign contributions in the 2005 cycle. However, Philip Morris was the only tobacco interest that visibly lobbied for the specific tobacco legislation analyzed in this report.

Cigarette manufacturer S & M Brands, based in Keysville, Va., gave \$77,000; R.J. Reynolds, the second largest tobacco company,⁸⁴ gave \$55,641, and Lorillard Tobacco, the nation's third largest

⁸² Amy Gardner, "Tobacco Giant Reasserts Itself as Calls for Va. Smoking Ban Grow," *Washington Post*, Feb. 1, 2007 [newspaper on-line]; available from http://www.washingtonpost.com/wp-dyn/content/article/2007/01/31/AR2007013102127_pf.html; Internet; accessed on Oct. 10, 2007.

⁸³ *Ibid.*

⁸⁴ "R.J. Reynolds Tobacco Company Fact Book," *R.J. Reynolds* [on-line]; available from <http://www.rjrt.com/company/profileFactBook.asp>; Internet; accessed Oct. 19, 2007.

tobacco company,⁸⁵ headquartered in North Carolina, contributed \$13,000. Combined, these tobacco interests gave \$145,641, 47 percent of the money given by Altria.

Eighty-three of the 100 members of the Virginia House of Delegates received nearly \$108,000 from Altria. Altria gave to both sides of the aisle as well — Republican House members received \$65,709, and Democrats received \$40,708. Independent lawmakers received \$1,500.

Altria also contributed more than \$52,000 to 36 senators in 2005 — \$40,820 to Republicans and \$11,750 to Democrats.

2007 SMOKING LEGISLATION IN VIRGINIA

Seven bills that addressed smoking in public spaces were introduced in the 2007 legislative session, all of which failed to become law.

Six bills restricting the use of tobacco failed to emerge from the House General Laws Committee:

- HB 2067, The Indoor Clean Air Act, dealt primarily with adding further restrictions to smoking in restaurants built after the first of July, 2008. HB 2067 died in the ABC-Gaming Subcommittee of the House General Laws Committee.
- Five similar bills, all entitled Smoke Free Air Act (HB 2245, HB 2689, HB 1952, HB 2005, SB 1161), sought to ban smoking in most public places, including restaurants and workplaces. All five bills died once they reached the ABC-Gaming Sub-committee of the House General Laws Committee, including SB 1161, which had passed out of the full Senate.

The single smoking-related legislation to emerge from the House General Laws Committee in 2007 was House Bill 2422, which revoked smoking regulations in restaurants. The bill, which passed the House and the Senate, but was ultimately vetoed by the governor, lifted the existing requirement mandating smoking sections at Virginia restaurants, instead requiring restaurants to post “smoking permitted” or “no smoking” signs.

Phillip Morris opposed the six bills that further restricted public smoking, advocating instead to let business owners, “particularly owners of restaurants and bars” decide how best to accommodate their customers and let the public “choose whether or not to frequent places where smoking is permitted.”⁸⁶ In Virginia, all establishments that serve alcohol must also serve food, therefore, any smoking legislation in the state would affect bars and restaurants equally.⁸⁷

⁸⁵ “Lorillard At A Glance,” Lorillard Tobacco Company [on-line]; available from <http://www.lorillard.com/index.php?id=33>; Internet; accessed Oct. 19, 2007.

⁸⁶ Legislation & Regulation; Public Place Smoking Restrictions,” *PhilipMorrisUSA* [on-line]; available from http://www.philipmorrisusa.com/en/legislation_regulation/smoking_restrictions.asp; Internet; accessed Oct. 10, 2007.

⁸⁷ Christina Nuckols, “Governor to Consider Banning Smoking in Virginia Restaurants,” *The Virginia Pilot*, March 3, 2007 [newspaper on-line]; available from <http://content.hamptonroads.com/story.cfm?story=120481&ran=63581>; Internet; accessed Oct. 10, 2007.

Opposing Philip Morris and pushing for smoking bans in the state was Virginians For a Healthy Future,⁸⁸ a coalition that includes the American Heart Association, the American Cancer Society, the Campaign for Tobacco Free Kids and the American Lung Association of Virginia. The only group to give in the 2005 elections was the Campaign for Tobacco Free Kids, which spread over \$10,000 to five Democratic house members.

Republican Del. Morgan Griffith, sponsor of HB 2422, said the intent of his bill was to “apply market forces to pressure more restaurants into going smoke free.”⁸⁹ Griffith hoped the bill would “spare most employers from burdensome regulation while protecting patrons.”⁹⁰ Though the delegate’s stated intent was to reduce smoking in restaurants, the bill reflects Philip Morris’ position of leaving decisions regarding smoking regulations up to owners and proprietors of individual businesses.⁹¹

Upon reaching the governor’s desk, however, Gov. Tim Kaine, who had received \$50,000 from Altria, essentially re-wrote HB 2422 to ban smoking in all restaurants. As governor, Kaine has the option to propose amendments to bills, which are then sent back for a vote by the chamber of the bill’s origin.

The House of Delegates then rejected the governor’s amendment. Cathleen Smith Grzesiek, the Virginia director of advocacy for the American Heart Association, stated after the House rejection of Kaine’s amendment, “Big tobacco has deep pockets and they definitely reached into them for this.”⁹² The Senate never voted on Kaine’s amendment.

The original version of HB 2422 was then sent back to the governor, who vetoed the legislation, claiming he did not want to roll back any anti-smoking legislation.⁹³

STRATEGIC SPENDING

The sponsors of the six bills that further restricted public smoking received a total of \$5,000 from Altria. Del. H. Morgan Griffith, the sponsor of HB 2422, which would have eased smoking regulations in restaurants and bars, received \$2,500 from Altria.

⁸⁸ “Press Room; Virginians for a Healthy Future Commends Seante For Sending Smoke Free Air Legislation to the Governor For Amendments ,” *Virginians For a Healthy Future* [on-line]; available from <http://www.healthyva.org/press.html#>; Internet; accessed Oct 18,2007.

⁸⁹ Mason Adams, “Bill to Ban Smoking Goes Up in Smoke; Health Groups had Pushed for Legislation Banning Smoking in Restaurants,” *The Roanoke Times*, April 5, 2007 [newspaper on-line]; available from <http://www.roanoke.com/politics/wb/wb/xp-111817>; Internet; accessed on Oct. 10, 2007.

⁹⁰ Amy Gardner, “Tobacco Giant Reasserts Itself as Calls for VA. Smoking Ban Grow,” *Washington Post*, Feb. 1, 2007 [newspaper on-line]; available from http://www.washingtonpost.com/wp-dyn/content/article/2007/01/31/AR2007013102127_pf.html; Internet; accessed on Oct. 10, 2007

⁹¹ Legislation & Regulation; Public Place Smoking Restrictions,” *PhilipMorrisUSA* [on-line]; available from http://www.philipmorrisusa.com/en/legislation_regulation/smoking_restrictions.asp; Internet; accessed on Oct. 10, 2007.

⁹² Mason Adams, “Bill to Ban Smoking Goes Up in Smoke; Health Groups had Pushed for Legislation Banning Smoking in Restaurants,” *The Roanoke Times*, April 5, 2007 [newspaper on-line]; available from <http://www.roanoke.com/politics/wb/wb/xp-111817>; Internet; accessed on Oct. 10, 2007.

⁹³ *Ibid.*

ALTRIA CONTRIBUTIONS TO SPONSORS OF SMOKING LEGISLATION, 2005

BILL SPONSOR	PARTY	BILL	ALTRIA
Griffith, H, Morgan	Republican	HB 2422	\$2,500
Callahan Jr., Vincent F.	Republican	HB 2005	\$2,000
Bell II, J. Brandon	Republican	SB 1161	\$1,000
Oder, G. Glenn *	Republican	HB 2689	\$1,000
Howell Jr, Algie T.	Democrat	HB 2245	\$500
Morgan, Harvey B.	Republican	HB 1952	\$500
Cosgrove, John A.*	Republican	HB 2067	\$0
			\$7,500

* Member of House General Laws Committee

HOUSE GENERAL LAWS COMMITTEE

The six bills that attempted to further restrict smoking in public places all died in the third sub-committee of the House General Laws Committee. Altria contributed \$22,750 to members of the House General Laws Committee in 2005 — \$11,000 of which was given to four of the six members of the ABC/Gaming Sub-committee. The only bill that emerged from the committee was HB 2422, the bill that eased smoking regulations in bars and restaurants.

Two members of the committee, Democratic delegates, Rosalyn Tyler and William Barlow, each received \$2,005 from the Campaign for Tobacco Free Kids.

ALTRIA CONTRIBUTIONS TO HOUSE GENERAL LAWS COMMITTEE, 2005

HOUSE GENERAL LAWS	POSITION	TOTAL
Albo, David B. (R)	ABC-Gaming Subcommittee	\$6,250
Armstrong, Ward L. (D)	ABC-Gaming Subcommittee	\$3,500
Cox, M. Kirkland (R)	Member, Full Committee	\$2,500
Gear, Thomas D. (R)	Chair of ABC-Gaming Subcommittee	\$1,000
Jones, S. Chris (R)	Member, Full Committee	\$1,000
Oder, G. Glenn (R) *	Member, Full Committee	\$1,000
Phillips, Clarence E. (D)	Member, Full Committee	\$1,000
Rapp, Melanie L. (R)	Member, Full Committee	\$1,000
Saxman, Chris B. (R)	Member, Full Committee	\$1,000
Ward, Jeion A. (D)	Member, Full Committee	\$1,000
Hull, Robert D. (D)	Member, Full Committee	\$750
McQuigg, Michele B. (R)	Member, Full Committee	\$750
Abbitt Jr., Watkins M. (I)	ABC-Gaming Subcommittee	\$500
Bulova, David L. (D)	Member, Full Committee	\$500
Reid, John S. (R)	Chair of Full Committee	\$500
Tyler, Roslyn C. (D)	Member, Full Committee	\$500
Barlow, William K. (D)	Member, Full Committee	\$0
Cosgrove Jr., John A. (R) (Sponsor_	ABC-Gaming Subcommittee	\$0
Dance, Rosalyn R. (D)	Member, Full Committee	\$0
Suit, Terrie L. (R)	Member, Full Committee	\$0
Wright Jr, Thomas C. (R)	ABC-Gaming Subcommittee	\$0
TOTAL		\$22,750

THE VOTES

Members of both chambers of the 2007 General Assembly voted on measures that affected smoking in restaurants and bars, 81 percent of whom received money from Altria in 2005.

The legislative interests of Philip Morris were put to the test in votes by both the House and the Senate. Each chamber voted on legislation to ease smoking regulations in bars as well as banning smoking outright in bars and restaurants.

THE HOUSE VOTES

Thirty-four House members who received money from Altria⁹⁴ voted for the original version of HB 2422, which would have lifted regulations mandating smoking sections and instead allowed restaurants to either permit or forbid smoking in all sections, and then voted against the governor's amended version of the bill, which would have banned smoking in bars and restaurants. Together, these 34 delegates — 26 Republicans, six Democrats and two Independents — received over \$46,000 from Altria.

Conversely, four House members who received money from Altria, all Democrats, voted against the original version of HB 2422 and then voted in favor of the governor's amended version. These four members received a total of \$2,500 from Altria.

Twenty-four other members, each of whom voted in favor of easing smoking restrictions and then in favor of the governor's amendment that banned smoking in restaurants, received \$24,500 from Altria. Thirteen Democrats received \$12,750 and 11 Republicans received \$11,750 from Altria.

All four Republican House members who introduced Smoke Free Air Act bills voted in favor of the smoking section deregulation and then in favor of the governor's amendment.

Fourteen House members, who received \$28,459 from Altria, voted against both versions of the bill. Four Democrats received just over \$12,000 and 10 Republicans who received just over \$16,000 registered *Nay* votes twice in regards to HB 2422.

ALTRIA CONTRIBUTIONS TO VIRGINIA HOUSE MEMBERS, 2005

STATE HOUSE	VOTE ON ORIGINAL HB2422	VOTE ON AMENDED HB2422	TOTAL
Abbitt Jr., Watkins M. (I)	Yea	Nay	\$500
Albo, David B. (R)	Yea	Nay	\$6,250
Alexander, Kenneth Cooper (D)	Yea	Yea	\$250
Amundson, Kristen J. (D)	Yea	Yea	\$1,000
Armstrong, Ward L. (D)	Yea	Nay	\$3,500
Athey Jr., C. L. (Clay) (R)	Yea	Nay	\$1,000
Bacote, Mamye E. (D)	Yea	Yea	\$750
Barlow, William K. (D)	Yea	Yea	\$0
Bell III, Robert B. (R)*	Nay	Nay	\$1,000

⁹⁴ This analysis, and any further analysis, includes only those House and Senate members who held office or were elected in the 2005 campaign and voted on the measures. Current members who were appointed or were elected in special elections and members who resigned after their election are not included.

STATE HOUSE	VOTE ON ORIGINAL HB2422	VOTE ON AMENDED HB2422	TOTAL
Brink, Robert H. (D)	Nay	Yea	\$750
Bulova, David L. (D)	Nay	Yea	\$500
Byron, Kathy J. (R)	Yea	Nay	\$1,000
Callahan Jr., Vincent F. (R)*	Yea	Yea	\$2,000
Caputo, C. Chuck (D)	Yea	Nay	\$0
Carrico, C. W. (Bill) (R)	Yea	Nay	\$750
Cline, Ben L. (R)	Yea	Nay	\$250
Cole, Mark L. (R)	Yea	Nay	\$1,000
Cosgrove Jr., John A. (R)*	Yea	Nay	\$0
Cox, M. Kirkland (Kirk) (R)	Yea	Nay	\$2,500
Crockett-Stark, Anne B. (R)	Yea	Yea	\$0
Dance, Rosalyn R. (D)	Nay	Nay	\$0
Dudley, Allen W. (R)	Nay	Nay	\$1,000
Ebbin, Adam P. (D)	Nay	Yea	\$1,000
Eisenberg, Albert C. (D)	Did Not Vote	Yea	\$0
Englin, David L. (D)	Nay	Yea	\$0
Fralin Jr., William H. (R)	Nay	Nay	\$750
Frederick, Jeffery M. (R)	Yea	Nay	\$1,000
Gear, Thomas D. (Tom) (R)	Yea	Nay	\$1,000
Gilbert, C. Todd (R)	Yea	Nay	\$500
Griffith, H. Morgan (R)*	Yea	Nay	\$2,500
Hall, Franklin P. (Frank) (D)	Nay	Nay	\$10,000
Hamilton, Phillip A. (R)	Yea	Yea	\$500
Hargrove Sr., Frank D. (R)	yea	Nay	\$250
Hogan, Clarke N. (R)	Nay	Nay	\$0
Howell Jr., Algie T. (D)*	Yea	Yea	\$500
Howell, William J. (R)	Yea	Nay	\$0
Hugo, Timothy D. (R)	Did Not Vote	Nay	\$1,000
Hull, Robert D. (Bob) (D)	Nay	Nay	\$750
Hurt, Robert (R)	Nay	Nay	\$1,000
Iaquinto, Sal R. (R)	Yea	Yea	\$500
Ingram, Riley Edward (R)	Nay	Nay	\$5,100
Janis, W. R. (Bill) (R)	Nay	Nay	\$1,500
Joannou, Johnny S. (D)	Yea	Yea	\$0
Johnson Jr., Joseph P. (D)	Did Not Vote	Yea	\$500
Jones, Dwight C. (D)	Nay	Nay	\$1,000
Jones, S. Chris (R)	Yea	Yea	\$1,000
Kilgore, Terry G. (R)	Nay	Nay	\$1,500
Landes, R. Steven (Steve) (R)	Yea	Nay	\$500
Lewis Jr., Lynwood W. (D)	Yea	Nay	\$1,250
Lingamfelter, L. Scott (R)	Nay	Nay	\$2,359
Lohr, Matthew J. (Matt) (R)	Yea	Nay	\$500
Marsden, Dave W. (D)	Yea	Yea	\$500
Marshall III, D. W. (Danny) (R)	Yea	Nay	\$0
Marshall, Robert G. (Bob) (R)	Yea	Nay	\$1,000
May, Joe T. (R)	Yea	Nay	\$1,000
McClellan, Jennifer L. (D)	Yea	Yea	\$500

STATE HOUSE	VOTE ON ORIGINAL HB2422	VOTE ON AMENDED HB2422	TOTAL
McEachin, A. Donald (D)	Yea	Yea	\$500
McQuigg, Michele B. (R)	Yea	Yea	\$750
Melvin, Kenneth R. (Ken) (D)	Yea	Nay	\$750
Miller, Paula J. (D)	Yea	Yea	\$500
Moran, Brian J. (D)	Yea	Yea	\$5,000
Morgan, Harvey B. (R)	Yea	Yea	\$500
Nixon Jr., Samuel A. (Sam) (R)	Yea	Nay	\$3,000
Nutter, David A. (Dave) (R)	Yea	Nay	\$1,000
O'Bannon III, John M. (R)	Yea	Nay	\$1,500
Oder, G. Glenn (R)*	Yea	Yea	\$1,000
Orrock, Robert D. (Bobby) (R)	Yea	Nay	\$1,000
Phillips, Clarence E. (Bud) (D)	Yea	Nay	\$1,000
Plum, Kenneth R. (Ken) (D)	Nay	Yea	\$0
Poisson, David E. (D)	Yea	Yea	\$0
Purkey, Harry R. (Bob) (R)	Yea	Yea	\$1,500
Putney, Lacey E. (I)	Yea	Nay	\$1,000
Rapp, Melanie L. (R)	Yea	Nay	\$1,000
Reid, John S. (Jack) (R)	Yea	Nay	\$500
Rust, Thomas Davis (R)	Yea	Yea	\$1,000
Saxman, Chris B. (R)	Nay	Nay	\$1,000
Scott, Edward T. (R)	Yea	Nay	\$1,250
Scott, James M. (Jim) (D)	Nay	Yea	\$250
Shannon, Stephen C. (D)	Yea	Yea	\$750
Sherwood, Beverly J. (R)	Yea	Nay	\$1,000
Shuler, James M. (D)	Yea	Nay	\$2,781
Sickles, Mark D. (D)	Yea	Yea	\$1,000
Spruill Sr., Lionell (D)	Did Not Vote	Yea	\$1,426
Suit, Terrie L. (R)	Yea	Yea	\$0
Tata, Robert (Bob) (R)	Yea	Nay	\$1,000
Toscano, David J. (D)	Nay	Yea	\$0
Tyler, Roslyn C. (D)	Nay	Nay	\$500
Waddell, Katherine B. (I)	Yea	Yea	\$0
Ward, Jeion A. (D)	Yea	Yea	\$1,000
Wardrup Jr., Leo C. (R)	Yea	Nay	\$2,000
Ware Jr., R. Lee (R)	Nay	Nay	\$1,000
Ware, Onzlee (D)	Yea	Nay	\$1,000
Watts, Vivian E. (D)	Yea	Yea	\$500
Welch III, John J. (R)	Yea	Yea	\$2,500
Wittman, Robert J. (R)	Yea	Yea	\$500
Wright Jr., Thomas C. (R)	Nay	Nay	\$0
TOTAL			\$104,416

THE SENATE VOTES

The Senate passed SB 1161, which would have banned smoking in most public spaces, including restaurants and bars, by a vote of 23 to 16, with one senator not voting. And, though the Senate

never voted on the governor's amended version of HB 2422, it did pass the original version by a vote of 23 to 17.

Fourteen senators, who received money from Altria, voted in favor of both deregulating smoking in restaurants and also for banning smoking in public spaces. Eight of these members were Republicans who received \$13,032 from Altria while eight Democratic members who did the same received \$3,750 from the company.

Five senators who received \$4,250 from Altria, all Democrats, voted against HB 2422 and for SB 1161.

Seven Republicans and one Democrat who received \$19,955 from Altria, voted for HB 2422 and against SB 1161.

Seven senators who received money from Altria voted against both measures. Five Republicans who received \$7,332, voted against both measures, while two Democrats who received \$2,750 from Altria voted against both measures.

ALTRIA CONTRIBUTIONS TO VIRGINIA SENATORS, 2005

SENATOR	VOTE ON ORIGINAL HB2422	VOTE ON SB1161	TOTAL
Bell II, J. Brandon (R)	Yea	Yea	\$1,000
Blevins, Harry B. (R)	Yea	Yea	\$750
Chichester, John H. (R)	Yea	Yea	\$2,000
Colgan, Charles J. (D)	Nay	Yea	\$500
Cuccinelli II, Ken (R)	Yea	Nay	\$750
Davis, Jeannemarie Devolites (R)	Yea	Yea	\$1,000
Deeds, R. Creigh (D)	Nay	Yea	\$500
Edwards, John S. (D)	Nay	Yea	\$2,000
Hanger Jr., Emmett W. (R)	Yea	Nay	\$750
Hawkins, Charles R. (R)	Nay	Did Not Vote	\$1,000
Houck, R. Edward (D)	Nay	Nay	\$2,000
Howell, Janet D. (D)	Nay	Yea	\$0
Lambert III, Benjamin J. (D)	Nay	Nay	\$750
Locke, Mamie E. (D)	Yea	Yea	\$750
Lucas, L. Louise (D)	Yea	Yea	\$1,000
Marsh III, Henry L. (D)	Yea	Yea	\$1,000
Martin, Stephen H. (R)	Nay	Nay	\$1,250
McDoogle, Ryan T. (R) ⁹⁵	Yea	Nay	\$1,000
Miller, Yvonne B. (D)	Yea	Yea	\$0
Newman, Stephen D. (R)	Yea	Nay	\$750
Norment Jr., Thomas K. (R)	Yea	Yea	\$2,700
Obenshain, Mark D. (R)	Nay	Nay	\$1,000
O'Brien, Jay (R)	Nay	Nay	\$1,000
Potts Jr., H. Russell (R)	Yea	Yea	\$0
Puckett, Phillip P. (D)	Yea	Yea	\$500

⁹⁵ This total was given to Sen. McDoogle's 2005 House campaign committee; he was elected to Senate in a 2006 special election.

SENATOR	VOTE ON ORIGINAL HB2422	VOTE ON SB1161	TOTAL
Puller, Toddy (D)	Nay	Yea	\$750
Quayle, Frederick M. (R)	Yea	Yea	\$750
Rerras, Nick (R)	Nay	Nay	\$1,000
Reynolds, W.M. Roscoe (D)	Yea	Nay	\$1,000
Ruff Jr., Frank M. (R)	Nay	Nay	\$0
Saslaw, Richard L. (D)	Nay	Yea	\$500
Stolle, Kenneth W. (R)	Yea	Yea	\$2,603
Stosch, Walter A. (R)	Yea	Nay	\$8,705
Ticer, Patricia S. (D)	Yea	Yea	\$250
Wagner, Frank W. (R)	Yea	Yea	\$2,230
Wampler Jr., William C. (R)	Yea	Nay	\$6,000
Watkins, John (R)	Nay	Nay	\$3,083
Whipple, Mary Margaret (D)	Yea	Yea	\$250
Williams, Martin E. (R)	Nay	Nay	\$1,000
		TOTAL	\$52,071

APPENDIX A: HIGHLIGHTS OF OTHER TOBACCO TAX OR RESTRICTION LEGISLATION IN 2007 AS OF SEPT. 1 2007.

Arkansas: A bill to clarify exemptions to the Clean Indoor Air Act is being studied by an interim committee.

California: Bills to increase the cigarette tax are still under consideration.

Connecticut: Republican Gov. Jodi Rell included a tobacco tax increase of 49 cents in the state budget with no significant opposition.

Delaware: Increased tobacco tax by 60 cents to \$1.15 per pack. Changed the tax on moist snuff to a weight-based tax of 54 cents per ounce.

Hawaii: Ten bills addressing Hawaii's smoking ban were carried over to the 2008 session.

Illinois: Senate Bill 1182, which would have allowed counties other than Cook County to tax cigarettes, died in the Rules Committee.

Iowa: A tax increase of \$1.00 per pack, which brought the tax to \$1.36 cents per pack and provided for similar increases in other products passed handily; the debate centered mostly around what to do with the money the tax would bring in. Bills to repeal preemption and prohibit public smoking in most places are pending.

Kansas: Smoking is no longer restricted in the areas of the state Capitol occupied by the House of Representatives. Bills to change the tax on moist snuff to a weight-based tax, prohibit tobacco use on school grounds, and prohibit public smoking are pending.

Louisiana: A bill to permit smoking in bars located in private clubs died in committee.

Maine: Bills which prohibit tobacco use on school property at all times, prohibit tobacco specialty stores from obtaining a license to sell food or drink if the store didn't have one as of Jan. 1, 2007, and prohibit the use of hookahs in such stores, and give explicit legislative approval to rules promulgated to enforce the existing smoking ban all passed. Bills to classify "little cigars" as cigarettes and to tax non-cigarette tobacco products at \$1 per ounce failed.

Maryland: Maryland passed a comprehensive smoking ban in almost all public places that provides an economic hardship waiver for a period of three years.

Michigan: Two bills to increase the cigarette tax are stalled, as are bills that sought to make workplaces and public areas smoke-free.

Minnesota: The public smoking act called Freedom to Breathe Act, passed both houses with nearly two-thirds of all legislators voting for it. Some Minnesota lawmakers put up concerted and sustained efforts to exempt gaming facilities or facilities with ventilation systems, but the act passed as a near-total ban on public smoking. Bills seeking to increase the tax on tobacco products, including changing the tax on snuff to be weight-based, are stalled in committee.

Mississippi: A total of sixteen bills attempting to increase tobacco tax or impose smoking restrictions died in committee. A bill that allows smoking areas in veteran's homes passed.

Montana: A bill seeking to prohibit smoking in vehicles if children are present died in committee.

Nebraska: A bill to change the tax on snuff to a weight-based tax was vetoed by the Republican Gov. Dave Heineman on April 5, 2007. Bills to prohibit tobacco use on school grounds, to prohibit smoking in foster homes and to prohibit smoking in public places and workplaces are all pending.

New Hampshire: The Granite state passed a comprehensive smoking ban that includes restaurants and bars and increased the tobacco tax by 28 cents to \$1.08 per pack.

New Jersey: Bills to prohibit anyone younger than 19 from smoking in public, to permit smoking in fraternal and social-club owned buildings, to eliminate the smoking ban exemption for casinos and simulcast facilities, and to prohibit smoking in vehicles if children are present are all still in committee. The bill A4705 increased the cigarette tax by 17.5 cents per pack to \$2.575 per pack; moist snuff went to a weight-based tax of \$0.75 per ounce.

New York: Two bills seeking to exempt cigarettes sold to American Indians enrolled in recognized tribes from taxation are stalled in committee, as is a bill seeking to create a cigarette tax revenue sharing plan with Indian tribes. Bills to prohibit smoking in college residential areas, and in public housing stalled in committee, as did a bill to allow unlimited smoking in "tobacco cafes."

North Dakota: Requires state government to implement a smoking regulation policy for the areas near public entrances to all buildings on the state Capitol grounds.

Ohio: A bill that would have authorized counties to levy tax on alcohol and tobacco products stalled in committee, as did a bill to allow smoking in cigar bars and in designated outdoor areas at restaurants.

Oklahoma: Oklahomans closed a loophole in the existing public smoking law that had previously allowed smoking at zoos. A bill to reduce the tobacco tax stalled in committee. A bill attempting to allow smoking in designated public areas is pending.

Oregon: Oregon tightened up the existing smoking ban by making bars, bowling alleys, bingo halls and workplace smoking areas subject to the law and to allow local communities to pass stronger ordinances.

Rhode Island: Bills to allow smoking on school premises for one event per year, and prohibit smoking in pari-mutuel gambling facilities and on playgrounds are under study. A bill seeking to expand the number of establishments which qualify as smoking bars is pending, as is a bill to allow smoking in restaurants and bars if those establishments acquire a license.

South Carolina: Six bills seeking to increase the cigarette tax stalled in committee, as did a bill which would have required cigarette buyers to put down a deposit of \$.60 cents per pack. Bills which sought to extend Tennessee's Clean Indoor Air Act to restaurants and bars but still allow smoking in other public places and workplaces are pending. A bill to allow local governments to establish stronger public smoking laws is all still in committee.

Utah: Utah backed away from the existing ban by allowing smoking in some private clubs and taverns until January 1, 2009. Also, local communities are no longer preempted from passing stronger ordinances for government-owned, outdoor public areas.

Vermont: A bill, which would have changed the tax on snuff and other non-cigarette tobacco products back to a percentage of the wholesale price died in committee.

Washington: Bills seeking to change the tax of moist snuff to a weight-based tax are pending, as is a bill to allow “cigar rooms” in public places.

Wisconsin: A bill seeking to prohibit smoking in most public places and workplaces is pending.

Wyoming: A bill to change the method of moist snuff taxation to a tax based on weight failed.

* Most of the information in Appendix A was provided by Thomas Carr, manager of national policy for the American Lung Association’s State Legislated Actions on Tobacco Issues (SLATI) group. Researchers at the Institute provided supplementary information.

**APPENDIX B: TOBACCO MONEY IN THE STATES BY
RECIPIENT TYPE, 2005-2006**

STATE	MEASURES	CANDIDATES	PARTY PACS	TOTAL
California	\$66,183,247	\$462,482	\$1,944,940	\$68,590,669
Arizona	\$8,795,178	\$0	\$2,000	\$8,797,178
Ohio	\$6,705,909	\$92,550	\$15,250	\$6,813,709
Missouri	\$5,872,460	\$8,100	\$53,100	\$5,933,660
Virginia	\$1,250	\$812,471	\$116,291	\$930,012
Florida	\$0	\$142,550	\$740,941	\$883,491
Illinois	\$0	\$399,250	\$125,000	\$524,250
New York	\$0	\$15,950	\$345,972	\$361,922
New Jersey	\$0	\$42,662	\$239,800	\$282,462
Georgia	\$0	\$177,801	\$71,500	\$249,301
South Dakota	\$225,280	\$0	\$0	\$225,280
North Carolina	\$0	\$165,442	\$26,250	\$191,692
Oregon	\$10,450	\$87,950	\$87,500	\$185,900
South Carolina	\$0	\$60,050	\$108,250	\$168,300
Louisiana	\$0	\$77,268	\$90,075	\$167,343
Washington	\$1,000	\$86,275	\$59,300	\$146,575
Texas	\$0	\$118,200	\$11,000	\$129,200
Pennsylvania	\$0	\$116,185	\$9,700	\$125,885
New Mexico	\$0	\$101,750	\$11,800	\$113,550
Maryland	\$0	\$38,500	\$70,000	\$108,500
Hawaii	\$0	\$68,750	\$25,000	\$93,750
Indiana	\$0	\$49,900	\$38,800	\$88,700
Alabama	\$0	\$85,250	\$0	\$85,250
Nevada	\$0	\$66,750	\$14,000	\$80,750
Utah	\$0	\$50,300	\$28,000	\$78,300
Kansas	\$0	\$60,529	\$13,500	\$74,029
Michigan	\$5,000	\$34,700	\$28,000	\$67,700
Tennessee	\$0	\$48,151	\$10,000	\$58,151
Oklahoma	\$0	\$53,575	\$1,900	\$55,475
Arkansas	\$0	\$27,300	\$21,250	\$48,550
Mississippi	\$0	\$45,848	\$0	\$45,848
Maine	\$0	\$3,250	\$40,650	\$43,900
Idaho	\$0	\$32,940	\$1,000	\$33,940
Nebraska	\$0	\$13,782	\$16,000	\$29,782
Kentucky	\$0	\$28,100	\$1,000	\$29,100
West Virginia	\$0	\$28,750	\$0	\$28,750
Delaware	\$0	\$16,500	\$10,500	\$27,000
New Hampshire	\$0	\$12,640	\$3,200	\$15,840
Iowa	\$0	\$11,385	\$0	\$11,385
Vermont	\$0	\$0	\$10,800	\$10,800
North Dakota	\$0	\$2,800	\$5,050	\$7,850
Connecticut	\$0	\$6,250	\$0	\$6,250
Colorado	\$0	\$3,900	\$20	\$3,920
Wyoming	\$0	\$1,650	\$1,500	\$3,150
Rhode Island	\$0	\$1,950	\$0	\$1,950
Wisconsin	\$0	\$400	\$0	\$400
Massachusetts	\$0	\$25	\$75	\$100
TOTAL	\$87,799,774	\$3,761,311	\$4,398,914	\$95,959,999
PERCENT OF TOTAL	91%	4%	5%	100%