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1079

2007 HOUSE GOVERNMENT AND VETERANS AFFAIRS

HB 1079

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1079

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 11, 2007

Recorder Job Number: 973

Committee Clerk Signature

Morgan Penick

Minutes:

Rep. Kingsbury: Testimony Attached

Rep. Kasper: Under the ND constitution, who has the responsibility of handling the grounds around the capitol building? Is it the executive, legislative, or judicial branch, or other agencies?

Rep. Kingsbury: The agencies include the Fire Marshall's Department, Department of Human Services, and Office of Management and Budget. They may mutually agree on a matter of enforcement and administrative rules to ensure compliance. They can oversee it happening.

Rep. Kasper: So is that the executive branch and the agencies?

Rep. Kingsbury: Yes

Rep. Froseth: Years ago people would be able to smoke in the committee rooms and in the house chambers. Did you research as to when that was stopped and how it came about, who presented the legislation to prohibit that? Was it one of the departments that you mentioned?

Rep. Kingsbury: I don't know that and I do remember what that was like. I don't know how management stopped that. I will find that out.

Rep. Froseth: I don't know either. I was asked why the legislation should be involved.

Rep. Kingsbury: We did talk about that in one of my previous bills and I think it was the Office of Budget and Management would have the right to do that.

Rep. Weiler: I think we should find out the answer as to if it's the governor, the office of management and budget, or if there is another group that can enforce that?

Rep. Kingsbury: Just in the last interim I was informed that whatever committee that is in charge of the smoking issue requested that the south entrance, the steps, be smoke free because of the school buses and tours pulling up. I believe the governor did that but I'll find that out.

Rep. Haas: I will work with you on that and we can perhaps go to the legislative council and get reports to that.

Rep. Weiler: So for state employees that would like to go smoke, how long of a break do they get? A 15 minute break every four hours? If they want to go out and smoke we are going to have to increase that break time because they are going to have a long walk.

Rep. Kingsbury: I don't think we will increase their break time. Campuses are going smoke free so they must do something. It goes to the health issue.

Rep. Schneider: What do you envision as a penalty for people who may continue smoking?

Rep. Kingsbury: The penalty would not be more than \$200 for a second violation within one year. This is mostly for businesses that don't comply with the rules, say restaurant owners. The penalty would remain the same.

Rep. Kasper: Have you talked to the governor to ask him by executive order to ban smoking on capital ground, or so far away from entrances?

Rep. Kingsbury: No, I have not.

Rep. Boehning: Is the governors' residence included in the capital grounds?

Rep. Kingsbury: Yes

Rep. Boehning: So if we elect a governor that smokes, he will have to walk across the street to smoke?

Rep. Kingsbury: the governor will have to comply with the rules like everyone else?

Rep. Boehning: Isn't that the governor's primary residence? So you can't smoke in your own home?

Rep. Kingsbury: I can't really clarify that. They do have a private area in the governor's residence. I don't know that.

Rep. Dahl: Is there any research that says momentarily second hand smoke is harmful?

Rep. Kingsbury: I think there are health people here that could answer that, but there are people who have complained that it is enough to trigger and attack.

Rep. Boehning: One of the things that offends me is that I can walk through the smoke, but some of the colognes, perfumes, that people wear can cause a hard time for people.

Rep. Kingsbury: We might have to do that too.

Susan Mormann: Testimony Attached.

Rep. Amerman: Can you tell me what the smoking requirements at your old job were?

Susan Mormann: It was not allowed on the grounds.

Rep. Kasper: Without getting into your private medical history, has your doctor directly attributed your change in health to the fact that you are walking through smoke once or twice a day?

Susan Mormann: That has been the biggest factor we have been able to identify. I am not exposed to tobacco smoke at home or in my car. I have not had other issues related to my asthma have changed.

Rep. Kasper: My wife has a lung disease similar to asthma. Among the triggers is perfume or any type of smell like that. You have changed work places to a new environment. Could there be some perfume that is new?

Susan Mormann: That is a very good point. Within the section that I work in, we have our own policy that says we cannot wear any type of perfumes or colognes.

Rep. Kasper: If you are your department has asked the governor to change the smoking policy of the entrances.

Susan Mormann: I personally have not, but am aware that there was been some discussion with the department that I work for.

Rep. Kasper: Have you found a different entrance to come in?

Susan Mormann: Yes, but with the session it is difficult for me to find a place to park.

Rep. Haas: Is there any additional testimony in favor of HB 1079? Is there any opposition testimony?

Nicki Weissman: Testimony Attached.

Rick Lefleur:

I'm from Devils Lake. I'm here in opposition because of the standpoint of rights. I think we are limiting the people's rights and adding limitations to them everyday. I think we just need common sense. Common sense like etiquette for letting fellow citizens walk by without smoking. Smokers are victims. They are victims of nicotine which is an addiction. They are victims of a society that has sold tobacco. Many of those people who stand outside to smoke would rather not and wish they didn't. They are victims. I think everyone has seen the attack ads on smokers and I think it's shameful. These people are family, doctors, clergy, just great members of society. We have got to make sure that we aren't on a witch hunt for smokers. We need to do everything we can to eliminate the pressure on society that smoking gives. It's

going to take time. You just can't throw a switch and have these people quit. The addiction process is bad. They are victims and they deserve compassion. Society is controlled by small slivers. We have got to be careful. We can't continue to have law after law, and restrictions without being very careful and what legacy we are leaving. I think we should come up with a better plan instead of going after smokers. We need to educate. We need to come up with a plan that isn't prohibition. Let's come up with solutions that will lead to a better conclusion. Let's not think this can happen overnight. Progress has been made in many places. At some point you have to put your shoes in the direction you want to go. If your not there at the end of the day you have yourself to blame. Let's put together an end game that allows us to lessen the impacts on society and do it in a manner that is responsible for the time frame to accomplish that. We all want to work together in doing this.

Rep. Froseth: Two years when we heard the smoking bill, the number of people in the state that smoke is around 28%. It is gradually coming down. I was just wondering if you knew the percentage today.

Rick Lefleur: I don't know that.

Rep. Haas: Is there any additional testimony to HB 1079? Is there other testimony on HB 1079?

Karalee Harper: Testimony Attached

Rep. Weiler: Four years ago there was a bill in the legislature to prohibit the sale, use, and possession of tobacco in ND. Your department opposed that bill. I'm wondering if you feel that we should continue on that path and attempt to get rid of smoking entirely. I'm also curious to find out why you are not opposed to this bill.

Karalee Harper: I can get back to you in regards to the prohibition. I am a licensed addiction counselor in the state of ND. Regardless whether anything is prohibited, there is always that

addiction component. In regards to the Dept. of health, we are taking a look at healthier environments for all.

Rep. Weiler: I understand you are concerned about healthy environments for all. That bill that would have eliminated smoking in all of North Dakota, and I'm wondering why you aren't supporting this bill when you were opposed to the one years ago.

Karalee Harper: The answer is that there is no risk free level for exposure to second hand smoke according to the surgeon general.

Rep. Dahl: Would walking through smoke for 5 – 10 seconds be harmful, or increase the risks for cancer, etc. Is that enough to increase those risks in your opinion.

Karalee Harper: I would have to reference the surgeon generals report to look specifically at the risks.

Rep. Froseth: What kind of results have you seen through the program?

Karalee Harper: The numbers have doubled. The average number is about 250 calls per month. With a quick rate of about 31%.

Rep. Kasper: I want to go back to the third paragraph that Rep. Weiler was discussing. Non smokers exposed to second hand smoke increase the risk of developing heart disease by 26-30%, and lung cancer by 20%-30%. Aren't you missing one word? If non-smokers continuous exposure? You are attempting to imply that walking through a place where someone is smoking would cause a great increase.

Karalee Harper: I can get that more specific information to the committee as to what the surgeon general's report says.

Rep. Kasper: You are implying you already have that information. I am puzzled as to why you wouldn't already know. The other thing, according to your statement "outdoor smoking can be

detected 23 feet away from a smoker". If this bill said you could not smoke within a hundred feet of a capital entrance on the grounds, then we would certainly solve this radius?

Karalee Harper: In my mind it would be wear they would be at and if a person does walk past them.

Rep. Haas: As an addiction counselor I think about 22% of adults smoke. I would make an assumption that a number of them are trying to quit. Do you think that there is a place for accommodating a smoker and not creating an extreme burden on them when they might be trying to quit, but make it difficult for them to support their habit?

Karalee Harper: We do have a state employee program that any employees can use free of charge that does include a physician visit, nicotine therapy, and counseling sessions if they choose to do so.

Rep. Haas: that's not my question. I know that program exists. What I'm saying is that if we pass this bill and there is no smoking, people are going to want to smoke on their break. They might be trying to quit. Do you think there should be an accommodation to make it easy for them to smoke when they are trying to quit?

Karalee Harper: In regards to the addiction counselor's standpoint, it takes a lot of patience to quit. I don't have an answer to you in regards to the accommodations, because again as an addiction counselor's standpoint it is baby steps.

Rep. Boehning: In the surgeon general's report, what is his recommendation on second hand smoke? Does he think we should ban smoking to prevent second hand smoke?

Karalee Harper: He had indicated that there is no risk free level to exposure to second hand smoke.

Rep. Boehning: In other words he didn't come out and make a recommendation to ban smoking or ban second hand smoke in public places.

Karalee Harper: He does not have a bullet point of different steps.

Rep. Boehning: Has he proposed any legislation in congress to ban smoking or second hand smoke in public places?

Karalee Harper: That I do not know.

Rep. Boehning: Is that something you can find out?

Rep. Weiler: If this bill passes are you able to go out in your car in the parking lot and smoke? My guess is no because it is on the grounds. Is that accurate?

Karalee Harper: The parking lot is capital grounds.

Rep. Kasper: I am just wondering if Karalee can get us a complete copy of the surgeon general's report.

Karalee Harper: There are a couple different versions. There is a summary that we can get to you.

Lee Lundberg:

I am with the office of management and budget and HR manual services in the capital. I'm a non work smoker. I'm a smoker but in favor of some version of this bill. I smoke in the morning before I go to work, and I have a cigarette or two at night. My position is not so much the health related issues. Walking through a major outside open area is probably not what the surgeon general means. I would encourage the committee to take a look at this bill with common sense and perhaps some adjustments would be helpful on this bill. I wouldn't want to be busted on my way to my car lighting up a cigarette. I think there has got to be some common sense applied such as a certain area, a certain entrance, or something else. To ban it from the entire grounds seems to be too much.

Rep. Haas: any additional testimony to HB 1079? We will not be acting on this bill today. We have requested additional information. We will have some deliberations at a later date. I would like to thank all of you for being here this morning. At this time I will close hearing on HB 1079.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1079

House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 12, 2007

Recorder Job Number: 975

Committee Clerk Signature

Morgan Reilly

Minutes:

Rep. Haas: I don't know if we are going to act on this bill, but I have some information that is pertinent to HB 1079. We will open a discussion on that. We got this memo from facility management (attached). I would like to go to 54-21-18 of the ND Century Code. It's a very short section of the code. It says custody of office buildings considered part of capital buildings, the director has control of public property. Rules and penalty. The director of OMB shall control, manage, and maintain, the state office building. The building must be considered a part of the State Capital building within the meaning of statute relating to the custody, maintenance, and control of the State Capital building and grounds. Within the meaning of meaning of statutes requiring state department of agencies to maintain offices in the state capital building. The director may provide rules to promote the health, safety, and general welfare to see to disturbances, and help keep peace in any of the buildings located on the capital grounds. The rules may include the regulation of public assemblies and prevent accessibility to the buildings on the grounds. It is obvious to me that OMB has full control and ability to do or not to do exactly what this bill says. Or to do something that would be a modification from what this bill says. How does the committee react to that? It is obvious that they have blocked off smoking from the south entrance.

Rep. Amerman: I agree with your conclusion that OMB can do this. I'm just wondering if OMB will act on this. In my mind this bill isn't necessary.

Rep. Kasper: Rep. Boehning had a great question about the Governors residence this morning. His residence sits on the grounds. I don't think we have to be meddling in the executive area, and I agree that this bill is not needed.

Rep. Haas: I agree with that. I think this is an unnecessary bill. I believe that we should talk with OMB and ask if they would do a restriction on smoking on the east entrance within a certain number of feet. I think we should also recommend that we move the smoking hut o the entrance on the north side. I don't think we need to put this in statute.

Rep. Weiler: The south end of the capital is where the steps are. That is all smoke free.

Rep. Grande: The public parking area is on the south end. The smoking hut used to be on the south end. The public did not like to walk through the smoke.

Rep. Weiler: I understand that. All of the talk and debate is about the east side of the capital. I do agree that we don't need to put this in staute. Maybe we need to suggest to the office of OMB is to do some modifications.

Rep. Wolf: I think that if we suggest to ban it from the east, we would have to suggest to move it somewhere else. We should offer a suggestion on where to go.

Rep. Weiler: Maybe they want to move it 200 or 300 feet from every door on the capital building on the grounds. We don't need this bill.

Rep. Haas: I'm not going to ask you to act on this bill today.

Rep. Meier: I have had quite a bit emails on this. My first instinct was to work with OMB.

Rep. Froseth: Can we have someone from OMB come down?

Rep. Haas: Yes, lets do that.

Rep. Boehning: I guess one of my concerns is that if you put in statute so many feet from the workplace to go smoke, how do the other agencies go smoke? That can become a battle.

Rep. Weiler: I would like to clarify my comments. I hope you don't have the suggestion that we put anything into statute. I am suggesting that I want to make it clear that OMB can do what they want. We aren't talking about anything in statute.

Rep. Grande: If we offer these suggestions and all, I want you to keep in the back of your mind how this should be enforced.

Rep. Haas: According to the statute that we just did, if someone violates this rule, it would be an infraction.

Rep. Amerman: I just want to remind you all that no matter what we do, it's not going to become law for awhile. The employees are going to get a chance to adjust to the changes.

Rep. Potter: I would like to know what other states have done. Is there smoking allowed at their capitals?

Rep. Grande: It says that the infraction is subject to a fine of up to \$100. There are phases of the penalties. I have a problem with putting this into code and having to tell our visitors that we are going to start fining them for smoking.

Rep. Kasper: What I would interpret the law right now because the OMB would have a policy that says you can't smoke there. They are in charge of the grounds. If someone breaks their rules they would now be guilty of an infraction. Essentially we have someone from another state walking to the front door, putting out their cigarette, and they would be guilty. That is the OMB decision at this point.

Rep. Froseth: Has anyone here ever had the opportunity to go to capital security and see what they actually do. We have no problem policing the grounds.

Rep. Haas: We need to have the director of OMB come speak with us. We need to have some questions answered before we can act on this.

2007 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. HB 1079

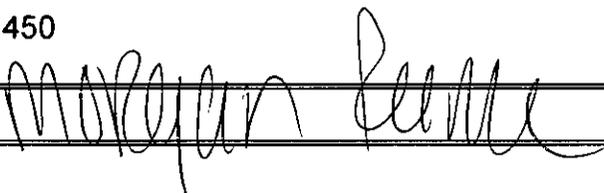
House Government and Veterans Affairs Committee

Check here for Conference Committee

Hearing Date: January 19, 2007

Recorder Job Number: 1450

Committee Clerk Signature



Minutes:

Rep. Haas: Committee what are your wishes on HB

Rep. Weiler: I move a do not pass.

Rep. Wolf: I second that

Rep. Haas: Is there any discussion? The only comment I would like to make before we vote is that there was a request of the committee that we get the information from OMB as to whether or not they are addressing the horrible situation on the east end of the capital. Pam Sharp called me the other day and we had about a 1mation from OMB as to whether or not they are addressing the horrible situation on the east end of the capital. Pam Sharp called me the other day and we had about a 15 minutes meeting and she gave me very strong assurance that this issue is being addressed right now and that OMB is going to be putting together a pretty comprehensive smoking/nonsmoking plan for the capital grounds. I know the bill is concerned with the committee members about putting that in writing, but it is my intent that if this comes to the floor that I will make absolutely certain to go on record in saying that OMB indicated to us that it was going to happen. I have no reason to doubt her sincerity or the fact that she is putting that process into place, so I think we can feel comfortable with that. She also told me to

not expect it to happen overnight. It will probably happen in the next six to 12 months. I am comfortable with the fact that they are addressing it.

Rep. Weiler: Six to twelve months?

Rep. Haas: That is my guess. I understand but it shouldn't take that long.

Rep. Froseth: That might seem like a long time, but if this bill was passed wouldn't go into effect until August 1 anyways.

Rep. Potter: I plan on voting for it to make the statement that there is someone out there that really wants something done, and I want that.

Rep. Haas: If you do that as an effort to say yes we want something done, and if enough people do that and this bill passes, do you really want that?

Rep. Potter: It wouldn't bother me.

Rep. Haas: Smokers need consideration.

Rep. Meier: When you had your discussion with Pam did she say why it takes so long?

Rep. Haas: They won't do a whole lot during the session; they just don't have the time. They go through a pretty lengthy procedure of getting input. In some ways I share your frustration but at the same time when I was Superintendent of schools and we had to put in a new policy, you had to have three readings. It's not a very fast process. You take all kinds of input from all kinds or parties and try to put something together to please everyone.

Rep. Weiler: I don't want to put Rep. Amerman on the spot, but he is a smoker. Will he mind sharing his opinion with us?

Rep. Amerman: I would oppose the bill. I have no problem with some compromise coming up. I voted for a smoking ban last session. I disagree with this because the public owns the ground, and smokers are public people. I have trouble with someone wanting to sit in their car and not being able to.

Rep. Haas: Is there any more discussion? If not we will take a roll call vote. The do not pass motion on HB passes 11-1-1.

Rep. Froseth: I will carry this bill.

Date: 1-19-07
Roll Call Vote #:)

2007 HOUSE STANDING COMMITTEE ROLL CALL VOTES
BILL/RESOLUTION NO. "Click here to type Bill/Resolution No."

House Government and Veterans Affairs Committee

Check here for Conference Committee

Legislative Council Amendment Number HB 1079

Action Taken Do not Pass

Motion Made By Weiler Seconded By Wolf

Representatives	Yes	No	Representatives	Yes	No
Rep. C.B Haas Chairman	X		Rep. Bill Amerman	X	
Rep. Bette Grande V.P	X		Rep. Louise Potter		X
Rep. Randy Boehning	X		Rep. Jasper Schneider	X	
Rep. Stacey Dahl	X		Rep. Lisa Wolf	X	
Rep. Glen Froseth	X				
Rep. Karen Karls	X				
Rep. Jim Kasper					
Rep. Lisa Meier	X				
Rep. Dave Weiler	X				

Total (Yes) 11 No 1

Absent 1

Floor Assignment Rep. Froseth.

If the vote is on an amendment, briefly indicate intent:

REPORT OF STANDING COMMITTEE

HB 1079: Government and Veterans Affairs Committee (Rep. Haas, Chairman)
recommends **DO NOT PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING).
HB 1079 was placed on the Eleventh order on the calendar.

2007 TESTIMONY

HB 1079

HB1079

Mr. Chairman, members of the committee.
My name is Joyce Kingsbury. I represent District 16

HB 1079 is a clean, clear bill, simply stating "Smoking is prohibited on Capitol Grounds.

This is not my first attempt at restricting the public's exposure to secondhand smoke. As many cities, towns, and organizations, the state of North Dakota continues to take baby steps in fighting a giant size health problem.

When I introduced a bill in 2001, I used California as an example. At that time California had been smoke free for 10 years and had statistics to prove the dangers of secondhand smoke and the reduction of health care related costs to the state. I'm not quoting statistics this time. The ad that says "the debate is over—we know the effects of secondhand smoke".

There's been newspaper articles lately about some legislators efforts and concerns to polish the brass pillars and clean up the marble to spruce up the Capitol. What about the beautiful marble entrance to the Judicial wing? The haze of smoke hangs in there and also lingers into the atrium. One has to hold their breath when walking through. Facility Management has received approximately 120 e-mails over the past several years from state employees and visitors to the Capitol grounds.

College campuses are going smoke-free. Some have previously had restrictions of 20 feet from the doorways. Again, baby steps.

It's time to spiff up the Capitol, inside and outside. It's time for North Dakota to take a giant step to a healthier future for our state.

Thank you. Are there any questions?

January 9, 2007

District Legislative Assembly
of North Dakota

Representative Kingsberry:

Recently I visited the State
Capitol of North Dakota at Bismarck.
I appreciated the invitation to attend
the speech by Governor Hovde. The
Governor did an excellent job.

I am writing in regard to
the smoking near the door of my
State Capitol. I was very unhappy
to have to inhale second hand smoke
near the entrance to the State Capitol.
I have been a tax payer in North
Dakota for 30 years. I own a lot
of farm land in Richland County.

Why did I have to inhale second
hand smoke to enter my State Capitol?

Please prohibit smoking in all
areas of the State Capitol grounds.

Thank you for hearing my concern.

Sincerely,
Marlyn Anderson

Susan M Mormann - In support of House Bill No. 1079

Good morning, Mr. Chairman and members of the Committee. My name is Susan Mormann. As a resident of Bismarck for almost 20 years, I've had occasion to come to the state capitol grounds to renew my driver's license, pick-up new license plate tags or show off our beautiful capitol building and the Heritage Center to family and friends. In many of these instances, I walked through tobacco smoke to enter/exit these buildings.

As an individual with asthma, I make every effort to avoid exposure to tobacco smoke. Six years ago my career path took me to a new place of employment and I'm on the state capitol grounds at least 5 days a week as a state employee and almost on a daily basis enter and exit the building by walking through tobacco smoke.

With ongoing exposure to tobacco smoke and asthma, I am very susceptible to respiratory infections. Although I try to manage & control my asthma by annual visits with my physician, adhering to my medication schedule and twice daily monitoring using a peak flow meter, I've had to add two daily meds to my regimen since I started working at the capitol to help control my numerous asthma attacks.

Since I started to work at the capitol in the fall of 2000, I've had 2-3 respiratory infections a year and pneumonia 4 times. In six years, I've earned 72 days of sick leave and yet I only have 3.75 days left - I've used 95 percent of the days available. At my previous employment location of 12 years, I earned a total of 120 days and used only 10 of those days during that time period. When I left there, I still had 90 percent of my sick days still available.

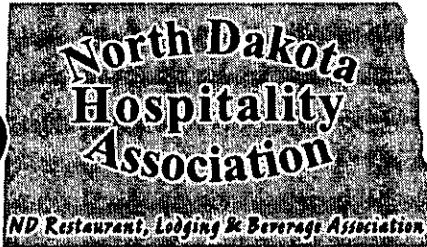
Besides additional meds for control, I've tried other ways to avoid exposure to tobacco smoke as I entered/exited my place of employment here at the capitol. After observing me coughing, wheezing and struggling to breathe, my supervisors and I adjusted my work schedule so I could enter/exit the capitol when I would be exposed the least amount. I often hold my breath as I walk through the tobacco smoke or I wear a face mask and I've used alternative entrances.

I know that a safe and healthy work environment is important to you - my employers. If for some reason the capitol's water supply was contaminated with arsenic, every effort would be made to quickly and safely clean up the water supply. If asbestos was found in the ceiling tiles or walls, it would be removed promptly. If radon or carbon monoxide was detected in our air supply, once again it would be promptly corrected.

I see exposure to tobacco smoke in the same light. With the passage of this bill, you would be providing not only my self and other state employees with a safer and healthier work environment but a safer and healthier public space for the thousands of state citizens and visitors that share our capitol grounds.

Thank you.

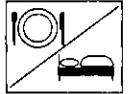
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Government and Veterans Affairs Committee
January 11, 2007
HB 1079

Mr. Chairman and members of the Committee, my name is Nicki Weissman and I am the Executive Director of the North Dakota Hospitality Association. We have 350 members in North Dakota who are engaged in the hospitality industry. The North Dakota Hospitality Association opposes HB 1079.

The bill provides that "smoking is prohibited in all areas of the state capitol grounds."

The bill is not necessary. Smoking in public places was hotly debated and addressed in the 2005 legislative session (*See SB 2300*) which carefully defined public places that allowed smoking. We should not have to repeat the debate and policy argument again two years later.

--If approved, then many other "public places" will soon become "off limits" to smokers.

--If approved, public employees who choose to smoke will walk "off campus" to exercise a personal freedom they choose to exercise. (Smoking is still a legal activity in America.)

The State has struggled to set a policy to accommodate the rights and sensitivities of those who smoke and those who do not smoking:

- It created ventilated smoking areas in the Capitol
- Then it prohibited smoking in the Capitol
- Then it constructed the smoking shelter east of the Capitol
- Finally, it eliminated the legislative smoking lounge

Where will all end? And what is the goal of those who oppose smoking?

There is little or no public health risk to those who walk by a member of the public who is smoking on the capitol grounds.

Finally, the bill is overly broad. It affects all members of our society who choose to exercise the personal freedom to smoke, on public grounds. It impacts every smoker who may have business at the state capitol, and covers the entire capitol grounds. (Are we so sensitive that we are willing to prohibit a person from smoking on our state capitol grounds because we are inconvenienced by the personal behavior of a fellow citizen?) If so, then what "public property" is next?

Many people who smoke and visit the Capitol are far from the doors of the building and have no real affect on others who come and go. The bill is an over reaction to the false assertion that a "blue cloud" hangs over the doors of the State Capitol Building. We should end the debate about smoking once and for all. Enough is enough. We ask for a DO NOT PASS on HB 1079.

Testimony

House Bill 1079

Government and Veteran Affairs Committee

Thursday, January 11, 2007; 9 a.m.

North Dakota Department of Health

Good morning, Chairman Haas and members of the Government and Veteran Affairs Committee. My name is Karalee Harper, and I am director of the Division of Tobacco Prevention and Control for the North Dakota Department of Health. I am here to provide information about the health effects of secondhand smoke.

Secondhand smoke is a mixture of the smoke given off by the burning end of a cigarette, pipe or cigar and the smoke exhaled from the lungs of smokers. Secondhand smoke is also called environmental tobacco smoke, and exposure to secondhand smoke is called involuntary or passive smoking.

The 2006 U.S. Surgeon General's Report on *The Health Consequences of Involuntary Exposure to Tobacco Smoke* concluded that there is "no risk-free level of exposure to secondhand smoke." Breathing even a little secondhand smoke can be dangerous, and nonsmokers exposed to secondhand smoke increase their risk of developing heart disease by 26 percent to 30 percent and lung cancer by 20 percent to 30 percent. Even brief exposure to secondhand smoke has immediate adverse effect on the cardiovascular system and increases risk for heart disease and lung cancer. Secondhand smoke also can cause breathing difficulties for those with chronic respiratory diseases or can trigger an asthmatic attack in those with disabling asthma.

Very few studies have been completed regarding secondhand smoke and outdoor air. According to James Repace, biophysicist and international secondhand smoke consultant, smoking under certain conditions in outdoor public venues may saturate the area with smoke. It should be noted that this is variable, based on the temperature outside, direction and speed of the wind, structure of the building, and how many smokers are present at the time. Outdoor smoking can be detected about 23 feet from a smoker and can be irritating at 13 feet. According to Repace, smoking close to doorways can lead to smoking being "inducted into the building, posing a chronic threat as well as an acute one to building occupants."

This concludes my testimony. I am happy to answer any questions you may have.



Smoking Law Status in State Capitals and District of Columbia
October 6, 2006

The following table shows whether workplaces, restaurants, and freestanding bars are 100% smokefree in state capitals and the District of Columbia. An asterisk (*) indicates that the applicable law was enacted by the state or county. The table also indicates which state capitol buildings are 100% smokefree and which states preempt local control of smokefree laws. Call or write the local chamber of commerce or restaurant association to let them know either that you appreciate the location's smokefree law or that you are disappointed in the lack of a smokefree law. For further information, contact Americans for Nonsmokers' Rights at (510) 841-3032, or email us at anr@no-smoke.org.

State	Capital City	Workplaces	Restaurants	Bars	Capitol Building	Preemption
Alabama	Montgomery	No	No	No	No	No
Alaska	Juneau	No	Yes	Yes—as of 1/2/08	No	No
Arizona	Phoenix	No	No	No	No	No
Arkansas	Little Rock	No	No	No	Yes	No
California	Sacramento	No	Yes*	Yes*	Yes	Yes—Partial
Colorado	Denver	No	Yes*	Yes*	Yes	No
Connecticut	Hartford	No	Yes*	Yes*	No	Yes
Delaware	Dover	Yes*	Yes*	Yes*	Yes	No
District of Columbia	Washington	Yes	Yes—as of 1/1/07	Yes—as of 1/1/07	No	NA
Florida	Tallahassee	Yes*	Yes*	No	Yes	Yes
Georgia	Atlanta	No	No	No	Yes	No
Hawaii	Honolulu	Yes	Yes	Yes*—as of 11/16/06	No	No
Idaho	Boise	No	Yes*	No	Yes	No
Illinois	Springfield	No	Yes—as of 9/17/06	Yes—as of 9/17/06	No	No

State	Capital City	Workplaces	Restaurants	Bars	Capitol Building	Preemption
Indiana	Indianapolis	Yes	Yes	No	Yes	No
Iowa	Des Moines	No	No	No	No	Yes
Kansas	Topeka	No	No	No	Yes	No
Kentucky	Frankfort	No	No	No	No	No
Louisiana	Baton Rouge	No	No	No	No	Yes—Partial until 1/1/07
Maine	Augusta	No	Yes*	Yes*	No	No
Maryland	Annapolis	No	No	No	No	No
Massachusetts	Boston	Yes*	Yes	Yes	Yes	No
Michigan	Lansing	No	No	No	Yes	Yes—Partial
Minnesota	St. Paul	No	Yes	Yes	Yes	No
Mississippi	Jackson	Yes	No	No	Yes	No
Missouri	Jefferson City	No	No	No	No	No
Montana	Helena	Yes	Yes	Yes	Yes	Yes—Until 10/1/09
Nebraska	Lincoln	No	No	No	Yes	No
Nevada	Carson City	No	No	No	No	Yes
New Hampshire	Concord	No	No	No	No	Yes
New Jersey	Trenton	Yes*	Yes*	Yes*	No	No
New Mexico	Santa Fe	Yes	Yes	Yes	Yes	No
New York	Albany	Yes*	Yes*	Yes*	Yes	No
North Carolina	Raleigh	No	No	No	No	Yes
North Dakota	Bismarck	Yes	No	No	No	No
Ohio	Columbus	Yes	Yes	Yes	No	No
Oklahoma	Oklahoma City	No	No	No	No	Yes
Oregon	Salem	No	No	No	No	Yes

State	Capital City	Workplaces	Restaurants	Bars	Capitol Building	Preemption
Pennsylvania	Harrisburg	No	No	No	No	Yes—Partial
Rhode Island	Providence	Yes*	Yes*	Yes*	Yes	No
South Carolina	Columbia	No	No	No	No	Yes
South Dakota	Pierre	Yes*	No	No	Yes	Yes
Tennessee	Nashville	No	No	No	Yes	Yes
Texas	Austin	Yes	Yes	Yes	No	No
Utah	Salt Lake City	Yes*	Yes*	Yes*—as of 1/1/09	Yes	Yes
Vermont	Montpelier	No	Yes*	Yes*	No	No
Virginia	Richmond	No	No	No	No	Yes
Washington	Olympia	Yes*	Yes*	Yes*	Yes	No
West Virginia	Charleston	Yes*	No	No	Yes	No
Wisconsin	Madison	No	Yes	Yes	Yes	No
Wyoming	Cheyenne	No	No	No	No	No

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[LS-04]



Facility Management

PAGE: NUMBER 1 OF 1
DATE: September 30, 2005
POLICY NUMBER: 10-05

SUBJECT: ENTRANCE OF CAPITOL SMOKE FREE ZONE

POLICY STATEMENT

Beginning October 3, 2005, smoking will no longer be allowed outside the south entrance of the Capitol building pursuant to North Dakota Century Code 54-21-18, authorizing the Office of Management and Budget to control, manage, and maintain the Capitol grounds.

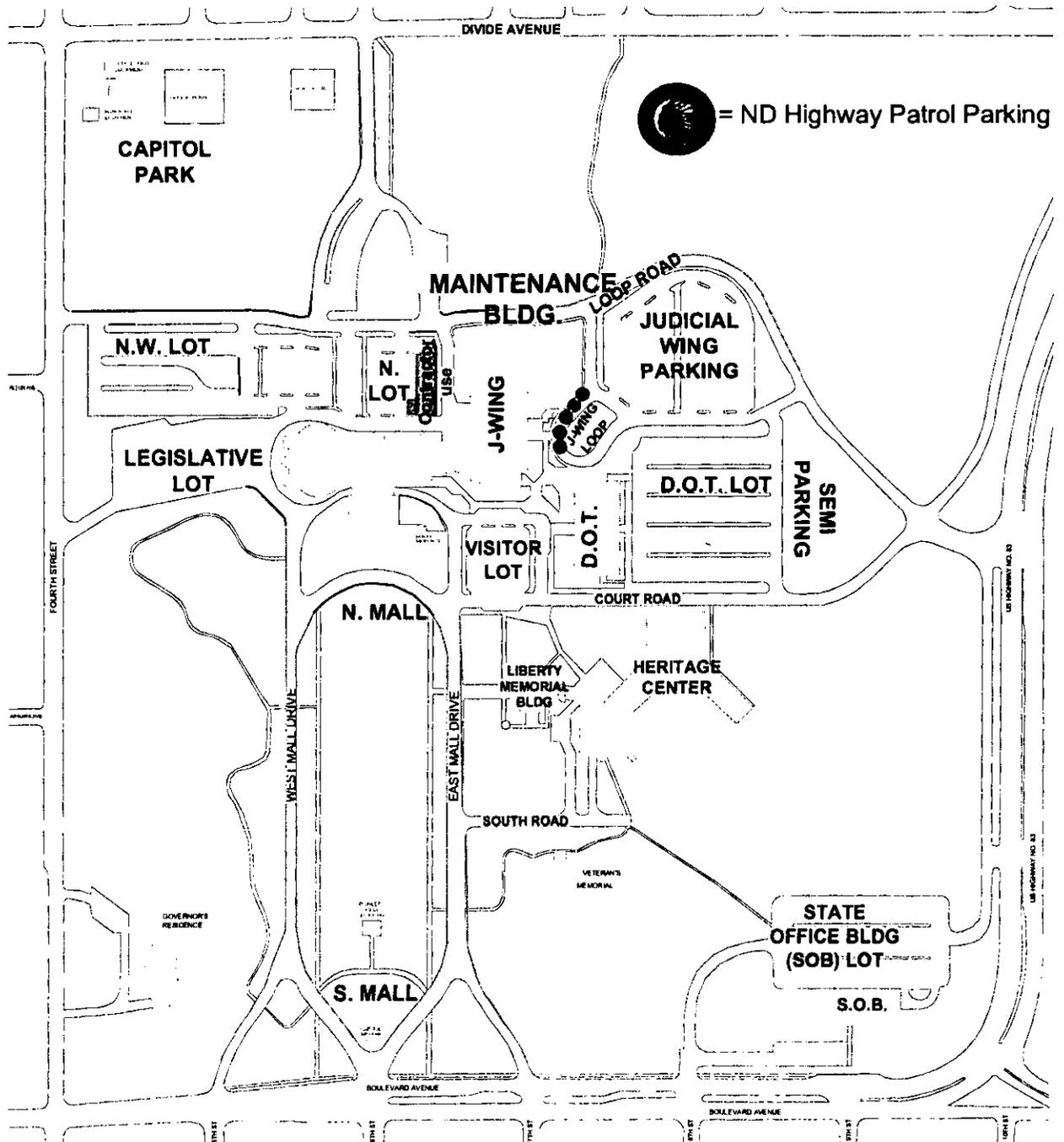
This action will provide a smoke free area for state employees and the general public as they enter and exit the Capitol building on the south side. The no smoking area covers the Capitol steps and the grounds extending from the south entrance to the roads (see attached diagram).

Smoking cessation assistance is provided through Blue Cross/Blue Shield, NDPERS and ND Department of Health. For more information, please visit the NDPERS web site at www.state.nd.us/ndpers or call the North Dakota Tobacco Quitline at 1-866-388-7848.

NORTH DAKOTA STATE CAPITOL COMPLEX

— No parking in red areas or in Firelanes (around Buildings).

— Parking Permitted in Gold areas



 = ND Highway Patrol Parking