

SENATE COMMERCE COMMITTEE

Monday, February 21, 2005

1:00 p.m. Room 15 - State Capitol

Members Present

Senator Linda Scheid
Senator Dan Sparks
Senator Ellen Anderson
Senator William Belanger
Senator David Gaither
Senator Sheila Kiscaden
Senator Cal Larson
Senator Brian LeClair
Senator Becky Lourey
Senator Geoff Michel
Senator Sandy Pappas
Senator Larry Pogemiller
Senator Mady Reiter
Senator Ann Rest
Senator Dallas Sams
Senator Jim Metzen

Members Excused

Senator Scheid called the meeting to order at 1:05 p.m.

S.F. 404 – Senator Dibble: Freedom to Breathe Act

The following provided testimony in support of S.F. 404:

- Ed Elhinger, M.D., MPH, Boynton Health Service, University of Minnesota
- Marc Manley, M.D., MPH, executive director, Center for Tobacco Reduction and Health Improvement, Blue Cross/Blue Shield
- Romelle Jones, owner, Art's Café, Moose Lake, MN
- Erik Peterson, representing Association of Federal, State, County and Municipal Employees (AFSCME)
- Jack Hindersheid, resident, West St. Paul
- Pat McKone, senior director, Tobacco Programs, American Lung Association of MN, Duluth office
- Joan Linski, wait staff, Pickwick Restaurant, member, H.E.R.E. (Hotel Employees and Restaurant Employees)
- Zachary Barnes, Virginia, MN

See Exhibits A through F

The following provided testimony in opposition of S.F. 404:

- Dale Swapinski, spokesman, Duluth Hospitality League
- Charles Senkler, representing Tavern League of Minnesota
- Dan and Chris O'Gara, representing Minnesota Licensed Beverage Association (MLBA)
- Tom Day, Hospitality Minnesota
- Sue Jeffers, owner, Stub and Herb's, Minneapolis, MN
- Jim Newcomer, VFW, Post 1296
- Ryan M. Pacyga, attorney, Minnesotans Against Smoking Ban
- Mark Wernimont, Smokeeters of Minnesota

See Exhibits G through I

Senator Sparks moved the A-6 amendment.

Senator Belanger moved S.F. 404 be recommended to pass.

The A-6 amendment does not prevail.

Senator Larson moved the A-7 Amendment. A roll call is requested.

Scheid	Nay
Anderson	Nay
Belanger	Nay
Gaither	Yea
Kiscaden	Nay
Larson	Yea
LeClair	Yea
Lourey	Nay
Metzen	Yea
Michel	Yea
Pappas	Nay
Pogemiller	Nay
Reiter	Yea
Rest	Nay
Sams	Yea
Sparks	Yea

The A-7 amendment does not pass on a tie vote of 8 to 8.

Senator Metzen moves the A-1 amendment. Motion prevailed.

Senator Belanger renews his motion to pass S.F. 404 as amended. A roll call is requested.

Scheid	Yea
Anderson	Yea
Belanger	Yea
Gaither	Nay
Kiscaden	Yea
Larson	Nay
LeClair	Nay
Lourey	Yea
Metzen	Nay
Michel	Yea
Pappas	Yea
Pogemiller	Yea
Reiter	Nay
Rest	Yea
Sams	Nay
Sparks	Nay

S.F. 404 is recommended to pass as amended on a 9 to 7 vote.

The meeting adjourned at 2:50pm. The proceedings were taped and the materials distributed are attached to these minutes.


Senator Linda Scheid
Chair


Erin Holte
Legislative Assistant

SENATE COMMERCE COMMITTEE

Monday, February 21, 2005

Room 15 Capitol

1:00pm

S.F. 404 (Dibble) Freedom to Breathe Act

Testifying in support:

Ed Elhinger, M.D., MPH, Boynton Health Service, University of Minnesota

Marc Manley, M.D., MPH, executive director, Center for Tobacco Reduction and Health Improvement, Blue Cross/Blue Shield

Romelle Jones, owner, Art's Café, Moose Lake, MN

Erik Peterson, representing Association of Federal, State, County and Municipal Employees (AFSCME)

Jack Hinderscheid, resident, West St. Paul

Pat McKone, senior director, Tobacco Programs, American Lung Association of MN, Duluth office

Joan Linski, wait staff, Pickwick Restaurant, member, H.E.R.E. (Hotel Employees and Restaurant Employees)

Zachary Barnes, Virginia, MN

Testifying in opposition:

Dale Swapinski, spokesman, Duluth Hospitality League

Kenneth Rockler, executive director, Tavern League of Minnesota

Dan O'Gara, representing Minnesota Licensed Beverage Association (MLBA)

Tom Day, Hospitality Minnesota

Sue Jeffers, owner, Stub and Herb's, Minneapolis, MN

Jim Newcomer, VFW, Post 1296

Ryan M. Pacyga, attorney, Minnesotans Against Smoking Bans

Mark Wernimont, Smokeeters of Minnesota

Senate Committee Meeting Log

Committee Name: Commerce Committee

Date: 2-21-05 Day: Monday Start Time: 1:09

Agenda

Bill # (or Topic)	SF: 404
Author	Dibble
Short Descriptor	Freedom to breathe Act.
Action(s)	passed as amended.
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	
Bill # (or Topic)	
Author	
Short Descriptor	
Action(s)	
Bill # (or Topic)	
Author	
Short Descriptor	
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Adjournment Time: _____

Recorded by: _____ Date: _____

Received by: _____ Date: _____

Reformatted by: _____ Date: _____

Returned on (date): _____ Received by: _____

ROLL CALL VOTE

Date: February, 21, 2005

Senator Larson requested a **Roll Call Vote** on:

1. **adoption** of A-7 amendment
2. **passage** of S. F. No. 404
3. **adoption** of _____ motion _____

SENATOR	YES	NO	PASS	ABSENT
Scheid	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Anderson	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Belanger	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gaither	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Kiscaden	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Larson	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
LeClair	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lourey	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Metzen	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Michel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pappas	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pogemiller	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Reiter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Rest	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
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