

**The Cost of Caution:
Tobacco Industry Political Influence
and Tobacco Policy Making in Oregon
1997-2007**

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EXECUTIVE SUMMARY

Following the passage of Measure 44, which raised the cigarette tax by \$0.30 in 1996, Oregon created its comprehensive Tobacco Prevention and Education Program (TPEP) in 1997 funded by 10% of Measure 44 revenues.

The Tobacco Free Coalition of Oregon (TOFCO) was a broad coalition of the voluntary health organizations and community partners that facilitated media advocacy and grassroots opportunities for clean indoor air policies and funding for TPEP.

Successful tobacco control efforts in Oregon at the state and local levels were instrumental in reducing per capita cigarette consumption by 11.3% in two years (1997-1999).

Local tobacco control coalitions were successful in passing (and defending) tobacco control policies from 1997 to 2001. The local ordinances in Corvallis (1998) and Eugene (2000) were regarded as model language for their 100% smokefree laws. In contrast, the Multnomah County smokefree workplace ordinance (1999) passed with a number of exemptions, including bars and bar areas of restaurants, and was later used as a model for the preemptive statewide smokefree workplace law.

In Oregon, the tobacco industry spent a total of \$3,145,553 on lobbying and campaign contributions to legislators, political parties, and constitutional officers from 1997 to 2006. Republican political action committees (PACs) received nearly five times more than Democratic PACs; tobacco companies spent more than four times more on Republicans than Democrats in the legislature.

The tobacco industry attempted to hamper tobacco control efforts through several hospitality and retail organizations, but their most powerful ally was the Oregon Restaurant Association (ORA), which had one of the largest PACs in the state and was a major political player.

With an increasing number of local clean indoor air ordinances, the tobacco industry fought tobacco control efforts at the state level, where they had an obvious advantage with campaign contributions and well-connected lobbyists.

In 2001, tobacco industry lobbyists attacked TPEP with legislation that attacked TPEP's credibility, infrastructure, and success passing local clean indoor air ordinances. In this negative policy environment, the ORA cut a deal with the Democratic Governor to enact the Indoor Clean Air Act of 2001, which preempted local governments from passing stronger laws and exempted bars, bar areas of restaurants, bingo halls, and bowling alleys. These exemptions were not removed until 2007 and will not actually be removed until 2009.

In another blow to tobacco control during the 2001 legislative session, TPEP was subject to "illegal lobbying" allegations, a tobacco industry tactic previously employed in California and elsewhere. The result of these claims was a "budget note" added to the TPEP appropriation by the Legislature that specifically restricted TPEP from lobbying for tobacco control ordinances and requiring local programs to advocate for passing tobacco control ordinances.

Among tobacco control advocates, the 2001 budget note initiated a more cautious attitude that outlasted the budget note's applicability to the 2001-03 budget cycle. The passage of the preemptive state law in the same session further limited the advocate's ability to pass effective tobacco control policies.

Oregon and 45 other states settled outstanding lawsuits against the four largest tobacco companies with the Master Settlement Agreement (MSA) in 1998. Since the first payment in 1999, no money has been dedicated to tobacco prevention and education in Oregon as of 2007.

Tobacco control advocates defeated two ballot measures in 2000 that would have dedicated either none or a minimal amount of the MSA's revenue stream to tobacco prevention and education.

Until 2004, Oregon's cigarette tax was comprised of a permanent tax and a \$0.10 temporary tax enacted in 1993 and dedicated to the Oregon Health Plan (OHP). The 10-cent tax was renewed every two years by the legislature.

In 2002, Measure 20 increased the cigarette tax by \$0.60 to a total of \$1.28 to generate new revenue anticipated to fill budget shortfalls. Advocates were unable to secure a permanent percentage of the tax increase for tobacco control, but TPEP received a onetime transfer of \$2 million.

Oregon's cigarette tax fell to \$1.18 in 2004 after the tobacco industry funded anti-tax group, Citizens for a Sound Economy, attached the extension of the \$0.10 temporary tax to Measure 30, a revenue-raising measure that included unpopular personal income and corporate tax increases in the midst of a statewide recession. Measure 30 failed, and Oregon's cigarette tax decreased.

Using the state's difficult budget shortfalls as a reason, legislators in the 2003 session completely defunded TPEP, shutting it down in March 2003. (Other programs funded by Measure 44 were cut, but only TPEP was shut down.)

Some funding was reinstated in December 2003, with a biennial budget that was 34% of its 2001-03 budget and 17% of the CDC's minimum for state tobacco control programs. This disruption in funding had serious negative impacts on program staffing and continuity.

TPEP operated on a severely reduced budget during the 2003-05 and 2005-07 bienniums because Measure 44 funds were diverted by the state legislature to pay for OHP.

Since the significant reductions in TPEP's budget, per capita cigarette consumption declined at a much slower rate than before, and now appears to have plateaued.

TOFCO has often been restrained by other political priorities of its member organizations, and tobacco control advocates have over-relied on contract lobbyists to set policy agendas and steer negotiations.

Oregon may be entering a period of resurgence after several setbacks caused the program to fall

out of the national spotlight. The tobacco control movement in Oregon needs strong leaders who are less cautious and can mobilize public support throughout the state, not just the metropolitan hubs.

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INTRODUCTION

In 1987, Oregon readopted its original state motto, “Alis Volat Propiis,” which translates to “She Flies with Her Own Wings.” As the motto suggests, Oregon takes pride in its independent and innovative state character, and Oregonians exemplified this virtue in 1996 when voters approved Measure 44, which increased the cigarette tax by 30 cents and allocated 10% of the revenues to create the statewide Tobacco Prevention and Education Program (TPEP) funded by an increase in the state tobacco tax.¹ From 1997 to 2003, TPEP enjoyed an average annual budget of nearly \$9 million. When TPEP published its first program report in 1999,² the evidence-based program had already produced impressive results, indicating that Oregon was already benefitting from successful and effective tobacco prevention strategies.³

Only two years after the program began, the US Centers for Disease Control and Prevention reported that per capita cigarette consumption fell 11.3% following the creation of the program, a decrease of about 10 packs smoked per person.⁴ Four years after the creation of TPEP, the program reported significant declines in smoking prevalence among adults and youth (Table 1 and Figure 1).⁵

	1996	2000
Adults	23%	20%
8 th graders	22%	13%
11 th graders	28%	22%
Source: TPEP ⁵		

The tobacco industry also noticed these initial successes. In a 1999 report discounting the CDC’s findings, Lyle B. Smith, the Senior Information Manager in RJ Reynolds general counsel,⁶ concluded that the “[CDC’s] recent report is clearly politically motivated to urge other States to implement substantial cigarette tax increases.”⁷ Oregon’s accomplishments in tobacco control threatened the tobacco industry’s sales and profits. Employing the same strategies used in other states,^{8,9} (see <http://repositories.cdlib.org/ctcre> for more state reports) the industry attempted to put an end to TPEP’s successes by working through powerful front groups and making campaign contributions to legislators and legislative candidates. The Program was ultimately precluded from using the most effective tobacco control strategies, particularly local smokefree policies, stripped of its funding, and temporarily shut down.

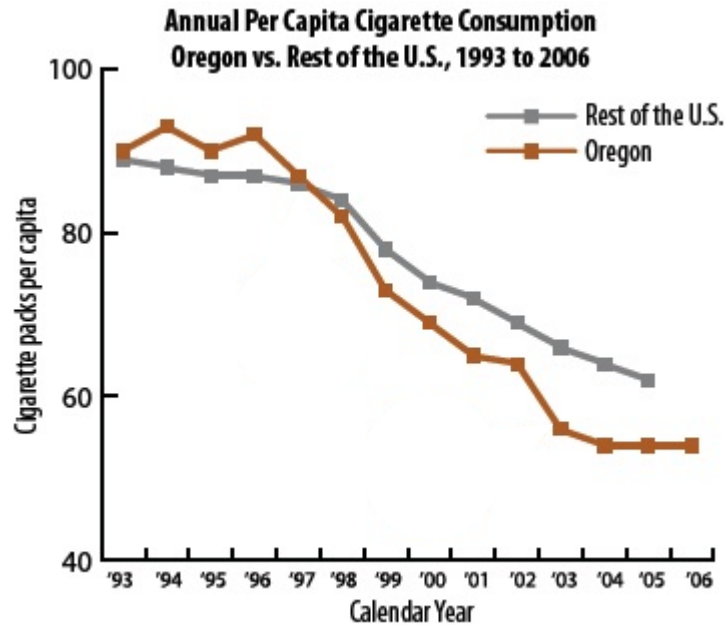


Figure 1. Confirming the initial analysis by the CDC, per capita cigarette sales fell in Oregon much faster than in the other states that did not have tobacco control programs. The rate of decline slowed after 2003, when the program was temporarily shut down in March 2003 due to the state budget crisis. The program was reinstated several months later, but with a drastically reduced budget. The decline of per capita cigarette consumption in Oregon has not been as apparent since TPEP was defunded. Source: TPEP¹⁰

Ironically, the Oregon Health Division anticipated the industry’s strategies in a briefing paper,¹⁰ prepared before TPEP was implemented, on appropriate uses of the money in the Tobacco Use Reduction Account (TURA), which was created by Measure 44 (Table 2). Eschewing a conspicuous role, the tobacco industry operated primarily through the Oregon Restaurant Association (ORA),¹¹ although legislators who received particularly large campaign contributions from the tobacco industry also helped realize pro-tobacco objectives, particularly in the 2001 legislative session. Employed previously in other states, including California and the states participating in the National Cancer Institute ASSIST tobacco control trial to oppose tobacco control policies, the industry used the tactic of “illegal lobbying” allegations against TPEP during the 2001 legislative session.¹² These claims culminated in the passage of a budget note that explicitly restricted Department of Human Services (DHS) employees from lobbying for tobacco control ordinances and requiring local programs to advocate for passing local tobacco control ordinances. The budget note also prohibited the use of state funded grant monies to be used “to influence the outcome of any election or local ordinance adoption.”¹³ Although DHS employees could still provide information to local groups working on tobacco control ordinances, the budget note, which was rumored to have been backed by Rep. Jackie Winters (R-Salem; tobacco control policy score of 1.0), who has received more than \$15,000 in tobacco industry campaign contributions since her first term as a state representative in 1999,¹⁴ effectively instilled fear and self-censorship into public health workers and tobacco control professionals. Although

the budget note was not legally binding and applied to the 2001-03 DHS budget, TPEP, to its own detriment, continued to enforce the note’s restriction in subsequent budgets. Later, a weak, statewide clean indoor air law, which exempted bars, taverns, bar portions of restaurants, bowling alleys, and bingo halls and included preemption of stronger local legislation, limited the scope of TPEP’s ability to implement its program objectives, which were based on the CDC’s *Best Practices for Comprehensive Tobacco Control Programs*.¹⁵

Table 2. Oregon Health Division Briefing Paper on the Tobacco Use Reduction Account (TURA)	
Effective activities using TURA money	Ineffective activities using TURA money
<ul style="list-style-type: none"> • anti-tobacco media campaign aimed at both children and adults • comprehensive, population-based local activities that will change community norms about tobacco use (e.g local ordinances for clean indoor air in public places and work places; local licensing of tobacco retailers; enforcement of youth access/possession laws; school policies in conjunction with community efforts to prohibit tobacco use; youth leadership; statewide coordination, evaluation, and technical assistance; strong, consistent messages from the health and medical systems) 	<ul style="list-style-type: none"> • classroom instruction for children on the dangers of tobacco use • heavy emphasis on smoking cessation • many separate streams of funding so that local population-based coordination is difficult or impossible • focus solely on children—portraying tobacco use as an acceptable adult activity is the best invitation available to increasing tobacco use by children
Anticipated Challenges to Implementing the Tobacco Initiative Education Program	
<p>The industry will...</p> <ul style="list-style-type: none"> • work toward introducing preemptive language • work to assure that none of these funds can be used for media campaigns • work toward separating money at the state level into multiple funding streams so a comprehensive, population-based approach at the local level will be difficult to achieve 	<ul style="list-style-type: none"> • lobby for an appointed advisory body whose membership will be able to be influenced by tobacco interests • add their pressure to efforts to use the money to back-fill budget deficits • add their pressure to efforts to back-fill budgets for cities and counties
Source: Oregon Health Division ¹⁰	

While these legislative manipulations severely limited TPEP’s tobacco control efforts, funding cuts ultimately grounded the program. Using a “state budget crisis” as the justification, the legislature completely defunded TURA in March 2003.¹⁶ Because the legislature and state budgets in Oregon operate on a biennial cycle, the defunding in March left TPEP without any money until legislators agreed on the new biennial budget in August. Due to the lack of funding during these three months, staff were left without jobs, TPEP was shut down at the state and local levels, and tobacco control in Oregon was at a standstill. When the 2003-2005 budget cycle began, TPEP’s biennial budget was cut by more than 60%, to just \$6.9 million. From 2003 to 2007, TPEP did not received full funding, and operated on a budget that was about one third of the money allocated by Measure 44, and about 16% of the minimum CDC recommendation for tobacco control programs. As of 2007, the program had still not received any money from the 1998 Master Settlement Agreement (MSA) between the states’ attorneys general and the major tobacco companies. As a result of the cuts, the decline in cigarette consumption in Oregon has been less dramatic since the program was suspended and then reinstated at a lower level in 2003.

TPEP could see the return of a nationally-recognized program since the 2007 legislature reinstated full Measure 44 funding for TPEP, although the \$15.8 million expected for TPEP means that tobacco prevention remains underfunded according to the CDC's recommended funding range of \$42.2-\$105.6 million for the 2007-2009 biennium.¹⁷ It remains to be seen whether health advocates will secure MSA money to supplement TPEP's budget, as well as defeat the tobacco industry at the polls in November 2007, when Oregonians vote on Measure 50, a legislatively-referred proposal to increase the cigarette tax by 84.5 cents and dedicate a small 5% portion of the increase to tobacco prevention in the 2007-09 biennium.

TOBACCO INDUSTRY ACTIVITY IN OREGON

Key Lobbyist Players

The momentum that local tobacco control coalitions initially gained throughout the state did not go unnoticed by the tobacco industry. The industry already had established a powerful infrastructure by the 1990s. Some of the most influential lobbyists directly or indirectly representing tobacco interests are given in the list below, along with lobby expenditures (Table 3, see also Appendix E). According to Oregon Revised Statutes 171.744-5, "lobby expenditures" reported to the Oregon Government Standards and Practices Commission (GSPC) include lobbying expenses for food, refreshments, entertainment, printing, postage, telephone, advertising, public relations, education and research, and miscellaneous, excluding living and travel expenses. While these expenses are for individual lobbyists, lobbying entities and employers of lobbyists also file expenditure reports with the GSPC for lobbying activities on behalf of the entire entity, not one individual, in Oregon (see Appendix D).

- **Mark Nelson:** President and owner of Public Affairs Counsel (PAC)¹⁸. Nicknamed "the Grinder" and "the stealth lobbyist," Nelson has lobbied for R.J. Reynolds Tobacco, 7-Eleven, and the Oregon Restaurant Association.^{19,20} He is fond of saying, "Tobacco companies don't pay taxes; people pay taxes."²¹ A 1995 RJR memorandum states that "RJR is fortunate to have the most successful and hard working lobbyist in [Oregon]—Mark Nelson."²²
- **William (Bill) Linden:** Hired by Nelson for PAC in 1995.²³ Linden worked on the campaign to defeat Measure 44¹, and his clients included R.J. Reynolds Tobacco. Early in 2007, Linden died from lung cancer.²¹
- **Bill Perry:** As Director of Government Relations at the Oregon Restaurant Association (ORA), Perry organized restaurateurs around industry issues and lobbied on behalf of the ORA at the state legislature. Before working at the ORA, Perry represented the Oregon Farm Bureau and the Small Business Coalition. Perry was appointed by Gov. Theodore Kulongoski (D) to the Oregon Public Health Advisory Board in 2004, and served in 2001 on the Multnomah County Citizen Task Force on Smokefree Workplaces.
- **Joe Gilliam:** Represented the Oregon Grocery Association. Gilliam served on the Attorney General's Committee for Youth and Tobacco in 2000²⁴ and was formerly the Oregon State Director of the National Federation of Independent Business for 10 years.²⁵
- **James Gardner** (Oregon state senator from 1978 to 1984): represented Philip Morris.²⁶ Gardner and his wife, Lynda Nelson Gardner, operate Gardner & Gardner, a law firm and government affairs firm.²⁷⁻²⁹

- **Gary Oxley:** represented US Tobacco/UST Public Affairs Inc.²⁹
- **Richard Kosesan:** represented the Oregon Neighborhood Store Association, Brown & Williamson Tobacco Company, and Lorillard Tobacco Company. Kosesan was a former legislative consultant for the Tobacco Institute.²⁹
- **John Powell:** represented Regence BlueCross/Blue Shield. Has also served as a State Legislative Consultant for the Smokeless Tobacco Council.³⁰

Table 3. Lobbying Expenditures for Lobbyists in the Tobacco Industry and Tobacco-Related Businesses (1997-2006)		
Lobbyist	Lobby	Expenditures
Tobacco Companies		
James Gardner	Phillip Morris (PM) USA, Inc by Altria Corporate Services	\$13,995
Lynda Gardner	PM USA, Inc by Altria Corporate Services	\$418
Richard Kosesan	Brown & Williamson Tobacco Corp, Lorillard Tobacco Co	\$9,548
William (Bill) Linden	RJR Tobacco, ORA, Anheuser-Busch, 7-11/Southland	\$0
Mark Nelson	R.J. Reynolds (RJR) Tobacco, ORA, Anheuser-Busch, 7-11/Southland	\$115,773
Gary Oxley	US Smokeless Tobacco, Oregon Neighborhood Store Association (ONSA)	\$23,927
Total		\$139,734
Tobacco-Related Business Interests		
William (Bill) Perry	Oregon Restaurant Association (ORA)	\$11,988
Michael McCallum	ORA	\$2,515
Brian Boe	ORA, Oregon Grocery Association (OGA)	\$11,355
Joe Gilliam	OGA	\$341,705
Shawn Miller	OGA	\$79,940
Gary Oxley	ONSA	see above
Total		\$447,503
Source: Oregon Government Standards and Practices Commission ³¹		

In comparison, the healthcare and tobacco control lobbyists spent much less (Table 4).

Many of the tobacco industry and industry-related lobbyists worked together on tobacco issues over the years. For example, a steering committee to defeat an initiative proposed by the Oregon Medical Association and voluntary health organizations to increase the state cigarette tax in 1991 included Mark Nelson, Richard Kosesan, and Jim Gardner.¹⁸ Mark Nelson also managed

a political action committee, called the Oregon Executive Committee (OEC), which was created by the tobacco industry to undermine tobacco control efforts, including Measure 44 in 1996.³²⁻⁴² (The tobacco industry created similar “executive committees” in many states, including California, Colorado, Arkansas, and Arizona.^{40,43-47}) According to campaign finance records filed with the Secretary of State,¹⁴ the only reports of OEC activity included a total of \$55,174 in contributions to the Health Care Freedoms campaign in 1996. The Health Care Freedoms campaign was an initiative that sought to prohibit insurance companies and HMOs from discriminating against coverage for certain health providers.^{48,49} Appearing as Measure 39 on the November 1996 ballot, alongside Measure 44 (created TPEP, raised cigarette tax by \$0.30), the tobacco industry became involved⁵⁰⁻⁵³ with the campaign because they wanted to divert the health insurance industry’s support for Measure 44.¹

Lobbyist	Lobby	Expenditures
Tobacco Control		
Maura Roche	American Cancer Society (ACS), Oregon Health Leadership Against Tobacco (OHLAT)/Tobacco Free Coalition of Oregon (TOFCO)	\$11,824
Joshua Alpert	ACS, American Lung Association (ALA), OHLAT/TOFCO	\$2,341
Phil Donovan	American Heart Association (AHA)	\$4,128
John Valley	AHA	\$806
Total		\$19,099
Hospitals and Health Providers		
E E Patterson	Oregon Association of Hospitals & Health Systems (OAHHS)	\$16,047
Mike McCracken	OAHHS	\$2,341
John Powell	Regence Blue Cross/Blue Shield of Oregon	\$14,965
Total		\$33,353
Source: Oregon Government Standards and Practices Commission ³¹		

The industry’s lobbyists had a reputation for influencing the legislature; in a 2006 interview Mel Kohn, the state Epidemiologist, said,

Our presumption has often been that a lot of what is fueling the opposition is the tobacco industry. They are quite influential in Salem, and they give a lot of money directly or indirectly to legislators. Their lobbyists are highly visible. I have had many experiences where I have been in a hearing, somebody will bring up some new issue, and the tobacco industry lobbyist will catch the eye of one of the lead legislators. They will go out of the hall, and when they come back in, the issue will be settled in some way or other.⁵⁴

Tobacco Industry Organization in Oregon

Philip Morris

Legislative and policy issues in Oregon were handled by specific divisions at each tobacco company. At Philip Morris (PM), this responsibility fell under the State Government Affairs (SGA) department. Organized by region, Oregon was under the jurisdiction of Cesar Vargas, who joined the company in 1995.⁵⁵ As Philip Morris' regional director for Region 12 (California, Hawaii, Alaska, Washington, Oregon, Idaho, and Nevada), Vargas wrote in 2001, "Quietly is the only way I work."⁵⁶

The SGA publishes an annual State Legislative Report, and in the 1999 report for Oregon, their outlook for the year was brightened by the fact that legislative contacts were especially strong in the Senate.⁵⁷ However, the report mentioned that local anti-tobacco advocacy was a growing concern due to advocacy groups such as Americans for Nonsmokers' Rights and the "huge influx of grant monies into the state,"⁵⁷ which most likely referred to TOFCO's grant from the Robert Wood Johnson Foundation's Smokeless States program, as well as other resources from the voluntary health groups to support local smokefree initiatives. SGA addressed their concerns by planning to act proactively by seeking marketing restrictions and local preemption of clean indoor air policies in 1999. Preemption was also on the agenda of the Oregon Restaurant Association (ORA), one of the tobacco industry's important allies.¹¹ In their 1999 report, the SGA planned to work closely with the ORA, in part by providing the ORA with grants "to support program needs."⁵⁷ With the ORA's help, the SGA also planned to conduct several polls and work on "a proactive bill that would preempt local ordinances in the workplace."²⁸

R.J. Reynolds

R.J. Reynolds' State Government Relations division had a purpose similar to PM's SGA department. Roger Mazingo, the vice president of State Government Relations wrote in 1999 that "the primary mission of State Government Relations will be to continue to deploy our resources to address key issues in the state and local legislative arenas having the most impact on RJR's business interests."⁵⁸ Mike Phillips was the director for the region that covered Western and Northwestern states, including Oregon.⁵⁹ Within State Government Relations, the region was further divided into the field force. Beginning in 1996, Steve Gibbs served as field coordinator for Alaska, Hawaii, Oregon and Washington, and was "viewed as a strong member of the industry team in the region" by Phillips.⁶⁰

At the grassroots level, RJR's "Morning Team" served to "coordinate the deployment of company resources in opposition to or support of state and local (sometimes federal) laws, regulations and/or ordinances."⁶¹ The Morning Team was involved with communications, legislative support, intelligence gathering, and legislative tracking, in conjunction with the Washington, D.C.-based law firm Covington and Burling.⁶² The group also worked on marketing restriction issues with Brown & Williamson and Lorillard, and hospitality issues with Philip Morris.⁶²

Tobacco Industry Allies

The Oregon Restaurant Association

As in other states and countries,¹¹ the hospitality industry, especially the Oregon Restaurant Association (ORA), served as a key tobacco industry ally in Oregon. A 1995 internal Philip Morris presentation that introduced the ways in which their “Accommodation Program”⁶³ relied on their important partnership with the hospitality industry in general stated, “Since we are reliant on the hospitality industry to be out in front fighting on this issue, it is important that we are able to forge a strong and relevant [*sic*] relationship with members of the industry... Sponsorship opportunities allow us to get on the agenda, build critical relationships and make our issue a priority where it otherwise might not be one.”⁶⁴ In Oregon, RJR had already established strong ties to the hospitality industry in 1985. RJR’s economic and political analysis on Oregon in December 1985 reveals that it:

... [enjoys] an extremely close working relationship with the two major hospitality groups, Restaurants of Oregon Association (ROA) and Oregon Restaurant and Beverage Association (ORBA). These two groups have been helpful to us politically, have had tobacco industry spokes-people at their conventions and continue to be concerned about how tobacco legislation will affect their members.⁶⁵

In 1989, the merger of these two groups was facilitated by Michael McCallum, who served as the CEO of the resulting organization, the ORA.⁶⁶

The Oregon Restaurant Association has been the most influential supporter of the tobacco industry’s agenda, but the Association of Oregon Industries, the Oregon Grocery Industry Association (OGIA), and others have also helped.⁶⁷⁻⁶⁹ (ORA and OGIA, share the same street address.⁷⁰) Another industry ally is the Oregon Lodging Association, where Phil Peach, who served as executive director, kept Philip Morris informed of legislative actions, perhaps as a favor for PM’s \$1,000 sponsorship of the Association’s 50th Anniversary Event in 1996.²⁶

Given the tobacco industry’s poor credibility with the public,⁸ these allies were largely responsible for the advancement of policies aligned to tobacco industry goals. For example, Sharon Portnoy, a regional director of Government Affairs at Philip Morris, tried to convince Bob Rice, who was then President of the ORA, to adopt PM’s Accommodation Program. In her 1993 letter, Portnoy acknowledged Rice’s initial hesitation to embrace the program given his perception that smokers and nonsmokers alike were already being “accommodated” in Oregon’s restaurants, but pointed to “the threat of zealots reaching across the country to stop accommodation and ban smoking.”⁷¹ She also emphasized the importance of “an alternative to outright bans,” and how the Program “can serve as a VISIBLE tool to demonstrate to government that restaurants are already handling the smoking issue in Oregon and there is no need for further government intervention. [emphasis in original].”⁷¹ By 1995 the ORA was listed in a directory of associations participating in the Accommodation Program.⁷²

The ORA was universally regarded as a powerful player in Oregon politics. Its influence, bolstered by campaign contributions (Table 5) to one of the state’s largest political action

committees,^{73,74} has been known to sway the votes of legislators who, despite not agreeing with a bill’s content, will vote for it to please the ORA. Such power was demonstrated in the 1999 legislative session, when Rep. Ryan Deckert (D-Beaverton; tobacco control policy score of 5.3) believed that Reps. Bob Montgomery (R-Cascade Locks) and Jerry Krummel (R-Wilsonville; tobacco control policy score of 3.0) had voted for an ORA-backed preemptive bill, which gave the state legislature the sole authority to regulate indoor smoking in bars and bar areas of restaurants, in deference to the ORA rather than their own convictions.⁷⁵ While Montgomery had not received any money from the ORA in 1998, according to records on file at the Secretary of State,¹⁴ he did receive \$2,140 in tobacco industry campaign contributions in 1998 (for a lifetime total of \$3,640 as of 1998). In contrast, Krummel reported \$12,000 in campaign contributions from the ORA in 1998, and \$250 from the tobacco companies (for a lifetime total of \$250 in 1998).⁷⁶ In 2001, the *Ashland Daily Tidings* reported that “legislators who voted for [HB 3953, a bill that amended the Clean Indoor Air Act (1981) by allowing smoking in minor-restricted, bar areas of restaurants and preempted local governments from enacting “smoking ordinances” more restrictive than state law⁷⁷] received \$124,231 last year from the tobacco political action committee. Legislators who went the other way picked up \$13,540.”⁷⁸ Even Bill Perry, the ORA’s Director of Government Affairs, publically stated in the *Portland Oregonian*, “I don’t think [Sen.] John Minnis (R-Wood Village) is necessarily going to vote for all of my issues [because the ORA gave him \$13,300 in 2000], but I can tell you, when I bring an issues up before him, he’s not going to be beating me up.”⁷⁹

Table 5. Oregon Restaurant Association Lobby Expenditures and PAC Contributions from 1997-2006 (\$)

	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006
Lobby expenditures	590,404	370,124	395,796	383,220	424,500	510,127	454,465	532,317	650,884	531,274
Contributions received by PAC	25,958	356,660	43,275	374,280	55,563	391,046	47,461	343,617	67,348	568,330

According to ORS 171.744-5, “lobby expenditures” reported to the Oregon Government Standards and Practices Commission include lobbying expenses for food, refreshments, entertainment, printing, postage, telephone, advertising, public relations, education and research, and miscellaneous, excluding living and travel expenses. “Contributions” reported to the Oregon Elections Division include cash contributions, loans received, in-kind contributions, and other receipts. Note that even-numbered years are election years. Source: Oregon Government Standards and Practices Commission,³¹ Oregon Secretary of State, Elections Division¹⁴

Not surprisingly, the ORA’s desire to allow smoking particularly in establishments that serve alcohol fit the tobacco industry’s long-term strategy.^{11,80-87} In fact, industry documents reveal an established relationship between the two groups.^{11,88-93} One of the earliest documents is a 1996 Budget for the State Activities Division at the Tobacco Institute (TI). According to this document, TI gave \$500 to the ORA from an account designated for the support of national and state organizations.⁸⁹ Later, in preparation for the 1999 legislative session, Philip Morris not only developed plans for uniformity with the ORA in August 1998, but also gave “grants to [the] ORA to support program needs” later that fall.⁹⁴ Perry, who also lobbied for the Oregon Lodging Association in addition to the ORA,⁹⁵ was actively involved in coordinating efforts with Philip

Morris and RJ Reynolds.⁹⁶⁻¹⁰² Perry helped craft the Multnomah County ordinance and the statewide Clean Indoor Air Act of 2001.

Other Tobacco Industry Allies

The Oregon chapter of the national tobacco industry-sponsored *Coalition for Responsible Tobacco Retailing* (CRTR)^{103,104} is made up of the Oregon Consumer Products Marketing Group, Oregon Grocery Industry Association, Associated Oregon Industries, United Grocers, Rite Aid, Plaid Pantry, and the Oregon Petroleum Marketers Associations.¹⁰⁵⁻¹⁰⁷ The Oregon Restaurant Association (ORA) and Korean American Grocers Association (KAGRO) of Oregon have been involved in sponsoring CRTR training sessions throughout the state.¹⁰⁸ The organization is probably the most well-known for its support of the “We Card” program, an initiative run by various industry bodies at different times that nominally exists to control youth access to tobacco.¹⁰⁹⁻¹¹² None of these programs have been shown to reduce youth smoking.

The *Oregon Consumer Products Marketing Group* was started by Richard Kosesan,¹¹³ a lobbyist for the Tobacco Institute before representing Brown & Williamson and Lorillard in Oregon when the Institute dissolved in 1998. David Powers, a lawyer with RJR, wrote an email to Jan Krebs in 1995 that stated the Oregon Consumer Products Marketing Group “will add a new lobbying force to our efforts in Oregon. [Richard Kosesan...] asked us for money and I suggest we support this group.”¹¹⁴

The *Public Affairs Counsel* (PAC), headed by Mark Nelson, lobbied for RJR (Table 6).¹¹⁵⁻¹¹⁹ In addition to RJR, PAC represented Anheuser Busch, Oregon Head Start Association, Oregon Criminal Defense Lawyers Association, Southland Corporation (formerly 7-Eleven), and Oregon Judges Association.¹²⁰ The immediacy of PAC’s relationship with RJR is demonstrated in a 1998 letter from Nelson and fellow PAC lobbyist Bill Linden to Mike Phillips, a regional director of State Government Relations at R.J. Reynolds,¹²¹ containing recommendations for campaign contributions in Oregon, including \$1,000 each for Sen. Ted Ferrioli (R-John Day; tobacco control policy score of 1.5), Rep. Leslie Lewis (R-Carlton), and Rep. Ben Westlund (R-Bend; tobacco control policy score of 5.0), \$1,500 to Republican party committees, and \$500 for Rep. Bill Witt (R-Cedar Mill).¹²¹

Table 6. RJR Retainer Agreements with PAC			
1996	1997	1998	1999
\$45,000	\$48,000	\$48,000	\$45,833
Source: RJR Retainer Agreements ¹²²⁻¹²⁶			

TOBACCO INDUSTRY CAMPAIGN CONTRIBUTIONS

Campaign contributions to legislators, political parties and committees, and constitutional officers have allowed the tobacco industry to exert influence on tobacco-related policy-making. In Oregon, tobacco industry lobbying efforts and campaign contributions to legislators have

played important roles in shaping the political terrain for tobacco control issues. Industry companies included Philip Morris USA, R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, Lorillard Tobacco Company, U.S. Smokeless Tobacco, the Tobacco Institute, Single Stick Incorporated, and several smaller companies such as Cascade Cigar & Tobacco Company, Pendleton Mixer & Cigar, and Specialty Cigars. Contributions from non-tobacco subsidiaries of the companies listed above were not included. Campaign contributions from the Oregon Restaurant Association (ORA) were also examined given the ORA's role as a tobacco industry ally (see "Tobacco Industry Allies").

Data Sources

Campaign contribution data were obtained from the online campaign finance database maintained by the Oregon Secretary of State, Elections Division.¹⁴ Since detailed contribution and expenditure reports were only available beginning from the 2004 General Election, the Elections Division ran queries in their offline database for campaign contributions from tobacco companies and select tobacco industry allies.

Lobbying expenditure data from 1997 through 2006 were obtained from the Oregon Government Standards and Practices Commission (GSPC), which requires annual expenditure reports from lobbyists or their employers.

Campaign Finance Laws

As of 2007, Oregon had no limits on campaign contributions.²⁰ While reforms that limit campaign contributions have not been successful, reporting mechanisms have improved in Oregon. According to Oregon's campaign finance law in 2007,¹²⁷ candidates were required to submit detailed reports for contributions of more than \$100 from donors, including out-of-state political committees. In 2005, House Bill 3458 increased the minimum amount that candidates were required to report from \$50 to \$100, but also created Orestar, a new online electronic filing system, which was free for all candidates and political action committees (PACs) and available to the public.¹²⁸ Previously, campaign finance reports were all filed on paper, and only scanned copies of reports from 2004 onwards could be viewed online. Instead of waiting until the elections were over to see the reports, the Orestar system gave candidates and PACs a 30 day deadline to report contributions. Six weeks before an election, contributions had to be reported within 7 days of receipt. Orestar was launched online in January 2007.

Political Expenditures

Since the first reports of industry campaign contributions in 1985 and lobbying expenditures in 1990,¹ total political expenditures from the tobacco industry have continued to increase through 2002 (Figure 2). Tobacco industry political expenditures since 2002 have begun to decline—primarily as a result of decreased expenditures by smaller companies such as Brown & Williamson and Lorillard (Figure 3). While Philip Morris continued to spend the greatest amount of money in Oregon compared to other companies (see Appendix D), only U.S. Smokeless Tobacco continued to report increasing political expenditures over time (Table 7). All companies spent the greatest fraction of total expenditures on lobbying (Figure 4).

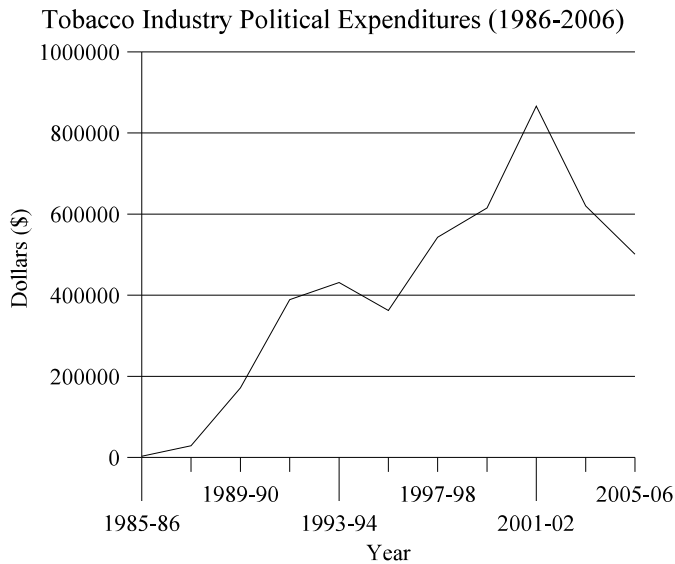


Figure 2. Historical account of tobacco industry political expenditures in Oregon. Expenditures include lobbying efforts and contributions to legislators and legislative candidates, political parties and committees, and constitutional officers. ‘Tobacco industry’ includes Philip Morris USA, RJR Tobacco Company, Smokeless Tobacco Council, Tobacco Institute, US Tobacco, Lorillard Tobacco Company, and Brown & Williamson Tobacco Corporation. Source: Money in Politics Research Action Project, Oregon Government Standards and Practices Commission^{31,464}

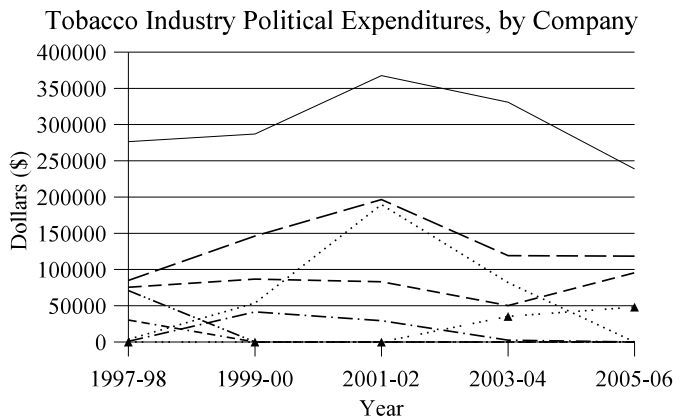


Figure 3. Historical account of tobacco company political expenditures. Expenditures include lobbying efforts and contributions to legislators and legislative candidates, political parties and committees, and constitutional officers. PM: Philip Morris USA; RJR: R.J. Reynolds Tobacco Co.; BW: Brown & Williamson; LOR: Lorillard Tobacco Co.; UST: US Smokeless Tobacco; TI: Tobacco Institute; STC: Smokeless Tobacco Council; SS: Single Stick, Inc. Source: Money in Politics Research Action Project, Oregon Government Standards and Practices Commission^{31,464}

—	PM	- - -	RJR	BW
- . - . -	LOR	- - -	UST	- . - . -	TI
- - - - -	STC▲.....	SS		

Table 7. Tobacco Industry Expenditures in Oregon

Company	2005-06					2003-04	2001-02	1999-00	1997-98	Grand Total
	Lobbying	Legislature	Political Parties and Committees	Constitutional Officers	Total	Total	Total	Total	Total	
Philip Morris USA, Inc. by Altria Corporate Services	\$203,394	\$26,000	\$9,500	\$0	\$238,894	\$330,875	\$367,674	\$287,020	\$276,390	\$1,500,852
R.J. Reynolds Tobacco Company	\$64,700	\$43,750	\$10,000	\$0	\$118,450	\$119,198	\$196,557	\$146,233	\$84,952	\$665,390
Brown & Williamson Tobacco Company	\$0	\$0	\$0	\$0	\$0	\$81,917	\$189,721	\$53,673	\$3,750	\$329,060
Lorillard Tobacco Company	\$0	\$0	\$0	\$0	\$0	\$2,464	\$29,411	\$41,504	\$1,000	\$74,379
UST Public Affairs, Inc.	\$92,000	\$3,500	\$0	\$0	\$95,500	\$50,196	\$83,038	\$86,800	\$75,600	\$391,134
Tobacco Institute	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$70,854	\$70,854
Smokeless Tobacco Council	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$30,250	\$30,250
Single Stick, Inc.	\$48,190	\$0	\$0	\$0	\$48,190	\$35,444	\$0	\$0	\$0	\$83,634
Total	\$408,284	\$73,250	\$19,500	\$0	\$501,034	\$620,094	\$866,401	\$615,230	\$542,796	\$3,145,553

Source: Oregon Government Standards and Practices Commission;³¹ Oregon Elections Division¹⁴

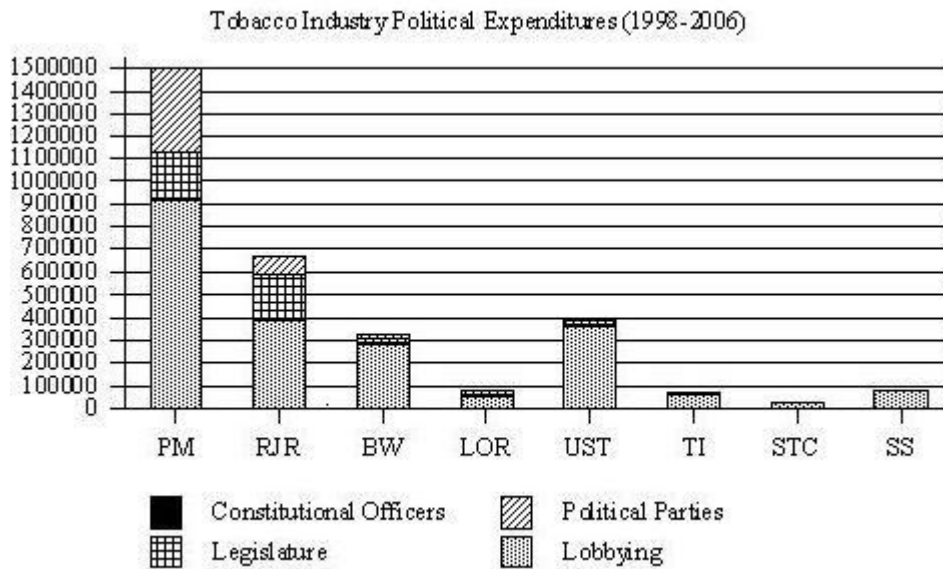


Figure 4. Summary of tobacco industry political expenditures. Tobacco companies spent a total of \$3,145,553 from 1998 through 2006. Philip Morris (PM) spend the greatest amount of money (\$1.5 million), with most of the money directed toward lobbying activities. Not surprisingly, Considering Oregon’s large rural population, U.S. Smokeless Tobacco (UST) came in third with close to \$400,000 in total political expenditures from 1998-2006. Abbreviations: PM: Philip Morris USA, RJR: R.J. Reynolds Tobacco Company, BW: Brown & Williamson Tobacco Corporation, LOR: Lorillard Tobacco Company, UST: U.S. Smokeless Tobacco Public Affairs, Incorporated, TI: Tobacco Institute, STC: Smokeless Tobacco Council, SS: Single Stick (USA Tobacco Company). Source: Oregon Secretary of State, Elections Division and Oregon Government Standards and Practices Commission^{14,31,884}

Contributions to Legislators

Campaign contributions were reported for two year electoral cycles (see Appendix A). Tobacco industry campaign contributions to legislative candidates have increased since 1986, reaching a peak of \$160,950 for the 2004 election (Figure 5).

For every election year that the tobacco industry has contributed to legislative candidates in Oregon, Republicans have received more money than Democrats (Figure 6).

In addition, donations to candidates and legislators running for state representative compared to state senator command a greater percentage of the total amount of money contributed by the tobacco industry (Table 8).

Although the tobacco industry has donated more to candidates and legislators in the House than the Senate, this distribution is not reflected among the top recipients of tobacco company campaign contributions (Table 9).

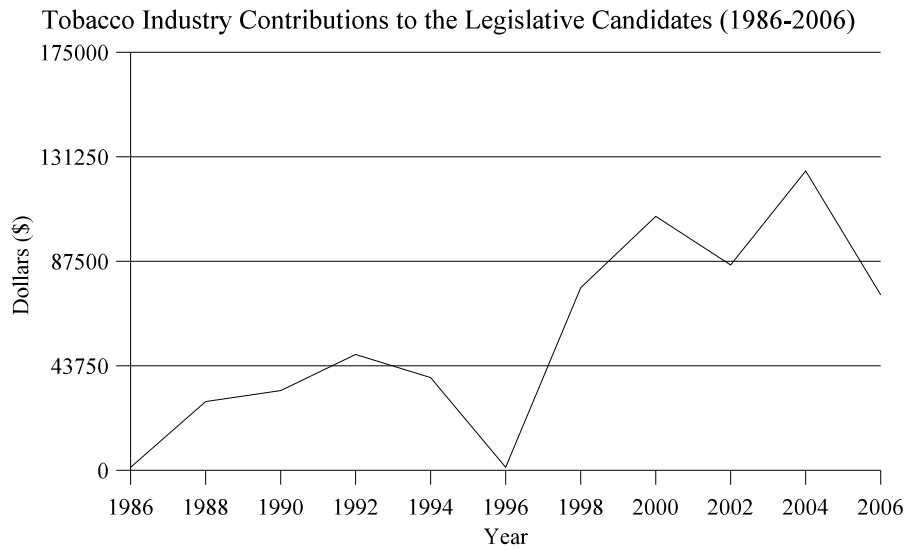


Figure 5. Summary of tobacco industry campaign contribution in Oregon. The industry spent a total of \$1,250 (all to Republicans) in the 1995-6 election cycle due to Measure 9, which limited contributions from political action committees. A subsequent ruling by the Oregon Supreme Court in 1997 found Measure 9 to be unconstitutional, allowing tobacco companies to again make contributions. Donations reach a high of \$125,350 in 2004. Source: Oregon Secretary of State, Elections Division¹⁴

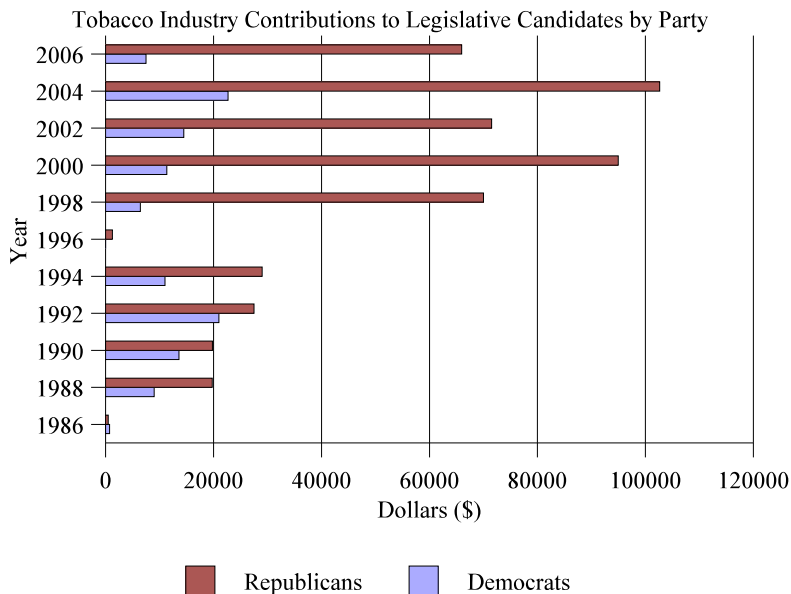


Figure 6. Summary of tobacco industry contributions to Republican and Democratic legislative candidates. From 1986-2006, tobacco companies spent more than four times more on Republicans (\$502,868) than Democrats (\$117,840). Source: Oregon Secretary of State, Elections Division¹⁴

As of June 2007, a total of 80 state legislators who have served in the state legislature at any point since the 1997 regular session had received no contributions from the tobacco industry, including 57 Democrats, 21 Republicans, and two Independents (Table 10). The number of legislators from the House and Senate were not analyzed because some individuals have served as both a state senator and representative.

Contributions to Political Parties and Committees

From 1996 to 2006, the tobacco industry spent a total of \$5,298,421 on Republican and Democratic party committees, ballot measures, and special interest committees (see Appendix C). Republican party committees received a total of \$322,670 and Democratic party committees received a total of \$65,200 (Table 11). Special interest PACs received \$165,460 (Table 12).

Although the Oregon Restaurant Association (ORA) supported the tobacco industry’s interests in the state legislature,¹²⁹⁻¹³⁵ the Oregon Neighborhood Store Association (ONSA)¹³⁶ PAC received \$158,123 from tobacco companies since its inception in 1998. In comparison, the Oregon Restaurant Association PAC received only \$1,232 from Philip Morris in 1998 and R.J. Reynolds in 2000.¹⁴ ONSA employed two tobacco industry lobbyists, Gary Oxley (who also worked for UST) and Richard Koesan (who also worked for Brown & Williamson and Lorillard),^{136,137} and worked with the tobacco industry to successfully oppose a cigarette tax increase that was proposed by initiative petition in 2002, but never approved for circulation.¹³⁸

Policy Scores

We collected “policy scores” based on legislators’ voting behavior with respect to tobacco control policies by obtaining confidential scores (on a 0 to 10 scale) from knowledgeable individuals on a confidential basis and averaging these scores. We were able to collect policy scores for 68 of the 90 legislators of the 73rd Legislative Assembly in 2005 (Appendix A).

Table 8. Tobacco Industry Contributions to Legislators and Legislative Candidates by Assembly and Party

	House			Senate			Total	
	D	R	Total	D	R	Total	% to House	% to Senate
1997-98	\$5,450	\$29,490	\$34,940	\$1,000	\$40,500	\$41,500	46%	54%
1999-00	\$7,600	\$52,028	\$59,628	\$3,740	\$42,950	\$46,690	56%	44%
2001-02	\$8,500	\$50,500	\$59,000	\$6,000	\$21,000	\$27,000	69%	31%
2003-04	\$4,350	\$73,300	\$77,650	\$18,350	\$29,350	\$47,700	62%	38%
2005-06	\$2,000	\$54,750	\$56,750	\$5,500	\$11,200	\$16,700	77%	23%

Abbreviations: D: Democrats, R: Republicans. Source: Oregon Secretary of State, Elections Division¹⁴

Table 9. Top Five Campaign Contributions From the Tobacco Industry to State Legislators, 1998-2006

Election Year	Legislator	Notes
1998	Sen. Brady Adams (R-Grants Pass): \$13,250	1997 President; Not up for reelection
	Sen. Gene Derfler (R-Salem): \$11,750	1997 Majority Leader; Won
	Rep. Lynn Lundquist (R-Powell Butte): \$4,750	1997 Speaker; Won
	Rep. Ben Westlund (R-Bend): \$3,140	Won
	Jerry Grisham (R): \$2,750	Former legislator; Lost in Senate District 14
2000	Sen. John Minnis (R-Wood Village): \$17,800	Won
	Sen. Eileen Qutub (R-Beaverton): \$17,600	Lost in Senate District 4
	Rep. Mark Simmons (R-Elgin): \$14,448	Won
	Sen. Roger Beyer (R-Molalla): \$12,000	Won
	Rep. Lynn Snodgrass (R-Damascus): \$10,913	1999 Speaker; ran for Secretary of State and lost in General Election
2002	Rep. Karen Minnis (R-Wood Village): \$12,500	2001 House Majority Leader; Won
	Sen. Jackie Winters (R-Salem): \$9,500	Won
	Rep. Deborah Kafoury (D-Portland): \$6,500	2001 House Minority Leader; Won
	Sen. Kate Brown (D-Portland): \$6,000	2001 Senate Minority Leader; not up for reelection
	Sen. Bruce Starr (R-Aloha): \$5,000	Won
2004	Rep. Karen Minnis (R-Wood Village): \$15,000	2003 Speaker; Won
	Sen. Kate Brown (D-Portland): \$10,500	2003 Senate Majority Leader; Won
	Sen. Roger Beyer (R-Molalla): \$9,000	2003 Senate Minority Leader; Won
	Jim Wright (R): \$5,000	Lost race in Senate District 3
	Sen. Ted Ferrioli (R-John Day): \$4,500	Won
2006*	Rep. Wayne Scott (R-Canby): \$13,500	2005 House Majority Leader
	Rep. Karen Minnis (R-Wood Village): \$5,500	2005 Speaker; Won
	Rep. Alan Brown (R-Newport): \$5,000	Lost in House District 10
	Rep. Linda Flores (R-Clackamas): \$2,500	Won

*Only the top four recipients of campaign contributions from tobacco companies are shown for 2006 because the fifth highest amount of \$2,000 is shared by 11 legislators (mostly Republican, almost even split between House and Senate). Source: Oregon Secretary of State, Elections Division¹⁴

Table 10. Legislators Who Have No Record of Tobacco Industry Campaign Contributions, 1997-2007

Rep. Robert Ackerman (D-Eugene)	Sen. Bill Fisher (R-Roseburg)	Rep. Kitty Piercy (D-Eugene)
Rep. Brad Avakian (D-Beaverton)	Rep. Larry Galizio (D-Tigard)	Sen. Floyd Prozanski (D-Eugene)
Rep. Vic Backlund (R-Keizer)	Rep. Sara Gelser (D-Corvallis)	Rep. Anitra Rasmussen (D-Portland)
Sen. Ken Baker (R-Clackamas)	Sen. Larry George (R-Sherwood)	Rep. Tobias Read (D-Beaverton)
Rep. Jeff Barker (D-Aloha)	Rep. Juley Gianella (R-Aurora)	Rep. Chuck Riley (D-Hillsboro)
Sen. Alan Bates (D-Eagle Point)	Rep. Vic Gilliam (R-Silverton)	Sen. Charlie Ringo (D-Beaverton)
Rep. Chris Beck (D-Portland)	Sen. Avel Gordly (I-Portland)	Rep. Arnie Roblan (D-Coos Bay)
Rep. Elizabeth Terry Beyer (D-Springfield)	Rep. Mitch Greenlick (D-Portland)	Rep. Diane Rosenbaum (D-Portland)
Rep. Deborah Boone (D-Cannon Beach)	Rep. Cedric Hayden (R-Springfield)	Rep. Barbara Ross (D-Corvallis)
Rep. Suzanne Bonamici (D-Cedar Mill)	Rep. Paul Holvey (D-Eugene)	Rep. Chip Shields (D-Portland)
Rep. Jo Ann Bowman (D-Portland)	Rep. Elaine Hopson (D-Tillamook)	Rep. Patti Smith (R-Corbett)
Rep. Peter Buckley (D-Ashland)	Rep. Dave Hunt (D-Gladstone)	Sen. Peter Sorenson (D-Eugene)
Rep. Tom Butler (R-Ontario)	Sen. Bob Kintigh (R-Springfield)	Rep. Ken Strobeck (R-Beaverton)
Rep. Ben Cannon (D-Portland)	Rep. Betty Komp (D-Woodburn)	Sen. Shirley Stull (R-Keizer)
Sen. Susan Castillo (D-Eugene)	Rep. Tina Kotek (D-Portland)	Rep. Ron Sunseri (R-Gresham)
Rep. Brian Clem (D-Salem)	Rep. Jan Lee (I-Clackamas)	Rep. Jackie Taylor (D-Astoria)
Sen. Tony Corcoran (D-Cottage Grove)	Rep. Mike Lehman (D-Coos Bay)	Rep. Carolyn Tomei (D-Milwaukie)
Rep. Jean Cowan (D-Newport)	Rep. Kathy Lowe (D-Milwaukie)	Rep. Judy Uherbelau (D-Ashland)
Sen. Richard Devlin (D-Tualatin)	Rep. Greg Macpherson (D-Lake Oswego)	Rep. Cheryl Walker (R-Murphy)
Rep. Jackie Dingfelder (D-Portland)	Rep. Jeff Merkley (D-Portland)	Sen. Vicki Walker (D-Eugene)
Sen. Verne Duncan (R-Milwaukie)	Sen. Rick Metsger (D-Welches)	Rep. Tom Whelan (D-Salem)
Rep. Chris Edwards (D-Eugene)	Sen. Laurie Monnes Anderson (D-Gresham)	Sen. Thomas Wilde (D-Portland)
Rep. David Edwards (D-Hillsboro)	Sen. Rod Monroe (D-Portland)	Rep. Max Williams (R-Tigard)
Rep. George Eighmey (D-Portland)	Sen. Frank Morse (R-Albany)	Rep. Carl Wilson (R-Grants Pass)
Rep. Mike Fahey (D-Portland)	Rep. Nancy Nathanson (D-Eugene)	Rep. Kelley Wirth (D-Corvallis)
Rep. Debi Farr (R-Eugene)	Rep. Mary Nolan (D-Portland)	Rep. Brad Witt (D-Clatskanie)
Rep. Pat Farr (R-Eugene)	Rep. Andy Olson (R-Albany)	

Source: Oregon Secretary of State, Elections Division¹⁴**Table 11. Tobacco Industry Contributions to Political Party PACs (1996-2006)**

	1996	1998	2000	2002	2004	2006	Total
Democrat	\$0	\$20,000	\$21,700	\$15,000	\$0	\$8,500	\$65,200
Republican	\$0	\$40,750	\$71,170	\$46,750	\$73,500	\$90,500	\$322,670
Total	\$0	\$60,750	\$92,870	\$61,750	\$73,500	\$99,000	\$387,870

Source: Oregon Secretary of State, Elections Division¹⁴

Year	PAC Name	PM	RJR	LOR	BW	IT	Total
1996	N/A	\$0	\$0	\$0	\$0	\$0	\$0
1998	Associated Oregon Industries	\$500	\$0	\$1,000	\$0	\$0	\$1,500
	Oregon Local Grocery Committee	\$0	\$0	\$0	\$0	\$3,422	\$3,422
	Oregon Restaurant Association	\$690	\$0	\$0	\$0	\$0	\$690
2000	Lodge	\$2,000	\$0	\$0	\$0	\$0	\$2,000
	Oregon Neighborhood Store Association	\$229	\$2,099	\$1,039	\$3,110	\$340	\$6,817
	Oregon Restaurant Association	\$0	\$542	\$0	\$0	\$0	\$542
2002	Oregon Neighborhood Store Association	\$100,456	\$21,968	\$9,068	\$11,829	\$0	\$143,321
2004	Oregon Neighborhood Store Association	\$2,464	\$0	\$2,464	\$0	\$0	\$4,928
2006	Oregon Neighborhood Store Association	\$1,120	\$1,120	\$0	\$0	\$0	\$2,240
PM: Philip Morris USA; RJR: R.J. Reynolds Tobacco; LOR: Lorillard Tobacco; BW: Brown & Williamson Tobacco; IT: Imperial Tobacco. Source: Oregon Secretary of State, Elections Division ¹⁴							

THE TOBACCO FREE COALITION OF OREGON (TOFCO)

At the state level, several organizations (Table 13) came together in 1995 to form the Tobacco Free Coalition of Oregon (TOFCO), which was funded by the Robert Wood Johnson (RWJ) Foundation Smokeless States Project. In addition to the RWJ funding (which averaged approximately \$200,000 per year from 1994 to 2002¹³⁹), TOFCO received matching funds from the American Cancer Society (ACS), the American Lung Association (ALA), and the American Heart Association (AHA), totaling around an additional \$400,000 per year.¹⁴⁰ With these resources, TOFCO focused on ensuring clean indoor air for all Oregonians, securing access to cessation benefits, eliminating disparities in tobacco use, and advocating for TPEP's funding. These goals were accomplished with community partners across the state, and although membership has changed throughout the years, the coalition has been anchored by the three voluntary associations (AHA, ALA, ACS).

Before TOFCO was formed in 1995, the voluntary health associations also worked together on tobacco control policies. As a coalition, the voluntaries have had several names, beginning with the Oregon Health Groups on Smoking or Health (OHGOSH),¹ and later, in 1998, the Oregon Health Leadership Against Tobacco (OHLAT).¹⁴² Eventually, OHLAT was incorporated into TOFCO, which has continued to advocate for tobacco control policies and programs.

One way that TOFCO increased its advocating capacity since its inception was by forming TOFCO, Inc., a non-profit tax-deductible educational 501(c)3 organization in 2004. According to Tabithia Engle, who served as the executive director of the coalition from 2005 through 2006,

“[TOFCO] formed a 501(c)3 on our own because there was a sense that it would be nice to have a group who could make bold statements to the press, be a little bit more out there.”¹⁴³

Table 13. Members of the Tobacco Free Coalition of Oregon (TOFCO)	
c. 1997	
Alcohol and Drug Abuse Prevention and Treatment American Cancer Society American Heart Association American Lung Association Benton County Health Department Coalition of Local Health Officials Committee of Children and Families Deschutes County Health Department Drug and Alcohol Abuse Task Force Ecumenical Ministries East County Community Partnerships Indian Health Service Jackson County Health and Human Services Kaiser Center for Health Research Lane County Health Department Linn County Health Department Multnomah County Health Department NE Health Resource Center NW Portland Indian Health Board	North Lincoln Together Office of Alcohol and Drug Abuse Programs Oregon Health Sciences University Department of Public Health Department of Critical/Pulmonary Care Office of Medical Assistance Programs Oregon Department of Education Oregon Academy of Family Physicians Oregon Health Division Oregon Research Institute Oregon Student Safety on the Move Oregon Teen Leadership Institute Pacific Care of Oregon Providence Health System - Community Education Regional Drug Initiative Southern Oregon Drug Awareness The Oregon Partnership Western States Chiropractic College YES House
2003	
American Cancer Society American Heart Association American Lung Association of Oregon Bear Creek PTA Children First for Oregon Columbia Memorial Hospital Conference of Local Health Officials Deschutes County Tobacco Prevention Gilliam Co. Commission on Children and Families Hood River County Prevention Coalition Kaiser Center for Health Research Kaiser Permanente Lane County Medical Society Multnomah Co Health Dept. Native American Rehabilitation Association Next Door Inc.	ODS Health Plan Oregon Human Development Corporation Oregon State Public Interest Research Group (OSPIRG) PacifiCare of Oregon Portland Public Schools Portland State University Student Health Service RK Advertising and Promotions Salem-Keizer Together St. Charles Medical Center Tobacco Free Coalition of Washington Co. Tobacco-Free Coalition of Clackamas Co. Tualatin Valley Centers Umatilla Co. Coalition Against Tobacco Wheeler County Public Health Willamette Dental Group, P.C.
Source: Oregon Health Division, ¹⁰ Tobacco Free Coalition of Oregon ¹⁴¹	

In 2005, TOFCO pursued the possibility of forming a non-profit political 501(c)4 organization, according to a TOFCO update that Engle gave to a local county coalition meeting. The meeting’s minutes state that the formation of a 501(c)4 organization would allow TOFCO to do additional things that it could not do as an educational organization, including giving campaign contributions to legislators and producing report cards that show how legislators vote to hold them accountable for the votes that they are taking.”¹⁴⁴ The view that an organization has to be a

501(c)4 organization to produce such “report cards” reflects the high level of caution that has characterized tobacco control advocates in Oregon and reduced their effectiveness.

Neither the 501(c)4 nor the intent to become more aggressive in attaining effective tobacco control policies were realized. In a 2006 interview, Engle reported that “TOFCO never became that group, that edgier group.”¹⁴³ A major reason for this unfulfilled notion was that TOFCO’s name had become too synonymous with AHA, ALA, and ACS, who did not always prioritize tobacco control efforts, as well as the fact that other coalition members did not always agree on the same policy decisions. According to Engle, “the voluntary agencies have a very diverse base of donors and volunteers, and they like to be a little conservative.”¹⁴³ The voluntaries were concerned that if such a disagreement ever existed, and the incorporated entity of TOFCO advocated for an issue that the voluntaries had chosen not to participate in, the actions of TOFCO, Inc. would automatically, but incorrectly, serve as a reflection of the views of the voluntaries.¹⁴³

Along with the potential for conflicting policy-related decisions, publicizing tobacco industry campaign contributions to increase accountability of legislators and other politicians was such a sore point for the voluntaries that TOFCO never used this approach. Engle said that “we typically have been pretty quiet about campaign contributions, in terms of we know what they are, but we have not used them very much [i.e., in a press release].”¹⁴³ In Engle’s opinion, statements about tobacco industry campaign contributions “tend to burn bridges, and legislators tends to have really long memories and remember for a long time when something like that is said about them.”¹⁴³

Other tobacco control advocates in Oregon had a similar perception of TOFCO. Julia Martin, who previously worked as a tobacco prevention coordinator for TPEP in Eugene before TPEP lost its funding in 2003, observed in a 2006 interview, “They need somebody in there who’s willing to go to bat for tobacco control.”¹⁴⁵ Evidently, some individuals at TPEP shared Martin’s feelings. Handwritten notes from TPEP files revealed a bleak situation for the 1999 and 2001 legislative sessions: “No leadership support. No champion. Voluntaries weak.”¹⁴⁶

THE EARLY YEARS: TPEP AS A MODEL TOBACCO CONTROL PROGRAM (1997 to 2001)

An Impressive Beginning

As stated in our earlier report on Oregon, an advisory committee began developing the tobacco prevention program even before Measure 44 was approved by voters in 1996.^{1,3} The passage of the measure created the Tobacco Prevention and Education Program (TPEP), but the state legislature still had to create the program and appropriate the budget in accordance with Measure 44. The Oregon Health Division of the Department of Human Services developed the program based on best practices in other states as identified by the CDC. When the program went to the legislature, the CDC, voluntary health agencies, and public health groups in Oregon prevented the tobacco industry from undermining TPEP’s integrity. The 1997 legislature approved TPEP’s \$17 million biennial budget despite attempts by the tobacco industry to divert funding.^{1,3}

Two years later, TPEP presented results that justified and validated the legislature’s decision to fully fund the program. TPEP’s first program report in 1999 presented statistics that they believed “[represented] the results of a prevention-focused, public-private partnerships in the best Oregon tradition.”² According to the 1999 report, 550,000 adults and more than 60,000 children were using tobacco when the program first started in 1997. Two years later, TPEP reported that per capita cigarette consumption declined by 11%, or 35,000 fewer smokers.² The CDC concluded that “the decline in cigarette consumption in Oregon, California, and Massachusetts indicates that an adequately funded, comprehensive tobacco-control program can quickly and substantially reduce tobacco use.”⁴

National recognition of Oregon’s program was highlighted in the next program report published in 2000, which stated that “Oregon’s program is paying huge dividends, and has become a national model.”⁵ Compared to the 35,000 fewer smokers in 1999, TPEP reported that there were now 75,000 fewer adult smokers in 2000 than there were in 1997. Youth smoking rates had dramatically declined, with a 9th drop for 8th graders and an 11% drop for 11th graders. Fewer women were smoking during pregnancy, and the Oregon Quit line received more than 15,000 calls for cessation services. TPEP also collaborated with private and public medical care providers to “develop cessation program purchasing guidelines for insurers.”⁵ Along with prevention programs targeted to specific populations and services dedicated to cessation, the educational statewide media campaign provided messages about secondhand smoke, the addictive qualities of nicotine, and resources to help smokers quit. According to the 2000 program report, these messages were “seen three or more times by 96 percent of Oregonians.”⁵ Moreover, the local coalitions had successfully helped seven communities pass ordinances requiring smokefree workplaces (Table 14).

Community	100% Smokefree workplaces	100% Smokefree bars	100% Smokefree restaurants
Baker City	Yes	No (exempts bars)	No (exempts bar areas of restaurants)
Benton County	Yes	No (exempts free-standing bars)	No (exempts bar areas of restaurants if 1) a wall or door separates the bar area from the restaurant, 2) meets ventilation requirements)
Central Point	Yes	No (exempts bars)	No (exempts bar areas of restaurants if 1) “bar is separate from the restaurant,” 2) meets ventilation requirements)
Corvallis	Yes	Yes	Yes
Eugene	Yes	Yes	Yes
Multnomah County	No (exempts bingo halls, billiard parlors, retail tobacco stores)	No (exempts any area licensed by the Oregon Liquor Control Commission (OLCC), i.e. bars and bar areas of restaurants)	
Philomath	Yes	Yes	Yes

Source: Americans for Nonsmokers’ Rights,¹⁴⁷ County ordinances¹⁴⁸⁻¹⁵¹

The Comprehensive Model

These positive results were accomplished by the comprehensive approach recommended by the CDC and embraced by TPEP. In 1999, the program had eight focus areas (Table 15).¹⁵² The first TPEP program report provides a general summary of activities in each program area, but also includes more detailed evidence of the program’s accomplishments in a 118 page document that “[demonstrates] how the local approach, combined with other components of the comprehensive statewide program, is changing community norms regarding tobacco use.”² This documentation of each coalition’s membership, funding, activities, strategies, benchmarks, outstanding obstacles, and future vision served as important evidence to offer to the legislature when it was considering TPEP’s budget for the next biennium beginning in 2001.

Program Area	Activities	# Funded in 1999
Local coalitions	<ul style="list-style-type: none"> • reduce youth access • create tobacco free environments • decrease tobacco products promotion • refer cessation resources 	All 36 counties
School-based programs	<ul style="list-style-type: none"> • implement policies • implement curriculum • train school staff • involve parents and family • provide cessation support • coordinate with local county coalitions • evaluation 	24 projects in 58 districts
Statewide public awareness and education campaign	<ul style="list-style-type: none"> • 4,942 television ads • 848 billboards and bus advertisements • 33,057 radio ads 	1 agency
Cessation help line	<ul style="list-style-type: none"> • provide cessation information • offer follow-up support • provide consultation information for health care providers 	1-877-270-STOP
Tribal tobacco prevention programs	<ul style="list-style-type: none"> • implement program and policy strategies targeting both youth and adults 	All 9 federally recognized tribes
Multi-cultural outreach and education	<ul style="list-style-type: none"> • develop culturally appropriate programs 	5
Demonstration and innovative projects	<ul style="list-style-type: none"> • cessation among pregnant women and adolescents • cessation services by providers and health care systems • creative delivery of tobacco prevention messages to youth 	5
Statewide leadership, coordination and evaluation	<ul style="list-style-type: none"> • design, development, coordination, negotiation, advocacy, fiscal monitoring, evaluation, technical assistance 	
Source: TPEP ²		

Funding

A portion of the taxes collected from the sale of cigarettes and other tobacco products are directed into the Tobacco Use Reduction Account (TURA) also created by Measure 44: \$0.03 (or 10% of the 30-cent per pack cigarette tax increase) from every cigarette pack sold, and 4.62% of other tobacco tax revenues. During the first three bienniums of TPEP's existence, the legislature honored the vote of the people by approving full funding for TPEP (Table 16).² TPEP also received a grant from the CDC of roughly \$1 million per year to evaluate the program, train and provide technical assistance to TPEP grantees and contractors, and reduce disparities in tobacco use.¹⁵³

The program's effectiveness was at a height during the fully-funded period from 1997 to 2003. Still, this level of funding was only 42% of the CDC recommended minimum.¹⁵ The 2000 program report noted that "unless Oregon finds a way to [financially] maintain this program, tobacco use will begin to rise again. Further, greater impact would be achieved with an even larger investment."⁵⁵

Even in the program's infancy, the tobacco industry tried to undermine its success. According to an article in *The Oregonian*, during the "hearings on the 1997-99 TPEP budget, it sounded at times as if Joe Camel was speaking through the mouth of several Joint Ways and Means Subcommittee members."¹⁵⁶ Industry lobbyists attempted to dedicate more funding to the enforcement of tobacco tax laws rather than prevention, and others proposed to move TPEP from the Health Division to the Department of Education or the Office of Alcohol and Drug Abuse.^{1,156} In addition, the tobacco industry spent as much as \$162.7 million on marketing and advertising in Oregon every year (Table 17).¹⁵⁷

Local Tobacco Prevention Coalitions

The TPEP was implemented at the local level through a network of county coalitions that recruited members from across the community, including a diverse group of people and organizations, such as schools, hospitals, and police departments,¹⁵⁹ to create "a culture discouraging tobacco use."¹⁵⁹ City and county governments were involved, including mayors, county commissioners, the juvenile division, and police, sheriff, fire, public health, and mental health departments as well as school districts, churches, private and non-profit health organizations. Medical centers were also partners in tobacco prevention efforts. The county coalitions were usually staffed by local health department employees.⁵⁴

Local tobacco prevention coalitions received about \$6.5 million of Measure 44 funds each biennium from 1997 to 2003.¹⁶⁰ A county coalition's annual work plan was reviewed and approved by the DHS staff, as well as the Tobacco Reduction Advisory Committee (TRAC),¹⁶⁰ which was first appointed by Governor John Kitzhaber (D) in 1997¹⁶¹ to advise the Health Division on TPEP's budget and program priorities. The county would then receive a minimum base amount, plus funding determined on a per capita basis. According to the document, each approved work plan incorporated best practices in building strong coalitions that included diverse partners, creating tobacco free environments through policies or regulations, reducing youth

access, decreasing advertising and promotion, and promoting utilization of program cessation resources.¹⁶⁰

Fund Sources	1997-1999	1999-2001	2001-2003	2003-2005	2005-2007
TURA distribution, per Measure 44	16.4	16.1	17.4	14.9	15.6
CDC OSH federal grant	2.0	2.0	2.2	2.0	2.0
RWJ grant	0.0	0.0	0.2	0.0	0.0
Measure 20	0.0	0.0	2.0	0.0	0.0
MSA	0.0	0.0	5.0	0.0	0.0
Total available funds	18.4	18.1	26.8	16.9	17.6
Diversions to OHP	(0.0)	(0.0)	(9.0)	(10.0)	(10.0)
Net available funds	18.4	18.1	17.8	6.9	7.6
Budgeted components					
Local coalitions [†]	6.5	6.4	6.9	0.9	2.1
Public awareness & education	4.6	2.8	6.0	3.1	1.9
Schools	2.00	2.0	2.1	0.2	0.8
Statewide & regional projects (Quitline, Multicultural programs)	2.8	4.43	2.9	1.7	1.0
Statewide coordination & evaluation	1.0	2.1	2.1	1.1	1.1
Total Biennial Budget	16.9	17.7	20.0	7.0	6.9
% of CDC Minimum*	40%	42%	47%	17%	16%

[†] Detailed funding for counties and local coalitions may be found in Appendix X. *The CDC recommended that Oregon spend \$21.13-52.84 million annually on tobacco prevention spending.¹⁵ Note that the amounts for "Net available funds" and "Total biennial budget" may not correspond because the actual, not projected, TURA distribution was used. Abbreviations: **OSH**: Office on Smoking & Health. **OHP**: Oregon Health Plan. **MSA**: Master Settlement Agreement. Source: TPEP;^{153,154} CDC STATE System¹⁵⁵

Year	1998	1999	2000	2001	2002	2003	2004	2005
Expenditure	81.6	99.1	111.7	126.4	139.9	162.7	145.7	135.9

Source: Campaign For Tobacco-Free Kids¹⁵⁸

In accordance with the CDC's *Best Practices for Comprehensive Tobacco Control Programs*,¹⁵ adopted by TPEP, local coalitions could choose to support the passage of local ordinances for smokefree environments. Support for local ordinance passage was accomplished by activities such as raising community awareness, conducting surveys that measured a community's "readiness" to go smokefree, identifying and addressing existing tobacco control policies and obstacles to enacting new ordinances, and networking with local businesses and community leaders.² Local coalitions also worked to interest the media in tobacco control issues. In 2000, Clay Parton, the manager of TPEP, commended community efforts in an article that appeared in the *Eugene Register-Guard* (monitored by RJ Reynolds¹⁶²): "people in local communities know what's best... Requiring smoke-free workplaces is the single most important thing a community can do to reduce tobacco use, and thus is among the top ways to improve overall community health."¹⁶³ The article also described the health benefits of smoke-free workplaces, mentioned the tobacco industry's awareness of higher quit rates in these workplaces, dispelled the myth that smokefree policies have negative economic impacts, argued that enforcement costs are not significant, and pointed out that ventilation companies themselves have confessed that their systems do not provide proper ventilation for cigarette smoke.

An example of the type of work that was done at the local level was described in a 2006 interview by Julia Martin, who was formerly an independent contractor with the Lane County tobacco prevention program:

The state funds were funneled to tobacco prevention programs through the counties. What Lane County decided to do with that money was hire a central person, and then hire independent contractors in the various communities throughout Lane County, which is geographically very large. They wanted to have people who lived within those communities to make contacts and do the community organizing that was necessary to make progress in tobacco prevention efforts. I did various things. Some of it was education. I would go to community groups, go to the college, [anywhere there were people] who wanted to hear. I'd do presentations about tobacco prevention, tobacco and its health risks, and policy issues. The major accomplishment was getting the Eugene ordinance passed – that meant no smoking in any workplace – and we also got some youth access laws passed. So a lot of my work was doing the preliminary work to get that done, as well as following through recruiting people to be not on the coalition, but to help out and come do testimony at council meetings, for example.¹⁴⁵

The Media Campaign: Public Awareness and Education

After Measure 44 was passed in 1996, TPEP launched its public awareness and education campaign. Near the end of 1996, TPEP issued a Request for Proposal to secure a contract with a communications firm who would run the statewide campaign. The firm's responsibilities included "[delivering] messages about the dangers of tobacco use and second hand smoke, and the benefits of quitting. Additional elements of the campaign [included] high visibility prevention and recognition events, education materials and showcasing positive role models for youth."¹⁶⁴ During the search for a media contractor, TPEP aired several television advertisements licensed by the Media Campaign Resource Center housed at the Centers for Disease Control and Prevention.

Pac/West Communications

Pac/West Communications, the public relations and government affairs firm that ran the media campaign to pass Measure 44 in 1996,¹ submitted a proposal as the lead agency for a larger group of advertising agencies that worked on tobacco control media campaigns in other states under the name “Oregon Tobacco Prevention Alliance (OTPA).” Other alliance members included Asher/Gould Advertising, Houston Herstek Favat Advertising, and Rogers & Associates Strategic Communications.

With previous experience coordinating the media campaign for Measure 44,¹ Pac/West successfully won the TPEP contract in 1997¹⁶⁵ and kept the account until 2007.^{166,167}

Pac/West’s tenure as TPEP’s media contractor was considered a success, largely because Joe Weller, a long-time tobacco control advocate who had previously served as the Oregon state program director for the ALA and regional policy manager for AHA, continued to devote strong support to TPEP and local tobacco control programs¹⁶⁸ when he was hired to work on the TPEP account at Pac/West until his death in 2001.¹⁶⁹ Elinor Hall, an Oregon Health Division Administrator in 1998 said, “One of the most effective and visible aspects of this campaign has been the powerful, cutting-edge advertising.”¹⁷⁰ Managed by Pac/West’s Scott Ballo,¹⁷¹ the campaign used materials developed in other states, such as California and Massachusetts, and adapted the message not only for Oregon, but also for Spanish-speaking communities within the state.¹⁷² These messages were delivered through various venues, including billboards, newspapers, convenience stores, television, and radio.¹⁷³ When the state conducted a survey to gauge the effectiveness of the campaign in 1998, more than a year after it started, 75% of adults and 84% of adolescents remembered the advertisements,² largely because TPEP chose advertising materials that had been successful in other states.

While the surveys indicating high public recall of anti-tobacco messages confirmed the success of these materials in other states, a critical evaluation of the campaign’s execution suggests that the media contractor failed at times to meet its goals of public awareness and education. In January 2000, TPEP launched a television and outdoor ad campaign originally developed in California¹⁷⁴ that related smoking and male impotence (Figure 7).¹⁷¹ The Salem-based newspaper, *The Statesman Journal*, described the print ad as a “macho cowboy with a chiseled chin, his white hat on straight, his work shirt a cherry red. But what you first notice isn’t the man. It’s the limp cigarette drooping from his lips.”¹⁷¹ Clay Parton, who oversaw the media campaign at TPEP, said, “Officials were aware that the blatant images could offend or embarrass people but they felt it was more important to get the message out in a memorable way.”¹⁷¹ Despite the intent to educate the public about the relationship between smoking and impotence, of which “virtually no one included in test groups was aware,”¹⁷¹ the television ads were only scheduled to appear after 9 PM, and the billboards were placed away from schools.¹⁷¹ The efficacy of billboard placement was also questioned by TOFCO’s Tabithia Engle in 2002, following the passage of the statewide Indoor Clean Air Act (discussed later). These examples suggested that Pac/West did not maximize the reach and effectiveness of its media materials, which were very successful in California.



Figure 7. Anti-tobacco message relating male impotence to smoking. Source: WHO¹⁷⁸

The nearly ten year relationship with Pac/West Communications ended early in 2007 when TPEP announced an intent to award its paid advertising services contract to Coates Kokes, Inc, a Portland-based advertising agency, and its media relations services contract to Metropolitan Group, LLC, a communications group also headquartered in Portland. Pac/West applied for the media relations contract, but placed second to the Metropolitan Group.¹⁷⁵ The notices of “Intent to Award” were issued to the two firms in mid-January 2007, but actual contract awards were delayed by protests and negotiations. TPEP’s contract with Pac/West terminated at the end of April 2007. Television advertisements on secondhand smoke were still on air when PAC/West’s contract ended, but only because these spots were bought in advance. After nearly eight months of negotiations, TPEP awarded the media relations contract to the Portland-based Metropolitan Group to “develop and implement a five-year media relations campaign.”¹⁷⁶ As of August 2007, the paid advertising contract had still not yet been awarded.¹⁷⁷

Potential Conflicts of Interest: Paul Phillips

Before becoming a lobbyist and president of Pac/West, Phillips served in the state legislature as a Republican Representative (1984 to 1987) and later as a Senator (1989 to 1996) from Beaverton. The middle of his career in the legislature was marked by a \$17,000 fine from the Oregon Ethics Commission for using his legislative power to negotiate a better consulting contract, or preferably a full time job,¹⁷⁸ at Nike.¹⁷⁹ Near the end of his legislative career, he was described by *The Oregonian* as “the premier operator and legislative maneuverer in Salem.”¹⁷⁹

Although Phillips held the TPEP account from 1997 until 2007, he did have a prior relationship with the tobacco industry. For example, a 1993 memo from Mark Nelson, RJ Reynold’s lobbyist, to Vicky Pierce, who worked in RJR’s Government Relations department,¹⁸⁰ lists Phillip’s name on a “Christmas gift list update.”¹⁸¹ A year later, Phillips sent a fax on a Pac/West letterhead to Tom Griscom,¹⁸² who was then External Vice President of External Relations at RJ Reynolds, alerting Griscom to negative press in *The Oregonian* regarding additives used in cigarettes.¹⁸³ In same year, Pac/West, where Phillips was already serving as Executive Vice President, presented a “statement of qualifications” to RJ Reynolds.¹⁸⁴

In the legislature, less than two years before he was awarded the TPEP account in 1997, Phillips still appeared to be sympathetic to tobacco industry interests. In the 1995 session, *The Oregonian* reported that Phillips had “attracted the ire of anti-smoking groups when he stuffed yet another bill with an amendment that would ban local ordinances regulating smoking or tobacco advertising.”¹⁷⁹ The preemption of local ordinances would have prevented Eugene, Corvallis, and

many other localities from passing anti-smoking laws. RJR's lobbyist Mark Nelson and the Oregon Restaurant Association's President and CEO Mike McCallum testified for this bill. The tobacco control advocates did not get a chance to testify because, according to Joe Weller, then at the American Heart Association, "Phillips pounded his gavel to close the hearing only moments after asking if anyone else wanted to talk. If he thinks he seriously invited any testimony, he is ill."¹⁸⁵

With the political ties that Phillips brought to Pac/West, the media contract may not have served TPEP as well as they might have been led to believe when Pac/West first stated in their initial 1997 contract proposal that the "Oregon Tobacco Prevention Alliance (OTPA)" was "committed to the success of [TPEP's] efforts."¹⁸⁶ The potential conflict of interest suggested by Phillip's history in the legislature was addressed in the same OPTA proposal, which contained the following disclaimer:

OTPA team members do not currently have, and will not accept any future work involved in the production, processing, distribution, promotion, sale or use of tobacco during the term of a contract with the Oregon Health Division. Within OTPA, individuals may have had previous relationships with firms that have on-going relationships with the tobacco industry. Those ties have been severed.

Pac/West previously represented the Oregon Restaurant Association regarding lottery and workforce concerns. This engagement is complete and has been terminated. No future work for them is anticipated.¹⁸⁶

However, one Pac/West decision suggests that Phillips' continued relationships with state legislators resulted in unproductive interference with TPEP media contracts, which were in place not only at the state level, but also at the local level. According to TPEP's program report from 1999, several local coalitions decided to hire Pac/West to run aspects of their local media campaigns. Clackamas County, for example, had a \$279,320 media budget and partnered with Pac/West to "conduct tobacco prevention and education media events."² The Tobacco-Free Coalition of Washington County, which had a \$342,763 media budget in 1999,² had also hired Pac/West.¹⁸⁷

In one newspaper advertisement that Pac/West ran in 1999 for the Washington County coalition, Senator Eileen Qutub (R-Beaverton), who served as a State Representative from 1995-1997 and State Senator from 1997-2001, was shown "standing on the steps of the state Capitol, with five cuddly kids, 'speaking out for a smokefree environment.'"¹⁸⁷ The *Willamette Week*, a weekly publication from Portland, criticized both the coalition and Pac/West for depicting an elected official in an advertisement paid for by public Measure 44 funds, especially because "the ad [looked] like a political endorsement for a woman who is reportedly eyeing a bid for secretary of state."¹⁸⁷ Scott Ballo, the Pac/West campaign manager of the TPEP account, defended the ad by describing Sen. Qutub as a "community leader."¹⁸⁷ The *Willamette Week* also pointed out that Paul Phillips had held the same Senate seat as Sen. Qutub while still in office. Sen. Qutub received a total of \$6,600 from tobacco companies during her tenure in the legislature (see entries in 1996, 1998, and 2000 for "Qutub" in Appendix A. See also Table A-5 in our previous report.¹).

Paul Phillips himself did not have a clean record.¹ Besides receiving \$900 in tobacco industry campaign contributions in the 1992 election, Phillips' attempt to introduce preemption in 1995 drew skepticism from Rick North, then executive director of the American Cancer Society's Oregon Division, when Pac/West first joined the Measure 44 campaign in 1996. During the campaign, Pac/West subcontracted with Kimball Petition Management Inc, the same paid-signature gathering firm from California used by a tobacco industry front group in 1991. Phillips' political ties continued to raise concern when the public affairs and communications company Conkling Fiskum & McCormick decided that they would not represent the Oregon Health Leadership Against Tobacco (OHLAT) in the legislature during the 1999 session because Phillips had won the media contract with TPEP, which was an important focus of OHLAT's agenda in the legislature.¹⁸⁸ In turn, Phillips was not supportive of M&R Strategic Services, OHLAT's new public affairs team that included Tom Novick and Maura Roche.¹⁸⁸ This underlying conflict between the public relations firms that represented TPEP and OHLAT did nothing to build a trusting partnership between them.

LOCAL TOBACCO POLICY MAKING ACTIVITY (1997-2001)

Tobacco control advocates decided to focus on passing local ordinances, rather than a statewide law, with the hopes that an increasing number of strong local laws would naturally lead to strong state law that covered the rest of the Oregon.^{143,168} Corvallis and Benton County (Figure 8) passed strong local smokefree ordinances in 1998, and it was expected that local ordinance activity would dramatically increase in the years that followed these successes.¹

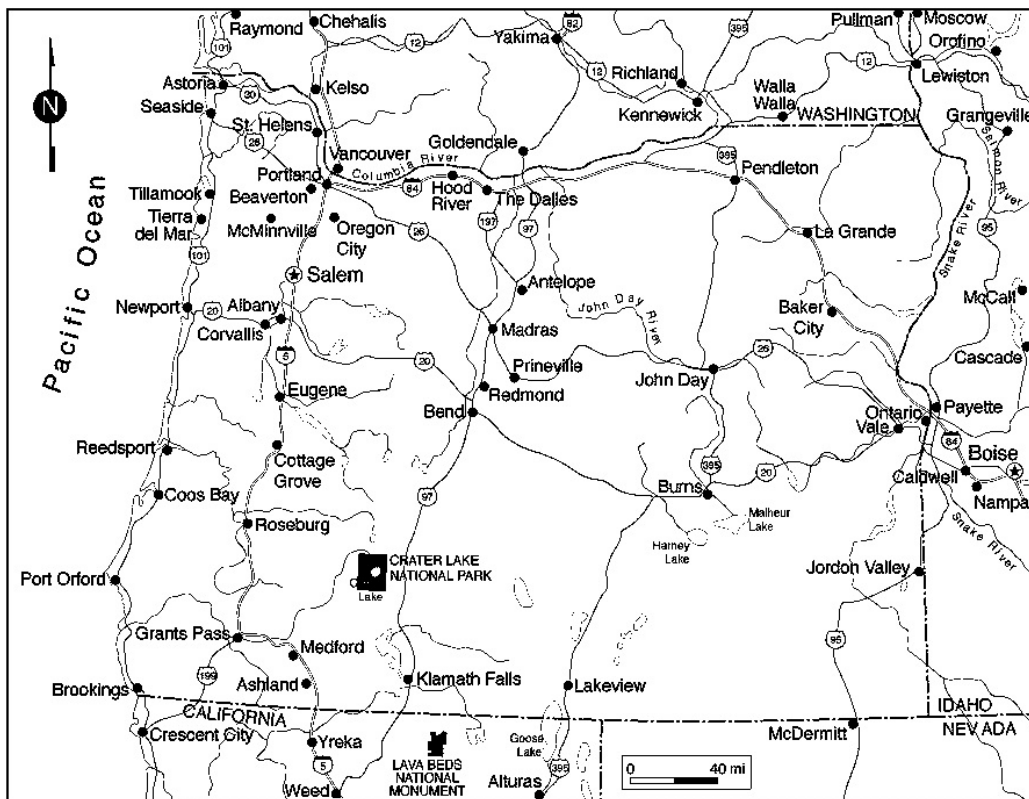


Figure 8. Map of Oregon. Source: Magellan Geographix¹⁸⁹

The increasing number of local smokefree ordinances was also a subject of growing concern for the tobacco companies. In 1999, Philip Morris recognized that “there is plenty of restrictive activity and it is expected to increase dramatically in the next few years.”¹⁸⁹ At RJ Reynolds, the State Government Relations department kept abreast of local activity in Oregon through weekly reports given by the regional managers (Table 18). To combat these local ordinances, the tobacco industry relied on front groups to do the ground work. An RJ Reynolds (RJR) regional status report in January 2000 from Mike Phillips, a State Government Relations regional director, to Ron Cole, manager of legislative support, stated that the RJR field team “[alerted] smokers, restaurants owners, and retailers ... urging them to take action to oppose the [Central Point] ordinance.”¹⁹⁰ Later in the year, Cole’s presentation, entitled “Grassroots Resources,” summarized different methods to mobilize customers into grassroots supporters.¹⁹¹ In an email dated on March 2, 2000, a member of the Philip Morris’ grassroots team wrote, “there has [sic] been rumors of smoking bans and it appears that the County Tobacco Free groups are really starting to make their pitch to either the County or individual cities.”⁹⁶

Date	Locale mentioned
1/20/97	Benton County ¹⁹²
8/11/97	Benton County ¹¹³
9/20/97	Corvallis ¹⁹³
8/18/99	Wheeler [County] ¹⁹⁴
12/16/99	Multnomah County ¹⁹⁵
1/13/00	Central Point ¹⁹⁰
1/20/00	Central Point ¹⁹⁶
1/27/00	Grant’s Pass ¹⁹⁷
3/2/00	Central Point; Albany ¹⁹⁸
3/23/00	Baker City; Lane County ¹⁹⁹
5/18/00	Baker City ²⁰⁰
6/1/00	Multnomah County ²⁰¹
6/8/00	Multnomah County ²⁰²
7/5/00	Baker City; Albany ²⁰³
7/25/00	Baker City; Albany ²⁰⁴
8/24/00	Gresham; Marion County ²⁰⁵
9/29/00	Central Point; Eugene ²⁰⁶
10/12/00	Lake Oswego ²⁰⁷
10/24/00	Philomath; Lake Oswego ²⁰⁸
12/14/00	St. Helens; Eugene ²⁰⁹
1/11/01	St. Helens; Tillamook County; Linn County; Curry County ²¹⁰

Before the state passed preemptive legislation in 2001, local ordinances requiring smoke-free workplaces had been passed in city and county governments (Table 19). Notably, only Corvallis, Eugene, and Philomath, which passed its local ordinance in 2000, do not allow for any exemptions to the law. In 2007, these ordinances remained the strongest tobacco control policies for clean indoor air in Oregon. Although the passage of the statewide Indoor Clean Air Act of 2001 permitted smoking in places that serve alcohol or do not allow minors (that is, bars, taverns, bar/restaurant combinations), the inclusion of a “grandfather” provision let existing local ordinances remain in effect. This section highlights just a few local stories as examples of the tobacco control policy-making process at the local level.

Table 19. Summary of Local Smokefree Ordinances Enacted in Oregon (1997-2007)			
Year Effective	City/County	Type	Exceptions
1998	Benton County (Ordinance 97-0130)	Smokefree workplaces	Private residences; bars, bar areas of restaurants, retail tobacco stores
1998	Corvallis (Ordinance 97-16)	Smokefree workplaces, restaurants, bars	None
2000	Eugene (Ordinances 20211, 20212, 20215)	Smokefree workplaces, restaurants, bars	None
2000	Philomath (Ordinance 684)	Smokefree workplaces, restaurants, bars	None
2000	Central Point (Ordinance 1806)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; retail tobacco stores; bars and bar areas of restaurants
2000	Baker City (Ordinance 3150)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; bars; some truck stop rooms
2000	Multnomah County (Ordinance 937)	Smokefree workplaces and outdoor hospital areas	Private residences; some motel/hotel rooms and private rooms; bars and bar areas of restaurants; bingo parlors; race courses; retail tobacco stores; truck stops; billiard parlors
2001	Grants Pass (Ordinance 5050)	Smokefree enclosed places, city parks, and fairgrounds	All places restricted to persons age 21+ (e.g. bingo and gambling establishments, bars) and some places restricted to 18+; some small businesses; employee break rooms
2001	St. Helens (Ordinance 2834)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; retail tobacco stores; bars, cocktail lounges, taverns, bar areas of restaurants; bingo parlors

2001	Tillamook County: Tillamook, Manzanita, Rockaway Beach, Wheeler, and unincorporated areas (Ordinance 60)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; retail tobacco stores; cocktail lounges, taverns, bar areas of restaurants
2001	Lake Oswego (Ordinance 2287)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; bars and bar areas of restaurants; retail tobacco stores
2001	Tualatin (Ordinance 1075- 01)	Smokefree workplaces	Private residences; some motel/hotel rooms and private rooms; bars; bingo halls; retail tobacco stores
Sources: ANRF ¹⁴⁷ ; TPEP ¹⁵⁹ ; City and County municipal codes			

A Local Ordinance is Never Realized: Coos Bay

In December 1997, local tobacco control advocates approached city councilors in Coos Bay (pop. 15,615 in 1998²¹¹) with a “reasonable” smokefree workplace ordinance²¹² covering all public places and workplaces, including restaurants, with the exception of bars and taverns prohibiting minors. However, the city council would not take any action on the ordinance because they were concerned about the public’s opinion on the smokefree workplace proposal. To gauge public support for such an ordinance, the council voted to put the proposal on the May ballot as an advisory vote that would “give the council needed guidance.”²¹³

Soon after the council’s decision, the Oregon Restaurant Association began efforts to draw support away from the proposed ordinance. Bill Perry, the director of government relations at the ORA, wrote a letter in January to the Mayor of Coos Bay, Joanne Verger.²¹⁴ Perry argued that Coos Bay businesses would lose customers to neighboring cities that still allowed smoking. He also mentioned the lawsuit that the ORA had filed against Corvallis, and offered to give the mayor more information if she so desired. In addition to Mayor Verger, Perry wrote a letter on behalf of the ORA to local restauranteurs, who were told that the restaurant industry “offers its customers choices,” and that the proposed ordinance would “[cause] government imposed competitive boundaries and would create a competitive advantage to surrounding cities.”²¹⁵ The letter encouraged restaurant owners to vote in the May election, and to post a flyer near registers and hostess stations (Figure 9).

Right before the May election, RJR’s Morning Team hoped to give the ORA a boost in the polls by urging smokers to vote. Morning Team notes from May 18, a day before the vote, state that “Steve Gibbs requests calls to smokers to get them out to the polls to vote against the question.”²¹⁶ Gibbs was the regional field coordinator for RJ Reynolds, and was paid \$82,000, with a bonus of \$3500, for his work in Oregon in 1998.²¹⁷

The results of the advisory vote were distributed by Gibbs to “interested parties” shortly after the election.²¹⁸ Coos Bay residents had agreed, with 53% voting “yes,” that the city council should adopt the smokefree workplace ordinance. Although a majority of Coos Bay residents had

voted for the ordinance, RJ R did not back down. A lobbying report from RJR’s External Relations reveals that during the month of June 1998, phone banks were initiated twice in Coos Bay at a combined cost of \$547.²¹⁷ A month later, a State Government Affairs document from Philip Morris reported that the city council had decided that the advisory vote was too close to warrant any action on the proposed ordinance.²¹⁹



Figure 9. Flyer, printed on “bright yellow stock,” from the Oregon Restaurant Association to restauranteurs to convince voters to oppose the proposed clean indoor air ordinance at the ballot on May 19, 1998.²¹⁵

Successful Defense of the Corvallis Smokefree Bar Ordinance

In 1998, Corvallis (pop. 49,630 in 1998²¹¹) became the first local government in Oregon to provide smokefree restaurants and bars.^{1,220} (See our earlier report on Oregon for details on the ordinance’s passage.¹) After the ordinance was passed, “concerned citizens” gathered enough signatures to force a referendum (Measure 02-65) on the November 1998 ballot to exempt bars from the ordinance. As elsewhere, the tobacco industry and affiliated groups staged “one of the most lavishly-funded campaigns in Corvallis history”²²¹ in an effort to pass Measure 02-65.

The Oregon Restaurant Association, as well as the tobacco industry-backed National Smokers Alliance (NSA), which had both fought the ordinance before its passage,¹ and several tobacco companies, provided over \$50,000 to finance the campaign mounted by “Citizens for Fair Representation” to restore smoking in bars (Table 20). In comparison, candidates in the 1998 Corvallis mayoral race spent a total of \$4,760: the Reelect Helen Berg campaign reported \$3,738 and the Hendrix for Mayor campaign reported \$1,022 in total expenditures.²²²

Table 20. Campaign Resources for Citizens for Fair Representation (1998)		
Contributor	Amount	Type
Philip Morris Brown & Williamson R.J. Reynolds	\$33,592	Inkind
Individuals National Smokers Alliance Oregon Restaurant Association	\$16,502	Cash, Inkind
Philip Morris	\$5,000	Compensation to Richard Kosesan* for “administrative coordination” ²²³
Total	\$55,094	
*legislative consultant for the Tobacco Institute in 1998; later a lobbyist for Brown & Williamson, Lorillard, and Oregon Neighborhood Store Association. Source: Associated Press ²²¹ and American Nonsmokers’ Rights Foundation ²²⁴		

In response, members of the Tobacco Free Coalition of Benton County, which had provided the city council with model legislation for the ordinance, formed “Citizens for a Healthy Workplace,” to defend the ordinance. Most of the money (\$8,313 of \$13,134 raised) for the campaign to defend the ordinance came from the American Cancer Society.²²¹ David Kliever, the co-chairman of the coalition, recognized the stakes: “If we’re successful [in defeating a measure that allows smoking in bars], it’s going to have an impact on the rest of Oregon.”²²¹

Despite the tobacco industry’s financial resources, the measure to allow smoking in bars failed with 57% voting to keep smokefree bars and 43% to roll back the law.²²⁵

Litigation

Continuing to mirror standard tobacco industry strategies,²²⁶ the Oregon Restaurant Association sued to roll back the ordinance. Tobacco industry documents included a report by the industry’s Kansas City, Missouri law firm Shook, Hardy & Bacon, which stated that the ORA “filed a lawsuit [against the city of Corvallis] in Benton County Circuit Court, contending that the Corvallis ordinance is preempted by the Oregon Indoor Clean Air Act, which allows businesses to designate smoking and nonsmoking areas.”²²⁷ According to several memorandums and emails to tobacco industry grassroots coordinators, the ORA received “monetary support from the [tobacco] industry”²²⁸ after expressing that they were “interested in assistance from the industry.”¹⁹³

The strategy for this lawsuit is outlined in a letter from the Salem-based law firm Mills & McMillin, P.C. to Bill Perry, the director of government affairs for the ORA. The letter’s author, Michael Mills, a principal at the firm, also sent the letter to Mark Nelson and Colette Dow. Mark Nelson lobbied for RJ Reynolds and was the president and owner of Public Affairs Counsel, which conducted public opinion surveys and manages campaigns.¹²²⁻¹²⁶ Colette Dow served as a Philip Morris grassroots consultant with the public relations firm Goodrich & Synder, Inc,²²⁹⁻²³² an old acquaintance of the tobacco industry,²³³⁻²³⁵ but had also headed tobacco industry front groups

like the Northwest Business & Labor Alliance^{236,237} and the Washington Center for Tax Policy.²³⁸ In his highly detailed strategy, Mills provided the framework for the suit, the roster of plaintiffs, and even the ideal filing location (Table 21).

Table 21. Strategy for Corvallis Lawsuit	
Filing location	Benton County Circuit Court or Marion County Circuit Court
Plaintiffs	1 business owner who needs to obtain a license 1 restaurant and bar owner (specifically “Class A liquor license who has a non-smoking area for diners, and whose bar fits the definition in the ordinance”) 1 tavern owner (specifically “Class RMB [Retail Malt Beverage] license”) 1 smoking bar patron (ideally married to non-smoking bar patron, below) 1 non-smoking bar patron (ideally married to smoking bar patron, above) 1 smoking bar employee
Framework	Rights of association Rights of employees Rights of business owners Non-smokers’ rights of association with smokers in a public place
Source: Michael Mills, Mills & McMillin, P.C. ¹⁰⁰	

Following Mills’ plan, Colette Dow informed Dan Howle, a regional vice president at the Tobacco Institute, that the ORA and five other plaintiffs had agreed to file the suit in Benton County.²²⁸ Dow also reported that James Brown from Enfield Brown Collins & Knivila was hired as the attorney.

The plaintiffs lost in the circuit court and appealed to the Oregon Court of Appeals in 2000. Responding to the ORA’s claims in the majority opinion for *Oregon Restaurant Association v. City of Corvallis*, Judge Rex Armstrong wrote, “Nothing in the [state Clean Indoor Air] Act is inconsistent with a local jurisdiction’s decision to impose greater limits on public smoking. Because the Act and the ordinance are not inconsistent, there is no issue of preemption.”²³⁹ The ORA had also argued that the ordinance’s provision to prohibit smoking “within a reasonable distance”²⁴⁰ of at least 10 feet from doorways and entrances was “unconstitutionally vague.”²³⁹ However, the Court of Appeals also rejected this claim, and the ordinance was upheld as intended by Corvallis residents.

Eugene Strengthens Its Clean Indoor Air Law

In 2000, following Corvallis’ example, the Eugene city council greatly improved their law regulating tobacco products and smoking, which dated back to 1980.¹ The amendments fulfilled three tobacco control aims: all workplaces (including bars) became completely smokefree with no exemptions, youth access policies were strengthened by prohibiting self-service cigarette sales, and retailers were required to obtain a license to sell tobacco.

Tobacco Control Advocates Gather Community Support

Prior to the passage of the Eugene ordinance, the local Lane County coalition was coordinated by Stephanie Young-Peterson, who had been with the program since its inception. Lane County had also hired five other independent community contractors to work in Florence,

Cottage Grove, Oakridge, Eugene, and Springfield.¹⁶⁸ In a geographically large county comprised of ten communities, the coalition “wanted to have people who lived within those communities [in Lane County] make contacts and do the community organizing that was necessary to make progress with tobacco prevention efforts,” according to Julia Martin, one of the community contractors.¹⁴⁵ As the Eugene tobacco prevention coordinator from 1998 to 2003, Martin gave presentations to community organizations, schools, and businesses about tobacco prevention, tobacco and its health risks, and policy issues. In addition, “A lot of my work,” she said, “was doing the preliminary work to get [the ordinances] done and following through ... recruiting people to be not on the coalition, but to help out and come do testimony, for example, at the council meetings.”¹⁴⁵

Improving tobacco control policy was a goal for the Lane County coalition from the very beginning. According to Young-Peterson:

When we started building the coalition, I think that we had our sights on wanting to pass some policy. We wanted to do smoke-free environments. We wanted to do some youth access stuff. We carefully selected who we wanted to have on the coalition. We got [Dr. Martin Jones] who was then the president of the Lane County Medical Society onboard. He was really active on tobacco control issues, and actually helped get the [Measure 44] cigarette tax passed in the first place in 1996.¹⁶⁸

When the coalition leaders had been selected, the members gauged community support for a clean indoor air ordinance.¹⁶⁸ They conducted a telephone survey in the cities of Eugene, Springfield, and Florence, and interviewed city councilors throughout Lane County. The results of the polling showed that Florence scored high for some tobacco control issues, most likely because “it’s a retiree community primarily for older people [who] move up from California and settle on the Oregon coast,” Young-Peterson believed. However, Eugene (pop. 137,893 in 2000²¹¹) was the most ready for passing tobacco control policies. Young-Peterson said that they picked Eugene “because the heart of our coalition was here. Most of the movers and shakers that knew politicians that could help make this happen, that could bring along other groups, were based in Eugene... And the Eugene City Councilors were definitely the most receptive to having an ordinance passed.”¹⁶⁸

To support the passage of the smokefree workplace ordinance, the coalition presented the city council with information about ventilation and the economic effects of smokefree policies. Advocates promoted the fact that the American Society of Heating, Refrigerating, and Air-Conditioning Engineers, the professional organization that recommends ventilation standards, had reversed its historic position (that had been promoted by the tobacco industry^{127,241}) that ventilation could be used to control secondhand smoke and adopted a conclusion that ventilation could not produce acceptable indoor air quality when smoking was present. The coalition summarized this important change^{145,242} and presented nationwide findings on the economics of clean indoor air. In Martin’s opinion, these educational presentations “immunized the council against the economic argument—there was no evidence to show that bars and restaurants go out of business.”¹⁴⁵

The coalition also mirrored strategies that were successful in other communities to lay the groundwork for ordinance passage. Community support was demonstrated by a resolution, which

was signed by doctors, local companies, and the largest organizations in Lane County, such as healthcare provider Peace Health. “It just made it clear the time had come,” according to Martin.¹⁴⁵ The actual ordinance was based on the Corvallis ordinance, which had passed successfully two years ago. Martin said, “Corvallis was up the road. There’s no reason why it couldn’t also work in Eugene. We knew that would be something appealing to the city council.”¹⁴⁵

The Oregon Restaurant Association and the Tobacco Industry Join Forces

When the proposals were before the city council, many individuals from the community came to give their opinions. Stephanie Young-Peterson, the county tobacco prevention coordinator, had organized testimony from twenty supporters. Using a database of 1,200 Lane County residents who supported tobacco control efforts, the local coalition had activated phone trees and grassroots support for the ordinance.²⁴³ The main opponents to the ordinance were the Oregon Restaurant Association and customers from Bingomania, a local bingo hall. The ORA sent their director of government relations, Bill Perry, who argued that businesses would lose money, customers would frequent bars and taverns outside of Eugene, and noise and litter complaints would increase as smokers were forced outdoors.²⁴³

The tobacco industry was aware of the ORA’s organized efforts. According to an email from Bryon Nelson, the Vice President of Public Affairs at the consulting firm Walt Klein and Associates in Winston-Salem, North Carolina, the ORA had sent a recruitment letter “to find opposition and active spokespersons for the hearing. They [also included] a plea for letters to be written to city council members from restaurant owners.”²⁴⁴ Nelson also wrote that the ORA would determine “whether direct connect or turnout calls [were] necessary for the [city council] meeting,” and were scheduled to meet on August 28 to “organize for the public hearing.”²⁴⁴ (Walt Klein and Associates helped the tobacco industry fight local clear indoor air ordinances in California since the 1980s.²⁴⁵) This information was forwarded to RJ Reynolds’ “Morning Team,” which was considered “the central coordinating and decision-making body for tactical actions,” particularly at the grassroots level.²⁴⁶⁻²⁴⁸

Tobacco control advocates also knew that the ORA and industry were organizing opposition to the proposed ordinances. In a 2006 interview, Martin recalled, “We knew there was some polling done by the tobacco companies. I can’t remember how we heard or found out about that, but they were obviously looking to gauge support in the community for opposing this.”¹⁴⁵ With the help of Wendy Watson, a local bartender, the coalition also knew about the ORA’s meetings, which were held to advocate for the benefits of ventilation. According to Martin, “We’d go sort of undercover. It was really fun actually.”¹⁴⁵

The City Council Votes for No Exemptions

On September 25, 2000, the city council voted to approve two of the three ordinance proposals before them. The licensing and youth access ordinance passed unanimously, as did the ordinance prohibiting smoking in all workplaces except bars, taverns, and bingo halls. Unlike the first two ordinances, the support for the proposal to prohibit smoking in bars, taverns, and bingo halls was not as strong. The councilors voted 5-4 to postpone the final vote until the next meeting in November. According to a report by the Associated Press, “several councilors [said] they

want[ed] more time to study how [the ban] would affect adult-only businesses that have competitors” in neighboring cities.²⁴⁹

In the months leading to the vote on the remaining proposed ordinance, two opinions had a significant influence on the council’s decision. The Oregon Liquor Control Commission (OLCC) deemed Councilor Gary Pape’s suggestion to included an exemption for designated smoking rooms in bars and taverns as impractical.²⁵⁰ During the council discussions in September, the Commission’s Eugene regional manager, Peter O’Rourke, pointed out that employees would still have to enter smoking rooms when they checked identification or served alcohol, which would “defeat the intent of the ordinance to reduce exposure to secondhand smoke for employees as well as patrons,” according to a September 29, 2000 *Associated Press* article.²⁴⁹ Later, a similar conclusion in November from the OLCC’s regulatory program director, Linda Ignowski, who stated that “licensees still would be responsible for monitoring the room to make sure there are no fights or illegal activities,”²⁵⁰ supported the arguments against the smoking room exemption. Councilor Bonny Bettman also cited a conclusion from a federal Occupational Safety and Health Administration workshop on separate smoking rooms, saying that separate smoking rooms “would require the construction of new regulatory bureaucracies,” and that “in order to create a ventilation system to remove the toxins from the room it would resemble a wind tunnel.”²⁵¹

Taking into consideration the practical and health arguments for ending smoking in bars, taverns, and bingo halls, a 7-1 vote at the November city council meeting expanded the ordinance to include them.²⁵¹

The Industry’s Attempts to Undermine Ordinance Passage

Throughout the process, the tobacco industry kept track of developments concerning the passage of the ordinances. At Philip Morris, Ward Griffin, from Media Affairs, first alerted Holly Borgmann via email in late July about the possibility of Eugene’s smokefree workplace ordinance.²⁵² Borgmann forwarded the information to Rochelle Goldman, the manager of Public Programs in the Corporate Responsibility division.²⁵³ Goldman, in turn sent the message to a dozen other people in top management positions at Philip Morris, specifically asking Cesar Vargas, the regional director of State Governmental Affairs, “What intelligence do you have and what do you want from us?”²⁵⁴

Vargas’ response is not only informative about the Eugene situation, but indicative of the industry’s need to shift the focus of policymaking away from the local level. Although Vargas revealed that his team was “engaged along with our hospitality allies in Eugene as [they were] in the dozen or so active communities in [Oregon],” he also noted that, in general, they were “[losing] ground on [their] opponents who can better shape the debate at the local level.”²⁵⁵ Vargas suggested that Goldman’s team identify “national or other state and local groups that might willing to help,” especially potential allies for accommodation policies (i.e., smoking and nonsmoking sections¹¹) considered to be “reasonable, long term solutions to the public/work place smoking issue.”²⁵⁵ Vargas also pointed out a bigger problem. He wrote:

When we’re even losing our hospitality allies (WA rest. assoc., for example) in this debate, it seems logical that general business community support might slip as well. And remember the OR

rest assoc. is only concerned with protecting bars so their message to chambers, etc is not necessarily consistent with ours.²⁵⁵

At RJ Reynolds, the “Morning Team,” which specialized in grassroots tactics, monitored council actions by listing dates and upcoming agenda items in their email notes, which were sent out to the Team several times a week.²⁵⁶⁻²⁷³ The top management at RJR, including Roger Mazingo, the Vice President of State Government Relations, and Tommy J. Payne, the Executive Vice President of external relations, were also kept abreast of the events in Eugene as they happened.²⁷⁴

As it had done elsewhere,^{12,275} the industry also monitored the coalition’s activities by using the Oregon Public Records Law. In addition to requests for budget documents, work plans, and contracts, Young-Peterson recalled that she received a call from Burson-Marsteller, a public relations firm with a long-standing industry relationship,²⁷⁶⁻²⁸⁰ who requested and was provided a copy of an educational presentation that the coalition had given to generate support for the ordinances.¹⁶⁸

Besides monitoring the developments, the industry also directed action, generally through intermediaries. At RJ Reynolds, the Morning Team was informed by Bryon Nelson on September 24, a day before the city council was to vote on the proposed ordinances, that the “industry team has requested *give number* (three council targets) and *turnout phones* to all adult venues (bars, bingo, taverns, etc) and smokers, encouraging them to protest the third ordinance banning smoking in adult businesses. [emphasis added]”²⁸¹ The “turnout phones” tactic was also employed four days before the November 13 city council meeting.^{266,267} Besides the grassroots support, the tobacco industry flew in Jim St. John, an “expert” on ventilation systems from Seattle.¹⁶⁸ Health advocates researched St. John and publicized his ties to the tobacco industry.²⁸²⁻²⁹¹

When all three ordinances were passed, opponents organized themselves as the Eugene Free Choice Committee and began to gather signatures to refer the city council’s decision to provide smokefree bars, taverns, cocktail lounges, and bingo parlors to the March 2001 ballot.^{250,258} The Committee needed to collect 4,267 signatures by early December to get the issue on the ballot. When the ballot title was filed, Pat Cookson, from the American Cancer Society, filed an appeal to the title’s explanation, which she deemed to be misleading.²⁹² In the appeal, Cookson believed that further clarification was needed in the definition of ‘adult-only’ taverns, bars, cocktail lounges, and bingo parlors:

Specifically, we feel the voting population needs to understand whether or not this ballot measure would include “adult only” bars or cocktail lounges that are attached to restaurants frequented by customers of all ages. Secondhand smoke exposure in such attached establishments would continue to be a health risk for persons of all ages, not just individuals over the age of 21.²⁹²

Although the city councilors voted to approve a ballot explanation without explicit reference to “attached establishments,” as recommended by Cookson, Philip Morris meeting minutes from December 2000 revealed that the committee was only able to gather 3,900 signatures, reasoning that “restauranters underestimated the scope and demands of the initial petition drive, but they are confident that they can acquire the 6,400 signatures necessary to place

the issue on the 2002 ballot.²⁵⁸ Despite the restaurateurs' confidence, the issue was never put on the ballot.

Implementation and Enforcement of the Ordinance

Although vaguely written administrative rules for outdoor smoking areas created some problems in compliance^{145,168} that local tobacco control advocates tried to strengthen in 2005,²⁹³ the overall implementation and enforcement of Eugene's strong clean indoor air ordinance was successful. The Lane County Health Department was informed of enforcement problems through a phone line and addressed these problems with warning letters—only issuing a civil penalty to a few of Eugene's biggest offenders. While TPEP was responsible for warning offenders, the city was ultimately responsible for issuing the civil penalty.¹⁶⁸ According to Young-Peterson, even though the city councilors and the public supported the ordinance, the lack of aggressive enforcement was because “city staff were never supportive of the ordinance, and were working at cross purposes with us all along trying to assist the businesses to build outdoor smoking areas in spite of what the true intent of the law was.”¹⁶⁸

Still, Young-Peterson believed that 95% of workplaces were in compliance with the ordinance.¹⁶⁸ However, violations increased when the Lane County TPEP was forced to shut down after the 2003 legislature removed the TURA balance in March to pay for the Oregon Health Plan. During the program's closure, Young-Peterson noticed that some businesses began using tarps or similar coverings to convert their outdoor seating areas into semi- or fully-enclosed rooms where patrons could smoke. Until Young-Peterson was re-hired a year later as a part-time coordinator, she said that “people didn't even know who to call at the city to complain. When I finally got rehired a little over a year later, [there was nothing on the city website] on how to file a complaint about the smoking ordinance.”¹⁶⁸ In 2007, enforcement problems primarily concerned only outdoor smoking areas, and the Tobacco Free Lane County Coalition continued to work on refining the administrative rules language on outdoor smoking areas with the Eugene city administration, who were sympathetic to local restaurant and bar owners.¹⁴⁵

Despite these problems, neither compliance with the ordinance nor enforcement were major issues.

Washington County: “Illegal Lobbying” Claims Foreshadow the 2001 Legislative Session

The tobacco industry has long used allegations of “illegal lobbying” as a way of making it more difficult for public health departments and agencies funded by those departments to work to implement public policies to protect health by reducing tobacco use.¹² This issue would be raised aggressively in Oregon to both fight local clean indoor air ordinances as well as attack the entire state tobacco control program in the 2001 legislative session.

Although some counties were successful in passing smoke-free workplace ordinances, others were hesitant to go that far. The county commissioners of Washington County (pop. 404,750 in 1999²¹¹), which includes the city of Beaverton, in Northwestern Oregon (Figure 8), were generally supportive of tobacco control efforts, but were uncomfortable with the comprehensive smokefree workplace proposals that the Tobacco-Free Coalition of Washington

County was working on,²⁹⁴ specifically in the cities of King City (pop. 2,095²¹¹) and Beaverton (pop. 67,860²¹¹),²⁹⁵ since January 1999 (Table 22). The conservative county commissioners feared

May 1998 - June 1999	Washington County Department of Health and Human Services (DHHS), as fiscal agent of the Tobacco Free Coalition of Washington County (“Coalition”), contracts with the American Lung Association of Oregon to provide consultation, technical assistance, and education to businesses and city councils considering smokefree policies and ordinances. ²⁹⁷
January 1999	The Coalition, coordinated by Diane Laughter, begins work on local smokefree workplace ordinance in King City, located in Washington County. ²⁹⁵
April 1999	Smokefree workplace proposal on April agenda of Beaverton City Council, ²⁹⁵ but later removed. ⁹⁶
May 11, 1999	DHHS submits request to the Washington County Board of Commissioners to allow the Coalition to award an extra \$10,000 for “tobacco prevention education and technical services” to an existing contract with the American Lung Association of Oregon. ²⁹⁷
August 20, 1999	TPEP stops Washington County’s Measure 44 payments. ²⁹⁸
Late September, 1999	Irwin meets with Moore and Parton from the Oregon Health Division (OHD) to discuss options for coalition activities. Since Irwin’s proposals are not accepted by OHD, the Commissioners decide to withdraw the County as fiscal agent.
Late September, 1999	No response from OHD or Coalition.
September 24, 1999	Irwin writes a letter to the Tobacco Free Coalition of Washington County, informing them that as of October 5, 1999, the County will discontinue its role as fiscal agent for the program, which received money granted by TPEP from Measure 44 funds deposited into the Tobacco Use Reduction Account (TURA).
October 5, 1999	County’s role as fiscal agent officially discontinued; the position of county coordinator, held by Diane Laughter, is also officially discontinued.
October 5, 1999	Moore and Fleming present Irwin with a revision to the contract between the County and OHD that makes clean indoor air policy work contingent on “community values and support.” ²⁹⁹ Based on this modification, the commissioners offer to resume role as fiscal agent if certain conditions are met. ³⁰⁰
October 6, 1999	Coalition drafts a short list for possible fiscal agents, including ALAO, Tuality Healthcare and Tualatin Valley Centers ³⁰¹
October 8, 1999	Coalition’s Fiscal Agency Review Committee, headed by Jerry Spegman from ACS, sends application materials sent to parties interested in assuming role of fiscal agent. ³⁰²
Mid October, 1999	County finds out about the Coalition’s application.
October 21, 1999	Fiscal agent application due.
Late 1999-2003	American Lung Association of Oregon serves as fiscal agent for Washington County’s tobacco prevention and education program
Source: Irwin, ^{299,303,304} Tobacco Free Coalition of Washington County ^{301,302}	

that the Washington County Department of Health and Human Services' (DHHS) role as the fiscal agent of the tobacco prevention and education grant would make the county vulnerable to a lawsuit if the coalition's efforts to pass a smokefree workplace ordinance were perceived as lobbying.²⁹⁴ While DHHS served as the fiscal agent of the grant and was an active member of the local Tobacco-Free Coalition of Washington County, the coalition was "the primary guiding body in planning and executing activities," according to Oregon Health Division's (OHD) criteria for fiscal agency of local coalitions (Table 23).²⁹⁶

Table 23. Members of the Tobacco Free Coalition of Washington County (1999)	
American Cancer Society	CARE Oregon
American Heart Association	Banks School District
American Lung Association	Beaverton School District
Washington County Health & Human Services	Forest Grove School District
Tuality Health System	Sherwood School District
Providence Health System	Tigard/Tualatin School Districts
Legacy Meridian Park Hospital	YMCA of Columbia (Willamette)
Virginia Garcia Clinic	Washington County Sheriff's Office
Northwest Doctors Ought to Care	Hillsboro Police Department
Oregon Health Sciences University	OSPIRG
Pacific Research Institute	Tri-County media consultant
	Private citizens
Source: 1999 TPEP Program Report ²	

After a year of planning for smokefree workplace ordinances in 1998,^{2,305-308} the Coalition was ready to implement its plans in 1999. Funded with more than \$300,000 a year from Measure 44, and staffed by 35 members in 1999, the coalition, among other activities, reported in the 1999 TPEP program report that it had surveyed businesses to assess existing tobacco policies, met with city policymakers about smokefree workplace policies, provided assistance to local businesses that were adopting tobacco-free environments, and promoted smokefree restaurants in the media.² These efforts were largely conducted in conjunction with the American Lung Association of Oregon (ALAO), which had a \$25,000 contract with the Coalition from May 1998 through June 1999.²⁹⁷ By May 11, 1999, coalition members had expended the contract, and DHHS, as fiscal agent of the Coalition, submitted a request to the Board of Commissioners to approve an extra \$10,000 that would cover their efforts until the next fiscal year began in July.²⁹⁷ Such contracts were not unusual; counties commonly awarded grants to community partners (Table 24).

Concerns Among Washington County Leadership at the County and State Levels

The main problem was that the county commissioners were uncomfortable with the Department actively advocating for the smoke free workplace ordinance. This activity was encouraged, but not required, by TPEP,¹⁶⁰ which followed the CDC's *Best Practices for Comprehensive Tobacco Control Programs* that recommended "promoting governmental and voluntary policies to promote clean indoor air" as an effective community activity to reduce tobacco use (Figure 10).¹⁵ Although Commissioner Kim Katsion was the only commissioner who openly opposed the smokefree ordinance, the other commissioners were leary of the political implications that could possibly arise from the county's association with the coalition, even though Todd Shetterly, a coalition member from ACS, had clearly stated in a September 23, 1999

article in *The Oregonian* that the coalition “provides information and suggests policy changes ... while lobbying is asking lawmakers to vote a certain way on a certain bill.”²⁹⁴ In the same article, Commissioner Tom Brian, the chairman of the Board, said, “It seems strange to me that we’d use public tax dollars to support a group lobbying for ordinances.”²⁹⁴ Fellow commissioner Delna Jones worried about future lawsuits: “If we became an active participant in a lobbying effort, we’d find ourselves in the middle of a controversy.”²⁹⁴

Table 24. Washington County Grants to Community Partners in Tobacco Control, 1997-1999	
Grantee	Purpose
American Cancer Society	“to provide staff assistance in coordinating tobacco prevention activities in schools and the community”
American Heart Association	“to coordinate smokefree dining programs”
American Lung Association	“to take the lead in tobacco policy activities, especially in assisting businesses with workplace policies”
Banks School District	“to conduct youth involvement activities”
Beaverton School District	“to conduct youth involvement activities”
Ms. Cathryn Cushing	“to work in collaboration with Washington, Multnomah, and Clackamas counties in developping and implementing sequenced media plans”
Northwest Doctors Oughta Care	“to conduct media advocacy activities”
Pacific Research Institute	“to develop and distribute retailer education materials and conduct Reward & Reminder visits with youth”
Sherwood School District	“to conduct youth involvement activities”
Smokescreen	“to develop and maintain a website of smokefree restaurants in the Tri-County area”
Tigard-Tualatin School District	“to conduct youth involvement activities”
Tuality Community Hospital	“to conduct assessment of cessation resources and identify sources of preconceptional information on tobacco use”
Source: TPEP Program Report 1999 ²	

The commissioners may have been concerned about more than the political ramifications. Looking back at this situation, Susan Irwin, the director of Washington County DHHS, believed that “our county board at the time was actually fairly sympathetic to the independence of businesses and the operation of businesses.”³⁰⁴ According to the notes that Irwin kept to document this situation, Commissioner Katsion stated “a concern that the Coalition’s ‘advocacy’ efforts should not interfere with local businesses’ choice to offer tobacco-free work environments,”²⁹⁹ indicating her opinion that businesses should go smokefree by choice, not by law.

The commissioners could also have been influenced by Reps. Bill Witt (R-Cedar Mill) and Bruce Starr (R-Aloha; tobacco control policy score of 3.0), two state legislators who represented Washington County and were especially suspicious of the local tobacco control movement.³⁰⁹ In a

2006 interview, John Valley, the state advocacy manager for ACS from 2000-02 and later the government affairs director for AHA in 2007, said that arguments brought against coalitions that worked on smokefree ordinances were common among “tobacco company lobbyists and opposition groups like the Restaurant Association who were against any sort of strong indoor air provisions – locally or statewide.”³⁰⁹ According to Valley, Witt “raised the most fuss” about Washington County in 1999, but it was Starr who sponsored HB 3874, which prohibited the use of cigarette tax revenue to help pass “antismoking”³¹⁰ ordinances, in the 2001 legislative session.³⁰⁹ In a 2006 interview, Maura Roche, the contract lobbyist for the American Cancer Society and a tobacco control lobbyist in Oregon since 1999, believed that campaign contributions from the Oregon Restaurant Association were perhaps the reason why Witt and Starr tried to put an end to effective local coalitions.³¹¹ In the 1998 elections, Rep. Witt received \$1,500 from the ORA and Rep. Starr received \$12,000 – the fifth largest ORA contribution to a legislator. Campaign contributions from the tobacco industry to these legislators during the 1998 election year were not in proportion to donations from the ORA: Philip Morris gave \$390 each to Reps. Starr and Witt, while the Tobacco Institute only gave Rep. Starr \$250 for his campaign (see Appendix A).¹⁴

Justification

Community programs should focus on four goals: 1) prevention of the initiation of tobacco use among young people, 2) cessation for current users of tobacco, 3) protection from environmental tobacco smoke, and 4) elimination of disparities in tobacco use among populations. These goals can best be achieved by programs that 1) increase the number of organizations and individuals involved in planning and conducting community-level education and training programs; 2) use State and local counter-marketing campaigns to place pro-health messages that inform, educate, and support local tobacco control initiatives and policies; 3) promote the adoption of public and private tobacco control policies; and 4) measure outcomes using surveillance and evaluation techniques.

Figure 10. The CDC’s *Best Practices for Comprehensive Tobacco Control Programs* (1999),¹⁵ which formed the basis for Oregon’s TPEP, specifically promoted “the adoption of public and private tobacco control policies” as a best practice for community programs.

Tobacco control advocates tried to defend their work. In late summer of 1999, Shetterly, from ACS, attempted to bring the commissioners’ attention back to clean indoor air and the health effects of secondhand smoke when he advised them that they could not turn their backs on the impact of smoking on public health.³¹² At the state level, Clay Parton, the tobacco program manager at OHD, and Jane Moore, the Program Director for Health Promotion and Chronic Disease Prevention at OHD, allegedly warned county commissioners that the \$310,850²⁹⁸ tobacco prevention and education grant to DHHS would be taken away if DHHS did not “lobby businesses

to adopt smoke-free work environments,”³¹³ according to the *Oregon Health Forum*, an independent monthly newsletter covering health policy developments in Oregon.

With the county commissioners still opposed to supporting the coalition’s smokefree workplace proposal, and with OHD officials warning DHHS that they could lose their fiscal agency of the local TPEP grant if the coalition did not continue their work on smokefree workplaces, DHHS attempted to save their grant by proposing several programmatic alternatives to Jane Moore at OHD.²⁹⁹ One option was to retain prevention efforts with the county, and assign all advocacy work to the local coalition. Another option was to create a partnership with neighboring Clackamas County by sharing “a regional coordinator position..., creating overhead efficiencies and shifting more money to prevention work.”²⁹⁹ Lastly, OHD could remove “its requirement for actively promoting ordinance passage” while still continuing to fully fund the program. All of these proposals, said Irwin, “fell on dead ears” at OHD.³¹³

The Board Withdraws as Fiscal Agent

The Board of Commissioners decided that, effective October 5, 1999, they would no longer serve as fiscal agent of the local tobacco prevention and education program.³⁰³ On September 24, 1999, Irwin sent a formal letter to inform local coalition members of the Board’s decision, explaining that the “Commissioners remain concerned about the legal implications regarding the use of Measure 44 funds for lobbying purposes, specifically the passage of local ordinances.”³⁰³

Days after Irwin informed the coalition of the county’s withdrawal, Moore and Dr. David Fleming, the State Epidemiologist at OHD, approached Washington County with a compromise. Moore and Fleming presented a written document that Irwin described as “a modified version of [the] ordinance requirement”³¹⁴ that was “not on leaderhead [*sic*] and not signed,”²⁹⁹ but nevertheless proposed that coalition efforts to promote clean indoor air policies were contingent on “community values.”²⁹⁹

This revision was enough to convince the commissioners that “staff will not be expected to participate in lobbying efforts,” Irwin wrote in her documentation.²⁹⁹ In a meeting that was held on October 5 and attended by Moore, Irwin, a county administrator, Commissioner Delna Jones, and Commissioner Tom Brian, the chairman of the Board, the commissioners agreed to reinstate the county as the fiscal agent of the tobacco prevention and education program,²⁹⁹ but only if the Coalition, TPEP, and the Health Division agreed to certain conditions, which were reiterated in a letter from Charles Cameron, the Washington County Administrator, to Moore:

County staff, state funded or otherwise, will not “lobby” or otherwise try to convince local government partners to adopt workplace smoking prohibition ordinance, unless so requested by local governments.

The function of a program educator position, should one be employed, will be limited to support and program education. The position will not play a policy making nor voting role in the Coalition.

Washington County will attempt to secure a seat on the Coalition which will be occupied by a professional, management, or elected representative of the County.

The County will have the latitude to work cooperatively with other local entities in sharing staff costs and responsibilities.³⁰⁰

The Tobacco-Free Coalition of Washington County Takes Charge

Despite the commissioners' approval to resume fiscal agency, OHD and the Tobacco-Free Coalition of Washington County did not respond to the County's offer.²⁹⁹ In fact, an email from Sonya Olsen-Hasek, a contracts officer at the Health Division,³¹⁵ and Dave Coleman, from Business Services at the Health Division,³¹⁶ indicated that TPEP had already decided on August 20, 1999 to stop payments to Washington County.²⁹⁸ Olsen-Hasek wrote:

As we discussed, the Tobacco Program wants to have FY00 payments to Washington County stopped until further notice. The change will be effective today, stopping payment after just one payment has been made. The total grant is \$310,850 and the payment made so far is \$25,904 (1/12 of the total).²⁹⁸

With the Washington County grant suspended in August, followed by Irwin's September 24, 1999 letter³⁰³ to coalition members formally announcing the Board's decision to discontinue its role as fiscal agent, the county coalition began their search for a new fiscal agent by forming a Fiscal Agency Review Committee, headed by ACS advocacy director Jerry Spegman. This search may have already been underway when the Board of Commissioners agreed to resume fiscal agency; a position paper, outlining the County's position on the use of Measure 44 funds, that the Board had distributed during the October 5, 1999 meeting with Health Division staff, noted, in underlined text, that "the County has not been notified by the State OHD nor the local Coalition of the [Request for Proposals] process nor the contract award, which is rumored to have been let to the Lung Association."³¹⁷ As of October 6, 1999, the Coalition had a number of potential agencies in mind to replace DHHS as the fiscal agent of Washington County's Tobacco Prevention and Education Program, including the American Lung Association of Oregon, Tuality Healthcare (a healthcare provider), and Tualatin Valley Centers (an organization that offered clinical and social services programs).³⁰¹ On October 8, 1999, two weeks after Irwin's September 24 letter to the coalition, the coalition sent a formal letter to agencies interested in becoming the fiscal agent for the Washington County Tobacco Prevention and Education Program.³⁰² In the application, or Request for Proposals, the coalition included "OHD Criteria for 'Fiscal Agency' Status," which included the support of a corporate board of directors for "full range of activities including community mobilization, voluntary policies, and policy enactment/enforcement."²⁹⁶ Applicants were also asked to describe "existing networks in the community and any experience [the] agency currently has in community advocacy."³⁰² These requirements not only demonstrated that the coalition was adamant about maintaining a policy-oriented component for the sake of a comprehensive tobacco prevention program, but also that the coalition was strong enough to successfully prevent the county from rendering the program ineffective.

The Coalition had the authority to organize a fiscal agency selection committee, according to the Health Division's criteria for fiscal agents of community coalitions:

Fiscal Agent Agrees that:

Tobacco Free Coalition will serve as primary guiding body in planning and executing activities, except for matters that might bring liability to Fiscal Agent (e.g. contracting procedure, employment issues, etc.)³⁰¹

In addition, the organizations that the Coalition had identified as possible fiscal agents were eligible to receive TPEP grants that funded local coalitions and community-based programs, according to the Oregon Administrative Rules for TPEP.³¹⁸ Although local health departments usually submitted proposals to fund local coalitions and community-based programs, the local health department could elect to designate a “local governmental or not-for-profit health-related organization and shall send a letter to the [Assistant Director of the Oregon Health Division or his/her designee] identifying such organizations as the Local Lead Agency for that county.”³¹⁸ Irwin’s September 24, 1999 letter to the Coalition suggests that communication did occur between the Health Division and the Washington County DHHS about the change in fiscal agency; Irwin informed the Coalition that “Health and Human Services staff are working with the Health Division to determine the most effective transition path for the allocation.”³⁰³ However, in a 2006 interview, Irwin said that county staff did not learn about the RFP until the application was nearly due on October 21, 1999 (Table 22).²⁹⁹ This lack of communication between the coalition and the county health department disappointed Irwin. “It was certainly, in my opinion, a lack of good faith on the part of the state staff to not keep us informed and be responsive, at least to our suggestions for alternate solutions.”²⁹⁹

Ultimately, the American Lung Association (ALA) of Oregon became the fiscal agent for the Washington County Tobacco Prevention and Education program. According to an article in *The Oregonian*, “the commissioners’ decision [to withdraw as fiscal agent] will have little practical effect.”²⁹⁴ On the other hand, Diane Laughter, who was able to resume her role as the county’s tobacco prevention coordinator when the ALA took over and rehired her, was quoted in the *Oregon Health News* as saying, “There are hard feelings now, but we’re hoping to partner with the health department. They’re a very important part of what we’re doing.”³¹³ Irwin, the DHHS Director, acknowledged that the ALA “did a good job with the money,” but she also believed that retaining the County as fiscal agent would have enabled DHHS to integrate the program with “other resources in our health education division, and perhaps [get] more exposure with the prevention part of it.”³⁰⁴

The ALA remained fiscal agent until 2003, when TPEP’s budget cuts forced the program to scale back its local funding so that only 39% of Oregon’s counties received money for tobacco prevention and education. As of August 2007, Washington County had not been awarded a grant.

Local Ordinances are Defended in Central Point and Baker City

Central Point

Central Point (pop.12,493 in 2000³¹⁹) City Council members passed a smokefree workplace ordinance with a 5-1 vote in January 2000. This ordinance ended smoking in public places, workplaces, and ten feet around the entrances of buildings, but exempted bars and bar portions of restaurants.¹⁵¹ Industry documents suggest that Philip Morris had at least some

responsibility for the exemptions. Shortly after the ordinance was passed, Cesar Vargas, a Philip Morris regional director of State Governmental Affairs, updated his regional team and the other regional directors in an email⁹³ which included the ordinance’s provision on “Places Where Smoking is Not Regulated” and explained that the language was “what was defended and saved. We continue to work with the ORA to clean up the ‘bar portions of restaurants’ section (such changes would not need to go before the city council). It’s also unclear how strictly that provision will be enforced. [emphasis added]”⁹³ The opportunity to “clean up” the language was made possible by a provision in the ordinance that allowed the county’s Department of Health to establish ventilation standards for bars.

The ordinance continued to face opposition even after it was approved. The local opponents threatened to file a referendum and to recall Mayor Bill Walton and two councilors, Donna Higginbotham and Dave Gilmour (who also served as public health officer for Jackson County³²⁰) on the grounds that their support of the ordinance was another example of the council’s “unresponsiveness”³²¹ to Central Point residents.^{322,323} Although the recall was unsuccessful (Figure 11),³²⁴ a referendum promoted by “local business owners,” according to an RJ Reynolds status report,²⁰⁶ was submitted on February 25, 2000 for the September special election by restaurant owner Larry Thornton.³²⁵ Forcing the referendum suspended enforcement of the ordinance until the September election.



Figure 11. Ten days before the ordinance was to go into effect on February 26, 2000, Central Point residents rallied in support of clean indoor air. Supporters of the ordinance also protested one resident’s initiative to recall the mayor and two councilors after their approval of the smokefree ordinance was seen as another example of the council’s insensitivity to its constituency. Source: *Mail Tribune*³²¹

In the months leading up to the election, the industry supported the opposition campaign. Philip Morris’ National Smokers Alliance (NSA), which previously opposed the Corvallis ordinance,¹ sent representatives to the Southern Oregon city^{320,323} and contributed \$2,500 to the campaign.³²⁶ Closer to the election, Joe Cherner, the president of Smokefree Educational Services, informed recipients of his email news service that “Philip Morris [was] trying to corrupt the

voting process [by] secretly [hiring] a polling firm to do ‘push’ polling.”³²⁷ (Push polling is when the public is called nominally as part of a public opinion poll, but in which the questions are phrased in a way that “pushes” the respondents towards a specific position.) Philip Morris had hired the Moore Information polling firm.³²⁸ Industry documents also reveal that RJ Reynolds’ Morning Team had spent \$682.55 for their phone campaign to oppose the ordinance.^{329,330}

Despite the industry’s efforts to repeal the ordinance, 64% of the public voted in September 2000 to retain the ordinance. The election results echoed a 1999 survey by the Jackson County Health Department, which found 62% of the residents “strongly in favor” of smokefree workplaces.³²⁵

Baker City

While the Central Point ordinance was put on hold during the referendum process, city councilors in Baker City (pop. 16,741 in 2000³¹⁹) voted 6-1 on March 14 to place a smokefree workplace proposal (excluding bars and truck stop smoking lounges) on the ballot in May 2000.³³¹ The Alcohol, Tobacco, and other Drugs Prevention Coalition, which drafted the ordinance, had asked the City Council to place the proposed ordinance on the May ballot since the coalition could not use its Measure 44 funds to pay for the signatures that would be needed to put the proposal on the ballot via initiative petition.³³² Tobacco control advocates presented the draft ordinance to councilors in March,⁹⁶ and the councilors voted 6-1 to place the ordinance on the May ballot after a motion to adopt the ordinance failed by a 2-5 vote.³³² This ordinance covered all public places and workplaces, but smoking was not prohibited in private residences, some rented hotel or motel rooms, bars, and truck stops.¹⁴⁹ Even before the city council voted, Colette Dow, Philip Morris’ grassroots consultant, informed her local Oregon team that “the language [of the ordinance] is being faxed to Bill Perry [the Oregon Restaurant Association’s director of Government Affairs], who has been working with the Health Department.”⁹⁶ Copies of the email went to Perry, Cesar Vargas, Philip Morris’ regional director of State Government Affairs, Jim Gardner, Philip Morris’ lobbyist in Oregon, and the Public Affairs Council, headed by the RJ Reynolds’ lobbyist Mark Nelson.

The voluntaries did not participate as actively in the Baker City campaign as they did in other communities because local tobacco control supporters were not particularly receptive to the voluntaries’ offer to help.^{188,333} According to John Valley, formerly the State Advocacy Manager at the American Cancer Society, the voluntaries dedicated most of their support to Central Point, Eugene, and Washington, Clackamas, and Multnomah Counties, where they “seemed to have a better chance of success working with coalitions who wanted [their] help.”³³³ Voters approved the ordinance in May 2000 with 52% of the vote in favor. City Attorney Tim Collins reported, “The restaurants we talk to, interestingly, say they like it and want to stay with it. The neighborhood cafes love it. People don’t sit there for two hours drinking the same cup of coffee. They leave and there’s a turnover.”³³⁴

Others were not so enthusiastic. Like Larry Thorton in Central Point, Baker City resident Trudie Zemmer, self-described as an “avid smoker ... for 30 years,”³³⁵ collected enough signatures³³⁶ to put the issue back on the November 2000 ballot as Initiative 42. Zemmer even submitted an email via RJ Reynolds’ Smokers Rights website, asking about what could be done if

the ordinance was again approved by Baker City residents.³³⁵ Baker City residents supported the ordinance in the November election by an even greater margin than in the original election, with 63% voting to keep the ordinance.³³⁷

Local Ordinances are Weakened: St. Helens and Tillamook County

Although the statewide Clean Indoor Air Act of 2001 (discussed below) allowed existing local ordinances to remain in effect, several local governments rolled their stronger local laws back to conform with the weaker state law. The Act's preemption clause prevented the passage of new local laws, so these decisions to weaken local tobacco control policies were final.

St. Helens

In St. Helens (pop. 10,019 in 2000³¹⁹), the mayor had signed a strong local ordinance at the end of 2000.³³⁸ Before the ordinance's passage, RJ Reynolds' Morning Team had made calls "to all affected parties encouraging attendance [at] the meeting to protest."²⁷² Although the ordinance contained several exemptions (bars, taverns, retail tobacco stores, and bar portions of restaurants that were physically separated and ventilated), these exemptions were set to expire on July 1, 2001. However, in anticipation of the passage of the statewide law in 2001, the city council passed another ordinance in 2001 that moved the expiration date a year later to July 1, 2002. Then, on May 15, 2002, city council president Randy Peterson introduced an ordinance that completely removed the expiration date so that the city's ordinance would be more or less in line with the statewide law.³³⁹ The ORA and some state legislators who favored the statewide law most likely convinced local officials to delay the passage or implementation of local ordinances until the state law was passed.³³³ This decision was passed as Ordinance 2863, and permanently exempted bars, taverns, cocktail lounges, bingo parlors, and bar-restaurant combinations from the city's "Smoking Pollution Control" ordinance.³⁴⁰

Tillamook County

Around the same time that St. Helens first passed its ordinance, Tillamook County (pop. 24,262 in 2000³¹⁹) was also considering passing one. At a December 27, 2000 Board of Commissioners meeting,³⁴¹ concerned citizens, physicians, and the Mayor of Wheeler (a city in Tillamook County) showed their support with testimony, a signed petition, and studies from the CDC. The opposition, which mainly consisted of residents and bar and tavern owners, also submitted signed petitions against the proposals. Rather than pass the ordinance, the board voted 2-1 to refer the ordinance to the voters in the March 2001 election.³⁴¹ The question posed to voters was "Shall the ordinance regulating youth access to tobacco products, and prohibiting smoking in workplaces and enclosed public places be adopted?"³⁴²

When R.J. Reynolds heard that the commissioners had approved the March ballot measure, they wanted to contest its language. In early January 2001, Roger Mozingo, the Vice President of RJ Reynolds' State Government Relations and former Vice President of the Tobacco Institute, reported to Tommy J. Payne, the Executive Vice President of external relations at RJ Reynolds, in his weekly State Government Relations status report that "we were not able to convince the Oregon Restaurant Association to contest the ballot language."³⁴³ This report was

sent to 19 other employees in a variety of departments such as sales, consumer relations, tax, law, strategy and business planning, and distribution and logistics, among others. (It may be that the Oregon Restaurant Association was already working on the statewide law that was passed in the 2001 legislative session to preempt local ordinances and did not think it was worth opposing the Tillamook ordinance.)

Despite the ORA's refusal to contest the ballot language, the tobacco industry still made some effort in Tillamook County. Moore Information, the same polling firm the industry used to conduct the push polling in Central Point, "surveyed" voters in Tillamook County.³⁴⁴ After asking several questions about voter support for the youth access and smokefree workplace components, the survey asked the following question:

The actual ballot question that voters will be asked to vote on will not state that bars would be included in the smoking ban. Do you find this omission of bars acceptable or unacceptable? IF ACCEPTABLE/UNACCEPTABLE: Is that very acceptable/unacceptable or somewhat acceptable/unacceptable?³⁴⁴

By the time voters went to the polls in March, Sonja Bradburn, the chair of the Indoor Clean Air Coalition, reported spending \$2000 to pass the ordinance.³⁴⁵ The final vote count was extremely close, with 3,644 "yes" votes and 3,417 "no" votes. While the ordinance was successfully passed by the people of Tillamook County, a majority vote was not reached in three cities. As a result, the ordinance was enforceable in Manzanita, Wheeler, Rockaway Beach, Tillamook, and unincorporated areas of the county, but was not enforceable in Bay City, Garibaldi, and Nahalem.³⁴⁶

After the March election, the county commissioners considered delaying the effective date of the ordinance from June 2001 to January 2002.³⁴⁵ The commissioners were concerned about how the implementation of the ordinance would not only affect local businesses, but also how it would be affected by the possible passage of the statewide law working its way through the legislature. Opposition to this delay came from residents, health care educators, physicians, representatives from the American Cancer Society and the American Lung Association, and the Mayor of Wheeler.³⁴⁵ At one of the meetings, Bradburn testified that the delay was being supported by the Oregon Restaurant Association, "which was a front for the tobacco industry."³⁴⁵

Although the local tobacco control community showed tremendous support for the ordinance by arguing that the commissioners should respect the will of the voters while protecting the public health of Tillamook by adhering to the effective date in June, the voice of the business community overwhelmed their efforts. Again, the ORA and supportive legislators may have been instrumental in convincing local policymakers to hold off on local clean indoor air ordinances until the state law was passed that session.³³³ Support for the delay came from restaurateurs, a Tillamook city councilor, and numerous bar and tavern owners.³⁴⁵ While the commissioners decided that the ordinance should go into effect as planned, their decision quickly soured following the implementation date. At a July board meeting, Commissioner Tim Josi claimed that his sister's business, the Rendezvous Restaurant & Lounge, had suffered from a \$4,000 loss during the first two weeks of implementation.³⁴⁵ He suggested amending the ordinance to exempt bars and taverns.

Only five weeks after the smokefree workplace ordinance had gone into effect, another ordinance was passed unanimously by the Board of Commissioners on July 18, 2001 to include bars, taverns, and bar-restaurant combinations in the list of exemptions.^{345,346} The timing of this decision was concurrent with the passage of the preemptive statewide Indoor Clean Air Act in both the House and Senate. (The Governor would sign the bill, HB 2828, into law in August). The new ordinance, which took effect immediately upon passage, stated that the local smokefree workplace law had “created financial inequities for local bars and taverns, increased public safety risks from the likelihood of drinking drivers traveling greater distances and forebodes economic losses and hardships associated with possible business closure in regulated areas.”³⁴⁶

Multnomah County: A Blueprint for the Statewide Law

Multnomah County (pop. 660,486 in 2000³¹⁹) commissioners passed a smokefree workplace ordinance (Ordinance 937) by a 3-2 vote on December 16, 1999 that contained exemptions for bars, bars in restaurants, bingo halls, race courses, and some motel and hotel rooms, and retail tobacco stores.³⁴⁷ Like the ordinance passed in Benton County, the Multnomah County ordinance was considered a “moderate ban” due to its exemptions.³³⁴ Still, according to Tabithia Engle, who served as the executive director for the Tobacco-Free Coalition of Oregon (TOFCO), “Multnomah County passed the best law they could at the time... It was such a huge county, and the law covered a lot of people.”³⁴⁸ (Multnomah County includes Portland, Oregon’s largest city.) The ordinance also required the formation of a task force to investigate the possibility of eventually extending the law to eliminate these exemptions.^{349,350} However, this task force appeared to be ineffective¹⁸⁸ due to connections that some task force members had with the tobacco industry and may have paved the way for the preemptive statewide Indoor Clean Air Act of 2001.³⁵¹

Tobacco Industry Opposition to the Ordinance

RJ Reynolds appears to have taken the lead for organizing most of the indirect opposition, with Philip Morris joining later. RJ Reynolds opposed the ordinance by organizing grassroots opposition rather than employing more direct, conspicuous tactics, such as sending company representatives to testify against the ordinance.

Multnomah County was first mentioned in an RJR email communication early in October 1999, when Judy Albert, the secretary for Joe Murray, Director of State Government Relations at RJR,³⁵² notified the public issues and public relations team of a possible anti-smoking workplace ordinance in Multnomah County.³¹² Although the ordinance had not yet been drafted, Albert warned the team that the Tri-County Tobacco-Free Coalition of Oregon (which included neighboring Multnomah, Washington, and Clackamas counties), was “well organized.”³¹²

In response to Albert’s email, Ron Cole, the manager of legislative support at RJR,¹⁹¹ sent out a list of entities and organizations available by phone, which suggests that preliminary preparations were being made for a phone campaign against the ordinance. According to Cole’s data, RJR had access to a large grassroots network (Figure 12).³⁵³ At the end of the email, Cole wrote, “Just let us know when you want us to pop it to-em!”³⁵³ The copy of Cole’s email in the tobacco industry documents also contains handwritten notes that appear to be ideas for a

cooperative effort among the tobacco companies, as well as with the Oregon Restaurant Association. The notes name Cesar Vargas, the manager of regional governmental affairs at Philip Morris, Mark Nelson, the lobbyist for RJR, and the ORA. The notes suggested that “Mark [should] know our capabilities [such as Camel Bar events],” and that flyers could be made in conjunction with the ORA. In addition, Philip Morris’ smoker database could be accessed through Vargas for a mail campaign. According to the notes, the Multnomah situation was “similar to Corvallis, OR,” and the “Mayor of Portland [Vera Katz] is key.” However, the Chair of the County Commissioners, Beverly Stein, ultimately played a more important role than Katz.

-----Original Message-----
From: Cole, Ron W.
Sent: Friday, October 01, 1999 1:48 PM
To: Phillips, Mike W.
Subject: Multnomah County OR Counts

Smoker Households = 14,098, with phone number = 10,203
Smoker responder households = 5,923, with phone number = 4,598
Bars with phone number = 217
Cocktail Lounges with phone number = 30
Nightclubs with phones number = 14
Retailers with phone numbers = 590
Direct accounts with phone number = 5
Indirect accounts with phone number = 20
Hotels with phone number = 126
Restaurants with phone number = 1022
Pool halls with phone numbers = 5
Bowling Alleys with phone numbers = 8
Bingo "Parlors" = 5
Veterans with phone numbers = 177

Just let us know when you want us to pop it to'em!

Figure 12. RJR identifies potential for local opposition to workplace smoking ordinance in Multnomah County.³⁵³

As the vote on the ordinance neared, RJ Reynolds actively recruited grassroots support. Mike Phillips, RJR’s regional director of state government relations, requested that activist smokers attend the county board hearings.³⁵⁴ Phillips informed his team that “the phone bank would alert them to the issue; encourage them to immediately call their member on the Board, and urge them to attend the hearing on Thursday morning. We would give the smoker the name and phone number of their member on the Board to enable them to make the call. No direct-connects. [emphasis in original]”³⁵⁵ Phillips advised that these calls should be made on behalf of the Oregon Smokers’ Rights Association.³⁵⁵

In addition to the phone campaign, RJ Reynolds’ Morning Team, the same grassroots mobilization group that had worked on Eugene, staged a letter writing campaign.^{257,260,261,281} In September, a little over two months before the commissioners’ vote in early December, the Morning Team was already planning discussions about the task force that would be formed if the ordinance was passed.²⁵⁷ The Morning Team spent \$5,878 on their phone and letter writing campaigns.³²⁹

Local Opposition to the Ordinance

In the months leading up to the County Board's decision on the ordinance, the visible public opposition came mainly from the few businesses who were not already smokefree by choice. According to Commissioners Diane Linn and Lisa Naito, the sponsors of the ordinance, about 80% of businesses already protected their workers against secondhand smoke.³⁵⁶ For the remainder who had not yet voluntarily implemented smokefree workplace policies, "the intent is not to come down on businesses," Commissioner Linn explained, "But to protect the workers in those businesses and allow them a shot at breathing clean air."³⁵⁷ Bill Perry, the Director of Government Relations and lobbyist for the ORA, also used the 80% statistic to support his argument that the government was overstepping its boundaries "despite the obvious trend toward a smoke-free environment."³⁵⁸

The Oregon Restaurant Association Organizes Opposition With Tobacco Industry Support

The ORA mobilized the opposition by gathering signatures from 1,300 restaurant and bar owners who wanted owners to decide whether or not smoking is banned in their establishment.^{349,359} Perry also published an opinion editorial that ran alongside commentary by Commissioner Linn in the *Portland Business Journal*.³⁵⁸ Perry argued that a ban which extended to bars and bars in restaurants would result in more noisy sidewalks as smokers are forced outside, a decrease in local business as consumers cross county lines to smoke while they eat and drink, and decreases in tips for servers and lottery revenues for bar owners. Perry even argued that drunk driving would increase because "no longer can you walk to the local bar to drink and smoke; now you have to drive."³⁵⁸ There is no objective evidence to support any of these claims.

In order to deliver the strongest grassroots message to the Board of Commissioners, the tobacco industry collaborated with the ORA. Morning Team notes from December 14 stated, "other industry members as well as the Oregon Restaurant Association will be making calls to encourage participation by their membership at the hearing."³⁵⁴ The identity of "other industry members" was elucidated in an email sent later that day by Mike Phillips, RJR's regional director of state government relations. Phillips wrote, "Colette Dow, who does grass roots work for [Philip Morris], has agreed to contact affected parties in the hospitality industry. The Oregon Restaurant Association was willing to provide Colette with their list."³⁵⁵ With the combined effort of Philip Morris and the ORA, RJ Reynolds aimed to "deliver 6-8 calls per Board member."³⁵⁵

The Ordinance Passes, But With Exemptions

In the end, the industry was rewarded for its efforts. Phillips wrote, "we got a fairly good amendment that gave us a liberal definition of a bar, and smoking is still permitted in bars, taverns, lounges, etc."³⁶⁰ With these exemptions in place, the industry did not have much to complain about, and only "eight people, mostly in favor, spoke at the final hearing."³⁶¹ The *Willamette Week* also reported that "the ordinance met token resistance from the Oregon Restaurant Association and the few stray smokers who testified, but they were overwhelmed by the lobbying efforts of the American Lung Association, the American Cancer Society and the American Heart Association, as well as a packed gallery of supporters."³⁶² With exemptions for bars, bars in restaurants, bingo halls, some hotel and motel rooms, race courses, and retail tobacco

stores, Ordinance 937 passed by a 3-2 vote on December 16, 1999.³⁶³ Truck stops were later added to the list of exemptions on January 27, 2000,³⁶⁴ as handwritten notes predicted on a copy of the ordinance faxed to Gardner & Gardner (the law firm of Jim Gardner, Philip Morris' lobbyist) on December 17, the day after the ordinance was adopted.³⁶⁵ Multnomah County joined the nearly 1,800 municipalities in the U.S. that had clean indoor air ordinances or regulations in effect in 1999,³⁶⁶ of which 113 had stronger 100% smokefree workplace language in effect, 58 had 100% smokefree restaurants and bar areas of restaurants, and 40 had 100% smokefree bars.¹⁴⁷

Commissioners Diane Linn, Lisa Naito, and Beverly Stein voted in favor, while Commissioners Cruz and Kelley voted against the ordinance.³⁴⁹ Mike Phillips, the regional director of state government relations at RJR, had informed his grassroots team two days before the vote that "Commissioners Lin and Naito are viewed as beings solidly in favor of the ban; Cruz and Kelley are opposed, and Chairman Stein is the swing vote."³⁵⁵

After the ordinance was passed, the County Health Department embarked on a two-stage outreach campaign in the 6-month period before implementation.³⁶⁷ First, a hotline was set up to receive calls about violations,³⁵⁷ and a website created to inform employers about the ordinance and to give practical advice on how to adhere to the new rules. The Health Department also sent educational and informational materials to the press and to local businesses. Later, in the second phase of the campaign, the general public was informed of the new law through various media outlets, including newspaper advertisements and bus signage.

The Multnomah County Citizen Task Force is Formed

At the time of the ordinance's passage in December 1999, the board had also formed the Multnomah County Citizen Task Force to investigate the impact of expanding the ordinance to include no exemptions. Passed on December 9, 1999, one week before ordinance, Resolution 99-240³⁶⁸ was sponsored by Commissioners Naito and Linn.³⁶⁹ Although minutes from the December 9 meeting do not explain why Naito and Linn decided to sponsor the resolution, a draft of the resolution was received by both the ORA and Jim Gardner, Philip Morris' lobbyist in Oregon on November 8, 1999.³⁷⁰ No major changes in the resolution's language were made between the draft copy and the final resolution, which allowed the chair of the county commissioners, Beverly Stein, to appoint a task force made up of 13 members who represented various industries and businesses, including the ORA, that would be impacted by the expansion of the ordinance (Table 25). According to an interview with the ORA's Bill Perry in 2006, "there were a couple of those labor union people [who] would not have conventions in towns where they banned smoking because a lot of their members smoke. So there were different tourism issues... [The task force] had a bunch of different representatives that basically went through this process for a couple of months."³⁷¹

The task force met regularly from April to August in 2000. The first meetings were focused around expert testimony on the health impact, economic impact on businesses, and enforcement of expanding the ordinance, and the later meetings concentrated on producing a final report for the board of commissioners.

Table 25. Multnomah County Citizen Task Force Membership	
Jeffery M. Batchelor	Portland City Attorney; task force chair
John Chism	Vice President for Public Information, Communications and Advocacy, American Heart Association
Joe D'Alessandro	President and CEO, Portland Oregon Visitors Association (POVA)
Rex Gilley	Manager for Special Projects (Jubitz Truck Stops), Jubitz Corporation
Dr. Katrina Hedberg	Oregon Health Division; state epidemiologist
Connie Hunt	Owner of Eastbank Saloon and McCalls Restaurant; ORA board member
Darryl Joannides	Chef/owner of Assaggio restaurant
Fred Jubitz	Co-Chair and Co-president, Jubitz Corp; ORA member
Kerri Lopez	Manager of Women's Wellness Program, Native American Rehabilitation Association; TOFCO member
Bill Perry	Director of Government Affairs, Oregon Restaurant Association
Bob Rice	Owner of Goforth & Rice restaurants; ORA member and former president; Oregon representative to the National Restaurant Association
Jerry Spegman	Advocacy Director, American Cancer Society ; member of Governor's Tobacco Reduction Advisory Committee (TRAC)
Donna Tichenor	Manager, Mount Hood Ski Education Foundation d/b/a Summit Bingo
Source: Multnomah County Health Department ³⁷²	

The Tobacco Industry's "Grassroots Program Plan & Budget" for Multnomah County

Before the task force's first meeting on April 4, 2000, the tobacco industry had already discussed "some proactive steps we can take over the next six months to address the Multnomah County smoking ban bar exemption"³⁷³ in February 2000. These steps were perhaps motivated by RJR's concern "that [the task force will] recommend the ban be extended to bars."³⁶⁰ RJ Reynolds had a thoroughly conceived "grassroots program plan and budget" that would be paid for by RJ Reynolds, Brown and Williamson, and Lorillard:

The primary goal of this plan is to use the Task Force as a vehicle to identify, educate, and activate smoking ban opponents within the Multnomah County's hospitality and tourism industries. This opposition will be directly channeled to the County Commission.

In reaching our primary goal, we will be able to notify members of Multnomah's hospitality and tourism industries on how they can provide public testimony to the Task Force. Additionally, we will identify potential "expert testifiers" for the public hearings. These individuals may be able to provide select Task Force Members with economic studies and "model" ordinance language to recommend to the Task Force Chair.³⁵⁰

The campaign’s initial strategy included a thorough review of contribution and expenditure reports for the four commissioners, an earned media component, and an initiative to bombard the commissioners with “input” from the community. These tactics would be implemented by Mark Nelson, the lobbyist for RJR and owner of Public Affairs Counsel (PAC), and Franz Gregory, who was a part of RJR’s Media Network.³⁷⁴ Both Gregory and Colette Dow worked for a company called SGW Creative, based in Washington.³⁷⁵ (SGW, formerly named Goodrich and Snyder, Inc,³⁷⁶ has worked with the tobacco industry since 1977²³³⁻²³⁵ and also does business as “Subert-Gregory”³⁷⁷)

The plan was very detailed:

IV. Strategy

1. Obtain and review all contribution and expenditure reports for each County Commissioner (Mark Nelson)
2. Hire Local Lobbyist
3. Develop and Implement Earned Media Program (Franz Gregory)
4. Develop and Implement Media Taking points (Franz Gregory)
5. Implement Campaign Elements designed to generate input into County Commissioners

V. Campaign Elements

- ▶ Direct Mail
 - ***ORA Hospitality/Tourism Information Alert on 4/4/00 Task Force Meeting***
 - An initial “Information Alert” style mailing to Multnomah County hospitality owners and tourism representatives informing them of the Task Force and soliciting their input on a total smoking ban. A fax back device will be included. Those businesses that support a total smoking ban will be removed from the database. Identified opponents will be activated.
 - ***ORA Information Alert/Action Alert Updates***
 - Additional Information Alerts or Action Alerts will be used depending on the need: whether informational or a “Call to Action” for attendance at Task Force public hearings, etc.
 - One Information Alert/Action Alert prior to each of the remaining Task Force Meetings.
 - The Alerts will emphasize ORA’s opposition to an extended smoking ban and cite facts on total smoking ban negative impacts.
 - The Alerts will provide contact information for the County Commission.
 - ***Oregon Restaurant Association Mailing***
 - Letter from the President of ORA explaining negative impacts of bar smoking bans and ORA’s position on the potential ban.
 - To Include a Fact Sheet and article on negative impacts of smoking bans.
 - Provide bounceback device.
 - Solicit member opposition and input.
 - ***Influential Hospitality Industry Representative Mailing***
 - Letter from prominent restaurateur asking restaurants and bars to contact County Commissioners
 - Include a postage paid postcards [*sic*] back to restaurateur seeking input
 - Letter would emphasize need to allow business owner to determine policy
 - ***Bowling Industry Mailing***
 - From Bowling Center Owner/Operator (or Oregon State Bowling Proprietors if possible) to countywide bowling center operators

- Include information on Task Force
- Include sample letter to County Commissioners and contact information
- ***Veterans Association Mailing***
 - From local Veterans Club officer to all county veterans clubs
 - Discuss freedom, business owner's rights
 - Include County Commission contact information
 - Include petition for clubs to have membership sign
 - Include postage paid envelopes for petition return
 - Include bounceback device for comments
- ▶ Collateral Materials
 - Action Alert Letterhead and envelopes
 - Information Alert Letterhead and envelopes
 - Fact Sheet
 - ORA Bounceback Device
 - Negative Articles on Total Smoking Bans
 - Table Tents
 - Petitions
 - Veterans Bounceback Device
- ▶ Meetings
 - ***ORA/Restaurant Industry Meeting***
A meeting will be arranged at a well-known Portland restaurant hosted by ORA with members from Multnomah County hospitality industry to generate input and participation from attendees.
 - ***Hotel General Manager Meeting***
Organize a hotel industry meeting sponsored by the General Manager of a prominent Portland hotel. Attendees will be educated as to the Task Force hearings, potential for a total smoking ban, and asked to call, write, email or fax the County Commissioners.
 - ***Veterans/Fraternal Organization Meetings***
We will research dates of upcoming Veterans/Fraternal Organization meetings and attempt to schedule speaking opportunities.
- ▶ Phone Banks
 - ***Public Hearing Turn-out Phone Bank***
Utilizing identified opposition database information, we will develop a script and supervise a phone bank program to turn out hospitality industry representatives at the County Commission public hearing when they are scheduled to review the Task Force recommendations.
 - ***Travel Industry In-House Phone Outreach***
We will develop an in-house database of Travel and Tourism businesses that we will contact in an effort to generate letters in opposition to an extension of Multnomah County's smoking ban. The letters will emphasize the impact such a ban will have on their international and domestic clients wishing to travel to Portland.
 - ***Smoker's File Phone Bank***
We will evaluate the need to contact identified Multnomah County smokers to notify them of potential tobacco legislation and ask them to contact the County Commissioners.

- ▶ Economic Impact Study (optional)

An Economic Impact Study sponsored by ORA and/or POVA should be considered to determine the negative impacts the smoking ban has had on Multnomah County restaurants and the potential impacts on bar establishments as well as Oregon's tourism industry.

This information will be a useful tool in building a ground swell of hospitality industry opposition against a smoking ban. Further, it will provide the needed arguments for ORA/POVA to present at a possible Press Conference during Council public hearings, and at the hospitality luncheon.

- ▶ State and Local Associations Outreach

It is instrumental that we establish relationships with state and local hospitality, tourism and business associations. In so doing, we will attempt to:

 - Generate opposition letters to the County Commissioner
 - Provide associations with opposition materials for their membership
 - Generate opportunities to have hospitality industry spokespeople speak at upcoming meetings
 - Obtain association databases

Examples of outreach targets may include:

1. Beer Distributors
 2. BINGO Organizers/benefactors
 3. Chambers of Commerce
 - African American
 - Korean
 - Regional
 4. Citizens for a Sound Economy
 5. Fraternal Orders
 6. Gaming Associations
 7. Identified Multnomah County Campaign Contributors/Expenditure Recipients who are receptive to our message
 8. International Association of Convention & Visitors Bureaus
 9. Oregon Lodging Association
 10. Oregon State Bowling Proprietors Association
 11. State Bed and Breakfast Association
 12. Travel & Tour Operators
 13. Veterans Associations
 14. Western Association of Truck Stop Operators
 15. Race Course Operations
 - Portland International Raceway
 - Multnomah County Greyhound Club
 - Portland Meadows
- ▶ Batch Fax/Email Capability

We will explore the percentage of hospitality businesses that have fax machines and/or email addresses. If practical, we will develop a batch fax and/or Email phonebook of key hospitality contacts. This will allow us to reach these individuals immediately when necessary.
 - ▶ Press Conferences

Depending on the status of the Task Force Meetings, a press conference may be coordinated at a high-profile establishment in Portland. ORA and other industry leaders will serve as key speakers to notify the media of current issues related to smoking restrictions and their impacts on Multnomah County hospitality and tourism industries.

Contingent upon the Task Force recommendations, a Press Conference will be scheduled on the afternoon of the County Commission presentation by the Task Force Committee to either support and oppose Task Force findings. The Press Conference will be held at a trendy and/or respected establishment located near the County Commission building and will be headed by local members of the hospitality and tourism industries. Following the press conference, the attendees will march to the County Commission hearing in a show of support or opposition.

- ▶ Video (optional)
We recommend producing a six-minute video highlighting the negative impacts of local smoking bans. The video will feature narrative accounts by bar and restaurant owners, as well as, owners and employees of the other affected businesses. this [*sic*] is an excellent tool to educate the hospitality industry on the real impact of a local smoking ban. This video will be beneficial in any city or county throughout the region.

Along with the services provided by PAC and SGW, the plan called for the ORA to solicit input from its members through action alerts and other mailings. The plan³⁵⁰ included a copy of the first action alert, which was signed by Bill Perry. Echoing standard tobacco industry claims,¹¹ Perry wrote that “the negative economic impact is very real... We ask that you return the form as quickly as possible.”³⁵⁰ This form asked members to check if they did or did not have “concerns regarding the negative impacts a California style smoking ban would have on the hospitality industry,” and included space for more specific comments. The inclusion of “California” was designed to stimulate local resistance to the law; in an interview more than six years after the Multnomah County ordinance was passed, Perry said, “I know a lot of people say, ‘Well, Washington does this and California did this.’ But I think most Oregonians see themselves as, ‘We want to do what’s best for Oregon.’”³⁷¹

In addition to the ORA mailings, RJR would send direct mail to the hospitality industry, the bowling industry, and the Veterans Association, encouraging them to give their input or write letters to the commissioners. (PAC reported spending \$5,080 on June 14, 2000 for a Multnomah County letter writing campaign.³³⁰) The campaign also included industry meetings, phone outreach, and the possibility of an economic study, press conferences, and a “six-minute video highlighting the negative impacts of local smoking bans.”³⁵⁰ RJR would also hire a local lobbyist and develop media talking points in order to generate a negative environment hindering the expansion of the ordinance. In total, RJR, Brown & Williamson, and Lorillard were collectively willing to spend a total of \$59,150 on the campaign.³⁵⁰

Meanwhile, Philip Morris, which was not included in the budget for RJR’s grassroots effort, had also discussed plans for the task force in February 2000,³⁶⁰ and had drafted its own budget. With an emphasis on media opportunities, PM estimated that it would spend nearly \$23,000 in their campaign,^{360,378} which was regarded as a “proactive effort... to build the case for

accommodation [smoking sections].”³⁵¹ This estimate was actually lower than their original predictions because the task force was deemed too “low profile” to warrant “the earned media activity we had envisioned.”³⁷⁸ PM may have scaled back its earned media campaign because it did not want to evoke suspicions of – or draw unnecessary attention to – tobacco industry involvement.

PM was also ready to mobilize voters if necessary, and they had two allies who could provide testimony on the economic impact in the hospitality industry.³⁵¹ These two individuals were Rick Berman, from the American Beverage Institute, and Mike Marlow, described as an “author and economist.”³⁵¹ Marlow was a member of Philip Morris’ “Fiscal Issues Consultant Team,” which was “an important part of the Company’s efforts to create a better environment for PM to sell its products,”³⁷⁹ and his established relationship with Philip Morris is evident in both internal tobacco industry documents³⁸⁰⁻³⁸² and public information sources.^{383,384} Along with John Dunham, a manager in Issues Management at the Philip Morris Management Corporation, Marlow published a study that argued that businesses experienced a negative effect due to smokefree ordinances.³⁸⁵ This research, funded by Philip Morris, not only was based on a misapplied economic model that wrongly excluded the health interests of restaurant workers, but also used suppositional data from a poll commissioned by the National Licensed Beverage Association (also a tobacco industry ally³⁸⁶) to validate its findings.³⁸⁷

All together, the tobacco industry would spend about \$82,000 in order to prevent Multnomah County from extending the ordinance to cover bars and bar/restaurant combinations, truck stops, race courses, and bingo halls.

Philip Morris Arranges for “Expert Testimony”

When the task force finally began its work, the discussions on economic impact were of particular significance. At the end of April, Rochelle Goldman, Philip Morris’ manager of Public Programs in the Corporate Responsibility division,²⁵³ wrote to Ellen Merlo, PM’s Senior Vice President of Corporate Affairs:

Multnomah County, OR: Rick Berman is testifying on May 9th on the economic impact that bans have on bars and restaurants. We are meeting next week to discuss his comments. The field has been coordinating details. Professor Mike Marlow will also testify. A conference call has been planned for next Thursday to discuss strategy.³⁸⁸

While Berman did not ultimately testify for unknown reasons, Marlow was present at the May 9 task force meeting to provide “expert testimony” to the task force.³⁷² As an economics professor at the California Polytechnic State University at San Luis Obispo, he talked about the economic impact that smoking bans have on businesses. According to the meeting’s minutes, Marlow indicated that his area of expertise did not allow him to comment on the healthcare costs of secondhand smoke, but that he did find that “the economic costs of smoking bans have been minimized/underestimated in public health journals and media reports.”³⁸⁹ Marlow was referring to the ever-growing body of literature confirming that smokefree workplace laws have no detrimental economic effect on the hospitality industry.³⁹⁰⁻³⁹⁷ Marlow’s appearance was a deliberate and strategic move. After Marlow testified, Vargas, the PM regional manager of State

Government Affairs, emailed Dunham with the following message: “JD - your man was a hit. Thanks again for helping coordinate.”³⁹⁸

In contrast to Marlow’s opinion, findings presented by Jack Dresser, a researcher from the Oregon Research Institute, suggested that Corvallis businesses were generally not impacted by the city’s smokefree workplace ordinance. The task force also heard testimony from Paul Hunting, from the Tobacco Control Section (TCS) of the California Department of Health Services, who testified on several aspects of California’s smokefree law, including the economic impact on bars and restaurants, enforcement of the law, and “macro-level trends,” according to Task Force minutes from the May 31, 2000 meeting.³⁹⁹

Friends on the Task Force: Bill Perry from the Oregon Restaurant Association

Marlow was not the only one present during the task force meetings who had a working relationship with Philip Morris. Bill Perry from the ORA had been in direct communication with Philip Morris even before the task force formally began meeting on April 4, 2000. An email dated March 2, 2000 reveals that Bill Perry had been informing PM’s Colette Dow about local ordinance activity in 9 cities or counties around Oregon.⁹⁶ A week before the first task force meeting, Vargas requested that a “smoking ban binder” be sent to Perry.^{97,98} Later, Perry kept the regional PM team informed of the task force’s progress. After the May 9 meeting, an email update from Dow to the PM team and the Public Affairs Counsel reported, “Bill Perry said Marlow did a fabulous job, was very effective and everyone was really impressed with him.”¹⁰¹

Perry also helped fine-tune Philip Morris’ strategy. In one email communication from Dow to the PM group, Perry thought that someone from PM should help coach task force member Donna Tichenor before her upcoming presentation regarding the economic impact on bingo halls. According to the email, “Bill said she needs all the help she can get and is very worried about her talking to the press.”¹⁰¹ PM took Perry’s advice. In a weekly activity report, John Maheras, a PM manager in Legislative Issues, reported that he and Vargas had discussed “media training a Bingo Hall owner.”⁴⁰⁰

The Task Force’s Findings

After nearly 7 months of investigation, the task force presented its findings to the Board of Commissioners on November 7, 2000.³⁷² As charged, the report made no recommendations, but instead only summarized the impact that the expanded ordinance would have. The full task force made several conclusions, including the overly diplomatic statement that “the health risks to workers from secondhand smoke in currently exempted establishments are at least as great as those in establishments already covered by the Ordinance” (Table 26).⁴⁰¹ If the ordinance was extended, the task force estimated that 4000-6000 workers would *not* be exposed to significant levels of secondhand smoke.

In addition to the main report, there were two minority reports—one that supported extending the ordinance and another that opposed it. Although the Task Force’s charge, as defined, was “not intended to be a forum for advocacy on a particular position or approach, ... in the event that the Task Force is not able to achieve agreement on specific findings, it may issue

reports that reflect points of view that differ significantly.”³⁷² These minority reports reflected a clear, but predictable, division between the voluntary health organizations and the Restaurant Association (Table 27).

Table 26. Task Force Conclusions	
Health Impacts	“There is strong scientific evidence that establishes secondhand smoke as a threat to health. There is also strong evidence that workplace exposure to second hand smoke is associated with an increased risk of lung cancer, coronary heart disease, and other health problems.”
	“Workers in the types of establishments currently exempted from the Smokefree Workplaces Ordinance are exposed in their workplaces to significant levels of secondhand smoke – i.e., levels that are at least as great as in workplaces currently covered by the Ordinance.”
	“An estimated 4,000 to 6,000 [people] work in establishments that actually are exempt [under the current Ordinance]. These individuals are potentially exposed to significant levels of secondhand smoke at work, and could be impacted by extending the Ordinance.”
	“Restrictions on workplace smoking are effective in reducing the impact of secondhand smoke. They reduce exposure to secondhand smoke. They also decrease exposure to direct smoke. Workers smoke fewer cigarettes. Restrictions may also assist workers in quitting smoking.”
Economic Impacts: Bars and Taverns	“Neither economics nor public health research studies suggest that smoking bans have a measurable impact on bar or tavern revenues in the aggregate.”
	“Studies in the economics literature suggest that smoking bans disturb the bar and tavern marketplace in ways that financially impact some individual establishments... The percentage of establishments that are ‘losers’ appears to be larger than the percentage that are ‘winners.’”
	“Video Poker may be important in determining which establishments are ‘losers.’”
	“A local smoking ban can result in migration of smoking bar and tavern customers to establishments in other communities that allow smoking.”
Economic Impacts: Tourism	“No Evidence...that smoking bans have a measurable impact on tourism.”
	“Extending the smoking ban might have a negative economic impact on certain parts of the tourism industry in the county. Specifically, travel planners who handle group bookings may perceive the smoking ban as one negative factor.”
Economic Impacts: Bingo/Charitable Gaming	“Customer survey data raise the concern that a significant number of customers would play bingo less often... A moderate decrease in customers can render a game unable to generate revenue for charity, and endanger its ability to operate at all.”
	“Bingo’s ability to generate revenue for charity is vulnerable to changes in the gaming marketplace, particularly changes that affect whether and how much consumers choose to play bingo.”
Economic Impacts: Truck Stops	“A local smoking ban might have a negative financial impact on truck stops... Baker City’s experience with a local smoking ban supports the above conclusion. The full-service truck stop in Baker City experienced a 26% decrease in diesel revenues after implementation of that city’s smoking ban.”
Economic Impacts: Race Tracks	“Might face some of the impacts as other local businesses dependent on gambling revenue (i.e., bingo, and bars and taverns with Video Poker.)”

Enforcement Implications	Expect a high level of compliance. Legal actions would be uncommon.
	“Bars and taverns have lower rates of compliance than other workplaces.”
	“Ineffective or inconsistent enforcement can create an unfair competitive situation.”
	“Extending the county’s smoking to currently exempted establishments will present a major challenge to the community’s current approach to minimizing the neighborhood livability impacts of bars, taverns, and other alcohol-serving establishments.”
Ventilation and Air Filtration	“Even when a system is appropriately designed, it is necessary to verify that the system has been installed properly.”
	“It is impossible to specify how much ventilation is enough.”
	“While eliminating exposure to secondhand tobacco smoke may be ideal, reducing exposure is desirable.”
Source: Multnomah County Citizen Task Force on Smokefree Workplaces: Report to the Board of County Commissioners ⁴⁰¹	

Table 27. Task Force Members Authoring Minority Reports Regarding Ordinance Extension	
Support	Oppose
John Chism, <i>American Heart Association</i> Katrina Hedberg, <i>Oregon Health Division</i> Darryl Joannides, <i>owner, Assagio Restaurant</i> Kerri Lopez, <i>Native American Rehabilitation Association</i> Jerry Spegman, <i>American Cancer Society</i>	Rex Gilley, <i>Jubitz Corporation</i> Connie Hunt, <i>owner, East Bank Saloon, McCall’s Restaurant</i> Fred Jubitz, <i>Jubitz Corporation</i> Bill Perry, <i>Oregon Restaurant Association</i> Bob Rice, <i>owner, Goforth and Rice</i> Donna Tichenor, <i>Summit Bingo</i>
Source: Multnomah County Health Department ³⁷²	

Economically, the task force reported that the proposed comprehensive ordinance would “tend to create playing field that is not level for at least some currently exempted businesses,” namely bingo halls, race tracks and truck stops (Table 26).⁴⁰¹ There were two truck stops, three bingo halls, three race tracks, and 810 bars, taverns, and brew pubs in Multnomah County in 2000.⁴⁰¹

In addition to the health and economic implications, the report investigated the enforcement implications. They found that the complaint-driven system that was currently in place was advantageous because it was inexpensive, but problematic because it allowed for the possibility of low compliance. Extending the ordinance to workplaces such as bars and taverns would “likely cause conflicts with the community’s current approach to minimizing neighborhood livability impacts of bars, taverns, and other alcohol-serving establishments.”⁴⁰¹ This finding appears to have originated from the ORA. The minutes for the May 9, 2000 meeting state that “Bill Perry reminded the group that Multnomah County has particular concerns due to livability issues that have already been raised in certain areas.”³⁸⁹

Other findings in the report seem to have tobacco industry influences. For example, the task force concluded that bingo halls were likely to be impacted negatively, but only Donna Tichenor, a task force member and manager of a bingo establishment, provided testimony. Tichenor attended a Philip Morris media training session on June 9, and an outline of her planned testimony in an email⁴⁰² from Colette Dow, the grassroots coordinator for Philip Morris, reveals that Tichenor performed exactly as expected on June 13, the day of her testimony.⁴⁰³ In another example of industry influence, the task force mentioned a survey sponsored by the American Beverage Institute in the section of the report entitled “Key findings related to bars and taverns based on evidence from the economic literature and related sources.” The survey found that “59% of owners reported a decrease in revenues, 7% reported gains, and 34% reported no change.”⁴⁰¹ The American Beverage Institute was aligned with the tobacco industry through their General Counsel, Rick Berman, who was identified as a hospitality industry ally in a Philip Morris Options presentation.³⁵¹ As mentioned earlier, tobacco industry documents show that Berman was originally scheduled to testify at the May 9, 2000 task force meeting.³⁸⁸ However, Gary Oxman, the Multnomah County health officer who served as the lead staff person for the Task Force and a technical and policy advisor on the smokefree workplace ordinance, recalled that Berman was never seriously considered to provide expert testimony.⁴⁰⁴

The Portland Oregon Visitors Association (POVA), Jubitz Trucking Corporation, and the ORA were also a part of Philip Morris’ Oregon State Coalition, which helped PM to “properly communicate important issues” through “supporters, advocates, and Philip Morris friends.”⁴⁰⁵ Although smokefree policies have been found consistently to have no effect on the tourism industry,³⁹⁰ the task force’s final report stated that, “it was Mr. D’Alessandro’s professional judgment that travel planners could perceive the smoking ban as a negative factor because it limited the activities of their smoking clients.”⁴⁰¹ Joe D’Alessandro was a task force member and president and CEO of POVA. Similarly, even though task force member and Jubitz employee Rex Gilley explained that “no polls have been taken to determine the number of drivers who would skip truck stops in Multnomah County to avoid the [proposed] smoking restrictions... Frank Jubitz, Co-Chairman of Jubitz Corporation [feels] that the present exemptions should stay in place until a state-wide ban is enacted.”⁴⁰¹

In summary, the conclusions from task force’s final report did not read much differently than position papers from the ORA and the health groups. While the full task force agreed that secondhand smoke exposure was a significant threat to the health of workers in the exempted workplaces and that ventilation systems were not a viable alternative to extending the ordinance, the economic and enforcement implications were influenced by industry forces and went beyond the task force’s mission of “fact-finding.”⁴⁰¹

After the task force’s final report was submitted to the Board of Commissioners, the commissioners decided not to take any further action on the ordinance. An RJR status report, dated three days after the task force presented its findings to the Board, stated that “the chairman of the commission is now saying that they will not go further and will wait to see if the state legislature deals with the issue in its 2001 session.”⁴⁰⁶ The media and press coverage of this decision was virtually nonexistent, perhaps because the issue was overshadowed by rumors of a statewide smoking ban in the upcoming 2001 legislative session, as suggested by RJR. In addition, Stein’s decision to not take any action on the report may have been motivated by her run

for governor in 2002.⁴⁰⁷ Considered a liberal Democrat,^{408,409} Stein's political conservatism with regards to extending Multnomah County's Smokefree Workplace ordinance was interpreted to be a political calculation by Jerry Spegman, the ACS advocacy director and task force member: "Stein definitely needed to increase her appeal to the business community and didn't want to get out in front of the Legislature on an issue that could be portrayed as being anti-business."⁴¹⁰

In June 2001, the board of commissioners also exempted billiard halls.^{150,411}

The Ordinance as a Blueprint for the Statewide Law

Like other local ordinances successfully passed by a local government, the Multnomah County ordinance would serve as a model for subsequent policies. The Corvallis ordinance paved the way for the Benton County ordinance.¹ The Corvallis ordinance also served as model legislation for improvements to Eugene's clean indoor air ordinance. But in Multnomah County, pro-tobacco proponents of the ordinance anticipated that the law's passage would pave the way for similar legislation enacted at the state level (see discussion on the 2001 legislative session). These proponents considered their work on the Multnomah County ordinance to be a part of their "proactive efforts to assist the field," namely by "using campaign tactics to build the case for accommodation," according to a Philip Morris Options presentation from May 4, 2000.³⁵¹ Six years earlier in 1994, Philip Morris' Vice President of Corporate Affairs, Ellen Merlo envisioned the "Accommodation Program as a tactical weapon to support the preemptive state accommodation/indoor air quality legislation."⁴¹² Not surprisingly, the task force's final report contained language that "built the case" for legislation that not only allowed smoking areas in hospitality venues, but also preempted local authority to provide smokefree environments: "Extending the Ordinance to currently exempted establishments will likely create a competitive disadvantage for some Multnomah County businesses that depend on smoking consumers ... Statewide bans create a level competitive playing field across a broad geographic area, making local competitive impact less likely."⁴⁰¹

The value that Philip Morris saw in the Multnomah County ordinance was echoed by Cesar Vargas, PM's regional director of State Governmental Affairs, who wrote to his regional team and the other regional directors during the unsuccessful effort to roll back the Central Point ordinance:

*As we continue to see these [ordinances], we will work with our allies to get as close to Multnomah-style language as we can, but that's the best we can do. The one positive is that we can capitalize on the public backlash that occurred in Central Point, and will probably occur elsewhere, to help create an environment that will allow us to most effectively deal with these ordinances; through statewide uniformity.*⁹³ [emphasis added]

The industry's success in keeping smoking in bars and the other exemptions gave it a model to promote elsewhere. The Multnomah County ordinance was regarded as model language for the tobacco industry rather than the tobacco control community.

THE ROAD TO PREEMPTION

State Activity in 1999

Preemptive legislation proposed in the 1999 legislative session threatened to halt the momentum that the tobacco control program was just beginning to gain in protecting the rights of nonsmokers to breathe clean indoor air. Benton County and Corvallis had passed ordinances in 1998 (Table 19), and local tobacco control coalitions in every county were “working hard to develop and implement community-based tobacco strategies to reduce youth access to tobacco, create tobacco free environments, decrease promotion of tobacco products, and link persons who want to quit to cessation resources,” according to TPEP’s 1999 program report.² Since 1995, the tobacco industry had partnered with the Oregon Restaurant Association to introduce preemptive legislation for regulating smoking in bars and restaurants during legislative sessions, which were held in odd-number years.^{73,77,185,413}

The 1999 session was no different. A TPEP document containing handwritten notes suggests that the staff was, in fact, aware that the ORA was a threat.⁴¹⁴ In what appears to be notes from a meeting on legislative strategies for 1999-2001, the unidentified author wrote, “ORA scared; ORA and Industry [meeting] regionally; state legislation and ballot initiatives being considered... ORA should be negotiated with.”⁴¹⁴

The detail provided in this section is meant to acquaint the reader with the arguments and legislative processes that accompanied proposals for preemption, many of which were again brought up in subsequent the 2001 legislative session.

Tobacco Industry Strategies

In a draft of a 1994 presentation for Philip Morris’ Corporate Affairs Conference in Scottsdale, Arizona,⁴¹⁵ Tina Walls, then Vice President of Government Affairs at Philip Morris, stated, “We’re dead serious about achieving pre-emption in all 50 states.”⁸² Just as it had learned in other states, the tobacco industry could not stop all the local clean indoor air campaigns in Oregon,⁴¹⁶ so they sought a single effort at the state level to stop all the local legislation.^{82,417} In order to achieve a statewide law, the industry “[needed] every available resource in OR for [the] difficult ‘99 session,” according to Cesar Vargas, the manager of regional governmental affairs at Philip Morris.⁴¹⁸

An outline of Philip Morris’ plan for a statewide law with preemption (“uniformity”) reveals that many of elements of the plan were already in place by the time the 1999 legislative session began (Figure 13).

According to the strategy, Philip Morris planned to work first with the Senate leadership. The Senate Majority Leader during the 1999 legislative session was Sen. Gene Derfler (R-Salem), who received \$11,750 in campaign contributions from the tobacco industry in the 1998 election, \$8,000 of which came from Philip Morris, and \$11,000 from the ORA (Appendix A).¹⁴ As of 1999, Derfler had received a lifetime total of \$14,200 in tobacco industry campaign contributions.¹⁴

VI. STRATEGIES/TACTICS/ACTION PLAN: Uniformity

A. Strategy: smoking uniformity

1. Work w/leadership (senate first) to establish need for statewide tobacco policy on marketing/smoking issues. Discuss options.
2. Tie-in multi-state settlement funds to need for statewide policy.
3. Obtain Governor's support for uniformity/settlement funds program.

B. Tactics/Action Plan

1. Meet w/Oregon Restaurant Assn. to develop plan, coordinate resources: TS, Contractor, (Aug 98, done)
2. Meet w/Senate Leadership: TS, Contractor, (Aug 98, done)
3. Discuss internal resources w/accommodation program: TS, E. Ostern, Culley (Aug 98, done)
4. Grants to ORA to support program needs: TS (fall, 98)
5. Develop model bill, include ventilation language: TS, MC, E. Ostern, Lenzi (Oct 98)
6. Polling w/ ORA, consumers, hospitality: TS, ORA, Ostern (fall 98)
7. Ventilation 101 course for ORA members: TS, MC, Ostern (1Q)

Figure 13. Philip Morris' Oregon State Plan 1999. In planning its strategy for the 1999 legislative session, Philip Morris relied on corporate contributions and strong contacts in the Senate. The company regarded the ORA's interest in preemption as a "proactive opportunity," and its action plan reflects this partnership. Source: Philip Morris⁹⁴

In the 1999 legislative session, the tobacco industry had their eyes on several bills that could become the vehicle for preemption. A handwritten note, dated February 18, showed that Philip Morris' lobbyist James Gardner had plans to "hook preemption onto the renewal" of the 10-cent cigarette tax.⁴¹⁹ The note also said that the Senate Revenue chair and the President Pro Tempore, Sen. Randy Miller (R-West Linn), "would be amenable to preemption."⁴¹⁹ Miller received \$2,000 from tobacco companies in the 1998 election, half of which came from Philip Morris.¹⁴ Miller's lifetime tobacco industry contributions from the 1988 to 1998 elections totaled \$5,100.¹⁴

Several Philip Morris Issues Management weekly activity reports reveal that John Maheras, manager of legislative issues, dedicated considerable effort to Oregon in 1999. The week of March 29, 1999 was spent "working on drafting some additions to [the] Oregon Clean Indoor Air Law."⁴²⁰ A month later, Maheras "continued to work on Oregon Uniformity talking points."⁴²¹ Meanwhile, on March 10, Rep. Ryan Deckert (D-Beaverton; tobacco control policy score of 5.3) had introduced HB 2806, an ORA-backed⁴²² bill that preempted local authority to regulate indoor smoking in any place with a liquor or restaurant license and contained no grandfathering clause to protect existing local ordinances, such as the one in Corvallis.⁴²³ Later in the session, after the restaurant provision was removed and Corvallis was grandfathered in,⁴²⁴ the language was transferred as an amendment to HB 3492,⁴²⁵ perhaps because opposition from the League of Oregon Cities, Attorney General Hardy Myers, ACS, and AHA,^{422,426,427} as well as negative editorials published by Salem's *Statesman Journal*^{427,428} and Portland's *Oregonian*,⁴²⁹ had rendered HB 2806 politically unviable in the Senate despite its passage in the House by a 36-22 vote. (House Commerce Committee chair, Rep. Jim Hill (R-Hillsboro), denied any influence from

the ORA and tobacco industry in his decision to recommend the bill for passage on the House floor.⁴²⁶)

This important strategic move attached preemption to a bill that legislators were intent on passing. First proposed by the Attorney General's office, HB 3492 aligned state law with the Federal Cigarette Labeling and Advertising Act and was intended to reduce sales of illegal export-only cigarettes.⁴³⁰ Attaching the preemption language of HB 2806, which was considered "a stalled measure,"⁴³¹ according to *The Statesman Journal*, by the time it was heard in the Senate in late May, onto HB 3492 was possible because the latter's relating clause (or the general subject matter of a bill) was "relating to tobacco," which allowed HB 3492 to be amended in any fashion as long as it related to tobacco.

HB 2806 Protects Smoking in Bars and Restaurants

The Portland *Willamette Week* reported that Rep. Deckert decided to sponsor HB 2806 after seeing Californian smokers forced to smoke outside bars.⁷⁵ Deckert was quoted as saying in *The Statesman Journal*, "This is not a place local government needs to insert itself... Bars are the last public place where smokers are allowed to congregate."⁴²⁶ Apparently, Deckert's sponsorship of the bill was not affected by survey results reported by Connie Ramaekers, from the Tobacco Free Coalition of Washington County, in the April 12, 1999 public hearing on HB 2806. Ramaekers testified that a telephone survey of Washington County residents in February 1999 had found that 85% of voters in the city of Beaverton would favor an ordinance protecting all employees from secondhand smoke in the workplace.⁴³² In 1999, Deckert represented House District 8, which included parts of Beaverton.⁴³³

While it is not clear whether Deckert was motivated by tobacco interests in his sponsorship of this bill, TPEP staff had already identified Deckert as a "weakness," according to handwritten notes on a brainstorming sheet entitled "Let's Talk Politics,"⁴¹⁴ prior to Deckert's reelection in November 1998. In the first April 12, 1999 public hearing on HB 2806 in the House Committee on Commerce, Deckert said that he did not talk to anyone from the tobacco industry and that he did not "want to take tobacco money for political efforts."⁴³² Leading into his second term as Representative, Deckert had accepted his first tobacco industry campaign contribution of \$390 from Philip Morris in the 1998 election.¹⁴

The ORA, which had worked with the tobacco companies on the local front, surely saw HB 2806 as an opportunity to introduce preemption. In fact, the ORA received a grant from the tobacco industry's Accommodation Program to conduct a December 1998 survey on "consumer and business owner attitudes re: accommodation in hospitality establishments."⁴³⁴ Earlier, in August 1998, the ORA had sent Richard Kosesan, the Tobacco Institute lobbyist, an invoice of \$500 for "Sponsoring Membership for industry impact studies and surveys" (Figure 13).¹³⁵ Two different surveys were conducted on December 3-5, 1998 for the ORA by Moore Information, Inc., a Portland-based public opinion research company.^{435,436} Results from the survey of ORA members who owned or managed hotels, motels, bars, taverns, restaurants, and bowling centers showed that most members believed statewide smoking restrictions would have no effect (45%) or a negative effect (46%) on their business.⁴³⁶ The survey also found that "if the government was responsible for setting smoking-related policies for hospitality establishments," 48% favored local

governments policies, 29% favored a statewide law, and 19% preferred neither option.⁴³⁶ In the other survey of registered voters in Oregon, 44% supported local policies and 44% supported a state policy.⁴³⁵

The unusual pairing between Deckert, a Democrat, and the ORA, largely a supporter of Republican legislators, caused a rift amongst the Democrats,⁴³⁷ and was “one of those pairings that raises eyebrows and makes people wonder,” according to Tom Novick,⁷⁵ then a lobbyist for the Oregon Health Leadership Against Tobacco (OHLAT), the lobbying coalition of ACS, ALA, and AHA. Deckert pointed out that he scored poorly with the Restaurant Association on their issues,⁴³² despite the fact that he received \$1,000 from the ORA in 1998.¹⁴ Deckert told the *Williamette Week* that while he had accepted \$1,000 from the ORA for his 1998 campaign,¹⁴ he would “never take a dime from them again ... If it will help put this [controversy] to rest, I’ll make that statement.”⁷⁵

Despite the accusations of tobacco and restaurant industry manipulations, the House passed HB 2806. Tobacco control advocates who fought against the bill (described below), as well as several representatives, such as Rep. Barbara Ross (D-Corvallis), were disappointed by the action. Jerry Spegman, the ACS advocacy director, said, “The only winners today were the tobacco industry and those who profit from them... The losers are local communities and those whose health will suffer from the effects of secondhand smoke.”⁴²⁶ The bill was referred to the Senate Committee on Judiciary, which was chaired by Sen. Neil Bryant (R-Bend), but was quickly referred without any public hearing or substantive work session to the Senate Committee on Public Affairs, chaired by Sen. Charles Starr (R-Hillsboro; tobacco control policy score of 3.0).⁴³⁸ Interestingly, both HB 2806 and HB 3492 were referred to these two committees by Senate President Brady Adams (R-Grants Pass) after passing in the House. All three Senators received a significant amount of tobacco industry campaign contributions (Table 28).

	Party	Tobacco Industry		ORA
		1998	Lifetime	1998
Brady Adams, President	R	\$13,250	\$14,200	\$5,000
Kate Brown, Minority Leader	D	\$0	\$750	\$0
Gene Derfler, Majority Leader	R	\$11,750	\$14,200	\$11,000
Randy Miller, President Pro Tempore	R	\$2,000	\$5,100	\$2,000
Neil Bryant, Judiciary Committee chair	R	\$1,000	\$1,550	\$1,000
Charles Starr, Public Affairs Committee chair	R	\$1,000	\$1,500	\$4,001

Source: Oregon Secretary of State, Elections Division¹⁴

In the Senate Committee on Public Affairs, HB 2806 never received a hearing after it was referred to the committee on June 7, 1999. However, Chair Starr never really let the bill die. The language of HB 2806 found a new vehicle by July 16, when the Public Affairs Committee, backed by the ORA,⁴³¹ amended HB 3492 to contain preemption. *The Oregonian* noted that this

amendment “surprised some because another bill [HB 2806] that would have voided local authority over barroom smoking died earlier this session.”⁴³⁰

Preemption is Introduced in HB 3492

On July 16, only a few weeks before the end of the legislative session on July 24, Novick saw lobbyists from the tobacco industry, the ORA, and the Oregon Grocery Industry Association huddled in a corner of the Committee on Public Affairs hearing room.⁴³⁹ As he watched them, Novick had a feeling that the tobacco industry and its allies would try to incorporate preemption into HB 3492. Armed with this educated guess, Novick recounted:

I went up to the now Senate president, Peter Courtney, who was an ally in tobacco control, and said, “Look, if these guys are over in the corner, I think they are going to try to do something with preemption in this bill.” And Peter said, “Oh, you are just being paranoid.”⁴³⁹

Novick’s hunch was justified, given the amount of money that the tobacco industry and its allies have dedicated to their lobbying budgets in Oregon (Tables 3, 7; see also Appendix D). From 1997 through 1999, the ORA spent \$1,356,324³¹ which bought the organization considerable political clout (Table 29).⁴⁴⁰⁻⁴⁴³ (Other major state players spent less on lobbying expenses, such as Associated Oregon Industries (\$749,265 from 1997-1999) and the Oregon Association of Hospitals & Health Systems (\$655,858 from 1997-99)³¹) In comparison, the tobacco companies spent a total of \$668,616 on lobbying during 1997-99, and the health groups spent \$64,128.³¹

Rather than the Senate Revenue committee, which Gardner had identified as a possible venue for introducing preemption because it was chaired by Sen. Randy Miller (R-West Linn),⁴¹⁹ the amendments were introduced on July 16 in the Senate Committee on Public Affairs,⁴²⁵ chaired by Sen. Charles Starr (R-Hillsboro), who received \$1,000 from Philip Morris in 1998 for a lifetime total of \$1,500 in tobacco industry campaign contributions.¹⁴ The amendments, which essentially took the language of HB 2806 and inserted it as another section of HB 3492, stated that “no county, city or other municipal corporation may enact civil or criminal ordinances, including but not limited to zoning ordinances, to regulate indoor smoking on posted premises licensed by the Oregon Liquor Control Commission (OLCC).”⁴⁴⁴ In other words, local ordinances could not restrict smoking in bars or OLCC-licensed venues that prohibit minors. Bill Perry, the ORA lobbyist, and Mark Nelson, the lobbyist for 7-Eleven and RJ Reynolds, testified in support of the preemption amendment. According to Novick:

[The tobacco companies] are smart enough to realize that they are not going to have the same credibility with the legislature or the public if they are out front. [Perry and Nelson] testified, and preemption was put into the bill. As we exited, I saw the tobacco industry lobbyists literally giving each other hi-fives, so I walked over and said, “Nice job.” They said, “Oh, we had nothing to do with that.”⁴³⁹

Table 29. Lobbying spending by various entities in Oregon (1997-1999)			
	1997	1998	1999
Business Associations			
Oregon Grocery Association	\$45,400	\$45,400	na
Oregon Restaurant Association	\$590,404	\$370,124	\$395,796
<i>Subtotal</i>	<i>\$635,804</i>	<i>\$415,524</i>	<i>\$395,796</i>
Tobacco Companies			
Brown & Williamson Tobacco Corp	na	na	\$19,688
Lorillard Tobacco Co	na	na	\$19,690
R.J. Reynolds Tobacco	\$38,457	\$16,745	\$41,301
Smokeless Tobacco Council	\$30,000	\$30,000	\$33,000
Tobacco Institute	\$37,794	\$26,310	na
US Tobacco/UST Public Affairs Inc.	\$37,000	\$37,100	\$37,500
Philip Morris USA, Inc	\$95,970	\$84,590	\$83,471
<i>Subtotal</i>	<i>\$239,221</i>	<i>\$194,745</i>	<i>\$234,650</i>
Health Groups			
American Cancer Society	\$12,322	\$1,913	\$3,853
American Heart Association	na	na	\$3,889
American Lung Association	na	na	na
Oregon Health Leadership Against Tobacco	\$0	\$5,000	\$37,150
Tobacco Free Coalition of Oregon	\$0	\$0	\$0
<i>Subtotal</i>	<i>\$12,322</i>	<i>\$6,913</i>	<i>\$44,893</i>
Source: Oregon Government Standards and Practices Commission ³¹			

Arguments Against Preemption

In hearings for HB 2806 and HB 3492 (after it was amended to add preemption), testimony revealed that many people were concerned that local communities would not be able to decide upon issues of local importance. The Senate Public Affairs Committee and the House Commerce Committee received testimony in opposition to both bills from several legislators, city council members, county commissioners, physicians, bar workers, the League of Cities, Association of Oregon Counties, AHA, ALA, ACS, OHD, TOFCO and local coalition members, and Attorney General Hardy Myers. The County of Morrow also called upon the Oregon State Legislature to deny any efforts of preemption. By issuing a resolution in support of local control and regulation of tobacco-related issues, Morrow County implored other “counties, cities, and town in Oregon to adopt similar resolutions.”⁴⁴⁵ In addition to Governor Kitzhaber’s promise to

veto preemptive legislation, the voluntaries had the strong support of the League of Cities and the Association of Oregon Counties against preemption in the 1999 session.³³³

At the April 12 public hearing for HB 2806, Wendy Bjornson, from TOFCO, presented the results of the 1998 Oregon SmokeLess States Survey⁴⁴⁶ that TOFCO, in conjunction with Robert Wood Johnson Foundation funding, had commissioned in their anticipation of “preemption as a possible strategy in this legislative session.”⁴³² The survey, which was performed by the Princeton, New Jersey-based Mathematica Policy Research, Inc and conducted by phone, received approximately 700 responses and found that about 75% of those surveyed believed secondhand smoke was a serious health hazard.⁴³² Bjornson cited more of the survey’s findings: 77% of Oregonians wanted local communities to remain in control of health policies, two-thirds were very bothered by secondhand smoke, and two-thirds were in favor of prohibiting secondhand smoke in restaurants.⁴³² The survey also found that if smoking was prohibited in restaurants, 83% would not change how often they ate out, 10% would eat out even more than they currently did, and 7% would eat out less.⁴³²

The local control issue was emphasized by the state and local officials. Dr. David Fleming, the State Epidemiologist, said, “The Health Division believes that House Bill 2806 would really ignore Oregon’s long-held value of working out decisions at the local level. [HB 2806] flies in the face of the massive evidence there is about the hazards of second-hand smoke, and our surveys do show that this concept is resoundingly opposed by the majority of Oregonians.”⁴³² Bob Speaker, the Benton County Commissioner, concluded that “local control on this issue has been tested, and does work” after pointing out that Benton County’s six political jurisdictions had all addressed clean indoor air policies differently: Corvallis chose to protect bar and tavern workers from secondhand smoke, Benton County chose not to, and the other four jurisdictions did not take any action on the issue.⁴³²

Mary Christian, a former Corvallis City Council member, focused on the health risks of second-hand smoke and the economic effects in Corvallis. From her analysis of sales receipts in Corvallis, Christian concluded that:

... there is not a decrease in economics in the local community, but instead an increase. This results from when non-smokers join the smokers in the taverns and in the restaurants. They don’t flee the premises when they’re not allowed to smoke anymore... We’ve seen an increase in patronage as the non-smokers go into the taverns.⁴³²

The results in Corvallis were in accordance with other studies that do not find negative economic effects due to smokefree laws.^{390,447-452} Christian also pointed out that Oregon spends about \$900 million on medical expenses and lost wages that can be directly attributed to second-hand smoke. She cited a University of California study that reported 53,000 people die in the U.S. every year from second-hand smoke. The number was especially alarming to Christian because:

...a city slightly larger than [her] own disappears off the face of the earth each and every year. If this happened as a result of any other illness, or from any other carcinogen, or a natural disaster, we would see the National Guard and the Red Cross and all the communities in the surrounding area joining together to try to do something about it. But instead, what we see is an incredible amount of resource and time being spent to protect a known toxin.⁴³²

Christian confessed that the debate surrounding smoking restrictions in Corvallis was “a very unpleasant experience ... but it was a debate that [Corvallis] needed to have in order to decide what a standard was going to be” in Corvallis.⁴³²

Arguments In Support of Preemption

The arguments supporting preemption were also similar in the hearings for HB 2806 and HB 3492. Despite the data from Corvallis and in the literature, Bill Perry, from the Oregon Restaurant Association, expressed his “concern for [the] economic impacts of smoking bans and competitive disadvantages” in subsequent Senate hearings.⁴⁵³ He countered Christian’s data by reporting that “lottery revenues dropped 25% from the day the [Corvallis] smoking ban was enacted ... [and] ... [r]eported tip income dropped \$5 dollars an hour.⁴⁴⁴ Following Perry’s testimony, Novick pointed out to committee members that the loss of lottery revenues in other counties was commensurate with other counties that did not have smoking bans.⁴⁴⁴ Moreover, payroll for workers in Corvallis businesses licensed by the Oregon Liquor Control Commission (OLCC) went up by 12%.⁴⁴⁴

While Perry argued that smokefree laws had a negative economic impact, an internal Philip Morris document, written 5 years earlier in 1994, questioned the efficacy of such a strategy. David Laufer, a PM USA west coast regional director, admitted in this internal document that “the economic arguments often used by the industry to scare off smoking ban activity were no longer working, if indeed they ever did. These arguments simply had no credibility with the public, which isn’t surprising when you consider that our dire predictions in the past rarely came true.”⁸²

Perry’s testimony in support of the HB 3492 amendments contained additional arguments often used by the tobacco industry when arguing for preemption. Perry notes that ORA had compromised on the issue by not including restaurants: “Let us protect [bars,] the one portion of the industry that really needs protection as it related to indoor smoking.”⁴⁴⁴ Perry was most likely willing to give up restaurants because he risked engaging in the public health argument that children in particular should not be exposed to secondhand smoke.³³³ In addition, Perry might have wanted to protect the lucrative commissions that some ORA members received from video poker machines, which were mostly found in bars, not restaurants.³³³

He argued that bars should be exempt from indoor air regulation because smoking is a legal, adult activity:

I’m not here to advocate for smoking, and I’m also not here to say that every bar should have smoking. Smoking is a legal activity, and we operate legal businesses. Businesses want to offer whatever the market is going to drive, and we want the customers to chose what they want to attend... It gives the adults the right to chose if they want to partake in a legal, adult activity.⁴⁴⁴

Perry also maintained that statewide protection of bars would cause less confusion for patrons and be fairer for bar owners:

You’re going to confuse the customers, and you’re going to allow one bar to provide a legal activity that another one can’t ... that’s why being against local bans is so important to our industry ... Measure 44 started paying these local communities to have anti-tobacco coalitions...

There's nothing in the bill that says "we want you to regulate," which is what they're doing. They're trying to regulate smoking in all places. We want to protect the businesses that basically derive some sort of customer base from smoking activities.⁴⁴⁴

Even though Attorney General Hardy Myers testified that, "I don't think there's *any* question that we're dealing with a truly significant health issue in regards to second-hand smoke,"⁴³² Perry discounted the health effects of second-hand smoke.⁴³² Using a tobacco industry tactic of "junk science" claims,⁴¹⁷ Perry argued that U.S. District Judge William Osteen (a former tobacco industry lobbyist⁴⁵⁴) had thrown out the 1992 EPA report on secondhand smoke, and that the Congressional Research Service had found in 1995 that the risk of dying from secondhand smoke was just as great as electrocution, drowning, or homicide.⁴³² However, Osteen's decision was reversed by a federal appeals court in 2002.⁴¹⁷ Bill Smith, who represented the American Lung Association and testified on behalf of the ALA, ACS, and AHA, also pointed out the Osteen had objected to the process in which the EPA had made its conclusions, not the conclusions themselves.⁴³²

The ORA's Attempts at Preemption Fail

Because preemption amendments to HB 3492 occurred in the Senate after the bill had already passed in the House, a Conference Committee was convened to resolve conflicts between the two versions of the bill after the last hearing on HB 3492 took place in the Senate Committee on Public Affairs on July 14, 1999. Chaired by Rep. Steve Harper (R-Klamath Falls), who received his first tobacco industry campaign contributions totaling \$1,140 in 1998,¹⁴ the six-member Conference Committee on HB 3492 unanimously recommended that the Senate remove the preemption amendments from July 16 and repass the bill.⁴⁵⁵ Without the local ordinance preemption language, the House agreed to repass the bill. In September 1999, Governor John Kitzhaber (D) signed into the law the final version of HB 3492, which adopted the Federal Cigarette Labeling and Advertising Act, ensured the exclusive sale of cigarettes only intended for U.S. consumption, and prohibited the sale of tobacco products to minors younger than 18 years old.

If the amendment had not been removed, the bill would probably have been vetoed by Kitzhaber, a physician who had earned the nickname "Dr. No" for his track record of vetoing bills advancing the Republican agenda.⁴⁵⁶ Legislators in both the House and Senate were aware that the Governor was specifically set upon vetoing preemption because he supported local control.⁴³⁰ Without the preemption language, HB 3492 was still be able to accomplish its other objectives.

The fate of HB 3492 was the same as a bill that was introduced earlier in 1995. Lobbyists from the tobacco industry and the Oregon Restaurant Association were able to introduce an amendment in HB 2924 for the local preemption of "ordinances, laws or regulations regarding the use, sale, distribution, display, advertising or promotion of tobacco products that are more restrictive than state statutory provisions."⁴⁵⁷ However, in a situation similar to the 1999 legislative session, the threat of the Governor Kitzhaber's veto prompted the Joint Committee on Ways & Means to remove preemption from the bill. Without preemption, the bill was passed and signed.

Although the tobacco industry's efforts to pass preemption were thwarted in 1999, the industry would try again in the next legislative session. In an effort to undermine future attempts to incorporate preemption language, Rep. Morrisette (D-Springfield; tobacco control policy score of 8.8) sponsored two House Joint Resolutions (HJR), HJR 84 in 1999 and HJR 37 in 2001, that proposed to amend the Oregon Constitution "to prevent state preemption of local laws that relate to matters of predominantly local concern and that are within the scope of powers granted by city or county charter."^{458,459} Both resolutions were to be referred to the voters in the next general election, but HJR 84 died in the House Committee on General Government, which was chaired by Rep. Carl Wilson (R-Grants Pass), and HJR 37 died in the House Judiciary Committee, chaired by Rep. Max Williams (R-Tigard). While neither resolution even received a public hearing or work session, both committee chairs had not received any campaign contributions from the tobacco industry during their legislative careers.¹⁴

THE 2001 INDOOR CLEAN AIR ACT

Preemption continued to increase in importance to the tobacco industry and its allies because tobacco control advocates were becoming increasingly successful at passing local ordinances against smoking; the industry and the ORA had even more reason to aggressively fight for statewide preemption. According to a 2006 interview, Maura Roche, the contract lobbyist for ACS, said, "It was really [the advocates'] success at the local level that helped prompt the restaurant association to do the kind of fix that they wanted to do at the capital. They were running the campaigns against us out in the field, and it was like "nickel and diming" them to death... They felt like they were hemorrhaging everywhere, and, frankly, they were losing. They were spending a lot of money... What partly prompted the attack at the state level was that they wanted that hemorrhaging to stop."³¹¹

To enter the 2001 session with increased political strength, the tobacco industry's offensive strategy included substantial campaign contributions to key legislators. According to *The Oregonian*, the tobacco companies gave legislators over \$100,000 in campaign contributions during the 2000 election year because the industry knew "that the Oregon Legislature would examine cigarette taxes and indoor air regulations this year."⁴⁶⁰ Tobacco companies gave over \$23,000 to 2001 Senate and House leadership, and \$12,000 to chairs of committees that heard important tobacco-related bills in the 2001 legislative session (Table 30). In the 2000 election, Republican Political Action Committees (PACs) such as The Senate Republican Leadership Fund and Majority of Oregon received over \$71,000 while Democratic PACs such as The Senate Democratic Leadership Fund and the Oregon House Democrats/Future PAC only received a little over \$22,000 (Table 11, see also Appendix C).¹⁴

Setting the Stage for Preemption

The industry entered the 2001 legislative session with low expectations. In a survey RJ Reynolds conducted of its lobbyists across the country to set legislative priorities and develop research arguments and talking points,⁴⁶¹ Mark Nelson, their lobbyist in Oregon, predicted that the 2001 legislature would be "worse" than the previous session, and that the number one issue for 2001 would be the excise tax increase, followed by statewide preemption and smoking bans in restaurants and bars.⁴⁶² In contrast, the 2001 legislative session produced three bills that attacked

essential components of tobacco control – a comprehensive state program, successful public health policy enacted at the local level, and active coalition support – and employed common tobacco industry strategies. The industry’s efforts echoed the multifaceted strategy the industry had tried to implement, unsuccessfully, in California.^{87,463-465}

	Tobacco Industry		ORA
House Leadership	2000 Election Year	Lifetime Contributions	2000 Election Year
Rep. Mark Simmons (R), Speaker	\$6,000	\$6,640	\$8,448
Rep. Lane Shetterly (R), Speaker Pro Tempore; Chair of School Funding & Tax Fairness/Revenue Committee	\$0	\$390	\$1,000
Rep. Karen Minnis (R), Majority Leader	\$2,900	\$3,290	\$5,050
Rep. Dan Gardner (D), Minority Leader	\$2,750	\$3,250	\$1,750
Senate Leadership			
Sen. Gene Derfler (R), President	\$3,600	\$17,800	\$1,000
Sen. Tom Hartung (R), President Pro Tempore*	\$2,000	\$3,500	\$1,000
Sen. David Nelson (R), Majority Leader	\$5,100	\$5,100	\$3,088
Sen. Kate Brown (D), Minority Leader	\$750	\$1,500	\$1,000
Total to Leadership	\$23,100	\$41,470	\$22,336
House Committee Chairs			
Rep. Bill Witt (R), Smart Growth & Commerce	\$2,000	\$2,390	\$7,700
Rep. Jeff Kruse (R), Health & Public Advocacy	\$1,000	\$1,390	\$2,000
Senate Committee Chairs			
Sen. Roger Beyer (R), Business, Labor, & Economic Development	\$5,000	\$6,390	\$7,000
Sen. Steve Harper (R), Rules & Redistricting	\$4,000	\$5,140	\$2,000
Total to Committee Chairs	\$12,000	\$15,310	\$18,700
*Campaign contributions for Sen. Hartung reflect figures from his most recent election in 1998. Source: Oregon Secretary of State, Elections Division ¹⁴			

As elsewhere, the industry sought to overload public health agencies with public records requests under the Freedom of Information Act (FOIA) at critical times during public policy debates²⁷⁵ and made loud accusations of “illegal lobbying”^{12,466} to create a negative legislative

environment for tobacco control. In California, the Tobacco Institute had outlined specific tactics to undermine tobacco control advocacy in 1991. Specifically, the California plan stated:

Initial investigations of specific fund expenditures have revealed proposals that run counter to the spirit and intent of the initiative as passed. The public exposure of these transgressions should yield an environment in which legislative change is possible.

Aggressively promote the existence of these expenditures to the press and to specific groups to whom the expenditures appear unreasonable.⁴⁶³

These objectives were embodied in HB 3874.³¹⁰ In addition, HB 3542 was written to diminish TPEP's comprehensiveness by only funding counties,⁴⁶⁷ and HB 3953 was proposed by the Oregon Restaurant Association to amend the state's existing Indoor Clean Air Act (1981) with provisions that included the prohibition of smoking in areas of restaurants where minors were allowed, and statewide preemption of local clean indoor air policymaking (Table 33).⁷⁷ This bill eventually developed into Oregon's Smokefree Workplace Law.

Dr. Minot Cleveland, a past president of the American Heart Association in Oregon, made the analogy between "cigarettes as 'delivery vehicles' for addictive nicotine" to these three bills, which were "the 'delivery vehicle' for tobacco's agenda to dismantle Oregon's effective tobacco prevention program."⁴⁶⁸ Rep. Richard Devlin (D-Tualatin), who never received any tobacco industry campaign contributions¹⁴ and was a member of the 2001 House Committee on Smart Growth and Commerce, which was one of the main venues for action on these bills, observed that these bills were "a pretty orchestrated effort."⁴⁶⁹

Two committees appear to have been the most involved with this group of bills that threatened the tobacco control movement in Oregon (Table 33). The House Committee on Smart Growth and Commerce was chaired by Rep. Bill Witt (R-Cedar Mill), who served in the House from the 1999 session through the 2002 special sessions. During this time, Witt received a total of \$2,390 from tobacco companies.¹⁴ A majority of this amount, \$2,000, was given to Witt in 2000, up from \$390 in 1998 (see Appendix A). In the Senate, the Committee on Rules and Redistricting was chaired by Sen. Steve Harper (R-Klamath Falls), who served as a State Representative in the 1997 and 1999 sessions, and a State Senator in the 2001 and 2003 sessions. During his legislative career, Sen. Harper received a total of \$5,140 from R.J. Reynolds and Philip Morris.¹⁴ By the 2001 session, Sen. Harper had already received \$4,000 from the two tobacco companies.

The Portland *Oregonian* noted that campaign contributions from the Oregon Restaurant Association may also have influenced legislative behavior.⁴⁶⁹ Rep. Witt received \$1,500 from the ORA in 1998, but \$7,700 in 2000, the year before he became chairman of the committee that worked on HB 3953.¹⁴ During the 2001 legislative session, Witt was involved in two of the three important tobacco-related bills. In 2002, the ORA donated \$26,000 to Witt's ultimately unsuccessful campaign for state senator.¹⁴ Bill Perry, the Director of Government Relations at the ORA, denied any connections between the ORA and the tobacco industry that could explain why the ORA was the primary force pushing these bills through the 2001 legislative session.⁴⁷⁰ However, campaign contribution data suggests that the tobacco industry rarely made contributions to legislators who did not receive contributions from the ORA (and who were also all Democrats) (Table 31). On the other hand, the ORA was more likely to give contributions to legislators who

had never received tobacco industry contributions as of 2000, but these legislators tended to be Republicans more than Democrats (Table 32). Notably, in the April 23 work session for HB 3874, Reps. Vicki Walker (D-Eugene; tobacco control policy score of 7.5) and Richard Devlin (D-Tualatin) both made veiled references to ORA-facilitated tobacco industry involvement in the bill.⁴⁷¹ A week later, Perry told the *Oregonian*, “Give me some proof. I need something more than a memo to show there’s been some influence in this.”⁴⁶⁹ The *Oregonian* could have used previously secret email communication from the tobacco industry that showed Perry’s involvement in strategies that undermined tobacco control efforts in Oregon, namely in crafting the Multnomah County smokefree workplace ordinance (discussed earlier).^{96-99,101}

Table 31. Tobacco Industry campaign contributions to legislators receiving \$0 from the ORA in the 2000 election year

Legislator	Party	2000	Lifetime
House			
Barnhart, Phil	D	\$0	\$0
Bates, Alan	D	\$0	\$0
Bowman, Jo Ann	D	\$0	\$0
Dingfelder, Jackie	D	\$0	\$0
Hopson, Elaine	D	\$0	\$0
Leonard, Randy	D	\$500	\$1,890
Merkley, Jeff	D	\$0	\$0
Morrisette, Bill	D	\$100	\$100
Ringo, Charlie	D	\$0	\$0
Rosenbaum, Diane	D	\$0	\$0
Verger, Joanne	D	\$500	\$500
Wirth, Kelley	D	\$0	\$0
<i>House Subtotal</i>		<i>\$1,100</i>	<i>\$2,490</i>
Senate			
Burdick, Ginny	D	\$0	\$0
Courtney, Peter	D	\$0	\$200
Deckert, Ryan	D	\$0	\$390
Gordly, Avel	D	\$0	\$0
<i>Senate Subtotal</i>		<i>\$0</i>	<i>\$590</i>
Total		\$1,100	\$3,080

In the 2001 Legislature, there were 27 Democrats, 1 Independent, and 32 Republicans out of a total of 60 House Representatives. The Senate had 14 Democrats and 16 Republicans. Source: Oregon Secretary of State, Elections Division¹⁴

Table 32. ORA contributions during 2000 election year to legislators with a lifetime history of accepting \$0 from the tobacco industry

House					
Democrat	\$ from ORA	Independent	\$ from ORA	Republican	\$ from ORA
Ackerman, Robert	\$500	Lee, Jan	\$1,250	Backlund, Vic	\$1,500
Barnhart, Phil	\$0			Butler, Thomas	\$2,000
Bates, Alan	\$0			Hayden, Cedric	\$2,500
Beck, Chris	\$500			Smith, Patti	\$7,500
Bowman, Jo Ann	\$0			Walker, Cheryl	\$1,271
Devlin, Richard	\$790			Williams, Max	\$2,269
Dingfelder, Jackie	\$0			Wilson, Carl	\$2,000
Hass, Mark	\$500				
Hopson, Elaine	\$0				
Johnson, Betsy	\$500				
Lowe, Kathy	\$545				
Merkley, Jeff	\$0				
Monnes Anderson, Laurie	\$0				
Nolan, Mary	\$500				
Ringo, Charlie	\$0				
Rosenbaum, Diane	\$0				
Tomei, Carolyn	\$500				
Walker, Vicki	\$500				
Wirth, Kelley	\$0				
Total	\$4,835		\$1,250		\$19,040
Senate					
Democrat	\$ from ORA	Independent	\$ from ORA	Republican	\$ from ORA
Burdick, Ginny	\$0			Atkinson, Jason	\$3,000
Castillo, Susan*	\$0			Duncan, Verne	\$1,600
Corcoran, Tony*	\$0			Fisher, Bill	\$1,000
Gordly, Avel	\$0				
Metsger, Rick	\$0				
Total	\$0				\$5,600
*Campaign contribution data from last election in 1998. In the 2001 Legislature, there were 27 Democrats, 1 Independent, and 32 Republicans out of a total of 60 House Representatives. The Senate had 14 Democrats and 16 Republicans. Source: Oregon Secretary of State, Elections Division ¹⁴					

Table 33. Timeline of Important Tobacco Control Bills in the 2001 Legislative Session

	HB 3874	HB 3542	HB 3953	HB 2828-B
Synopsis	Limits local coalitions' ability to advocate for smokefree ordinances	Decentralizes TPEP; tobacco prevention money directly to counties with little to no oversight	ORA bill protects smoking in restaurant bars and stand-alone bars and taverns; state preemption of local clean indoor air policies	Smokefree workplace law with many exemptions; state preemption of local clean indoor air policies
Bill Summary	"Prohibits moneys received from cigarette taxes from being used to fund lobbying for antismoking ordinances."	"Requires Health Division to distribute funds in Tobacco Use Reduction Account to counties on prorated basis."	"Prohibits local governments from enacting smoking ordinances that are more restrictive than state law. Prohibits smoking in restaurants except in areas posted off-limits to minors."	"Requires employers to provide place of employment that is free of tobacco smoke. Provides exceptions for certain areas. Provides that local government may not prohibit smoking in exception areas. Provides exception for local government prohibitions passed before July 1, 2001. Modifies fine structure for violation. Increases maximum total amount of fines in any 30-day period from \$100 to \$1,000."
Relating Clause	Relating to use of moneys received from cigarette tax	Relating to Tobacco Use Reduction Account	Relating to smoking	Relating to tobacco
Sponsor	Rep. Bruce Starr (R-Aloha)	Rep. Tom Butler (R-Ontario)	Rep. Alan Brown (R-Newport) at the request of the Oregon Restaurant Association	House Committee on Smart Growth and Commerce <i>Chair: Rep. Bill Witt (R-Cedar Mill)</i>
Organizations testifying in support	Bill Perry, ORA Mark Nelson, 7-Eleven and RJ Reynolds	Bill Perry, ORA	Bill Perry, ORA Connie Hunt, restaurant owner John Hellen, Charitable Gaming Association John Nichols, Disabled American Veterans bingo hall Clark Hansen, bingo manager Greg Hitchcock, attorney Corey Fisher, Mt. Hood Ski Foundation Tammi Cole, Willamette Valley Track & Field, Eugene Bingo Mania	
Public Officials testifying in support	Rep. Bruce Starr (R-Aloha)	Rep. Tom Butler (R-Ontario)		

Organizations in opposition	John Valley, Oregon Health Leadership Against Tobacco	Grant Higginson, OHD Edward Lichtienstein, Technical Evaluation Advisory Committee, OHD Scott Gallant, Oregon Medical Association	Mel Kohn, OHD Pete Shepard, Department of Justice John Chism, AHA Jerry Spegman, ACS Warden Minor, ALA Robert Becker, Benton County Tobacco Free Coalition Wendy Watson, bartender Richard Lee, restaurant manager Gary Oxman, physician Christy Monson, League of Oregon Cities	
Public Officials testifying in opposition			Rep. Phil Barnhart Rep. Kelley Wirth Rep. Bill Morrisette Rep. Diane Rosenbaum Stevie Burden, Mayor of Wheeler Bonny Bettman, Eugene City Councilor Hellen Berg, Mayor of Corvallis Ken Hector, Mayor of Silverton	
Important Dates				
March				
15		Received by House committee on Health and Public Advocacy <i>Chair: Rep. Jeff Kruse (R-Roseburg)</i>		
21	Received by House committee on Smart Growth and Commerce <i>Chair: Rep. Bill Witt (R-Cedar Mill)</i>			
April				
4			Received by House committee on Smart Growth and Commerce <i>Chair: Rep. Bill Witt (R-Cedar Mill)</i>	
9	Public hearing			
11	Public hearing		Public hearing	
16	Work session		Work session	

20			Amendments grandfather Corvallis ordinance but preempt local governments from enacting smoking ordinances dealing with restaurants, bingo halls, and bowling centers that are stricter than state law Democrat-sponsored minority report proposes prohibiting smoking in all workplaces, with exemptions. Report rejected Passes House (35-24)	
23	Work session			
26		Public hearing		
27			Received by Senate committee on Business, Labor, and Economic Development <i>Chair: Sen. Roger Beyer (R-Molalla)</i>	
May				
2	Reps. Walker and Devlin submit a minority report defining advocacy as “a means explicitly encouraging a vote for or against a proposed ordinance or bill” and stipulating that Measure 44 funds could be used to supposed ordinances up until the proposal was on the ballot or before a city council for action. This report was rejected.			
7			Governor Kitzhaber threatens to veto bill in letter to Senate President Gene Derfler (R)	
8	House passed (37-23)			
10	Received by Senate committee on Rules and Redistricting <i>Chair: Sen. Steve Harper (R-Klamath Falls)</i>			
11			Work session (bill is simply referred out of committee)	

16			Without recommendation as to passage Received by Senate committee on Rules and Redistricting <i>Chair: Sen. Steve Harper (R-Klamath Falls)</i>	
17		Work session		
24		Do pass recommendation Received by House committee on Ways and Means <i>Chair: Rep. Ben Westlund (R-Bend)</i>		
June				
5				Received by Senate committee on Rules and Redistricting <i>Chair: Sen. Steve Harper (R-Klamath Falls)</i>
8			Work session	
12			Amendments require TURA funds to be used for “youth tobacco use reduction programs” and require Health Division to expend specific amount of TURA funds for specified purposes. Without recommendation as to passage Received by Ways & Means <i>Senate Chair: Sen. Lenn Hannon (R-Ashland)</i> <i>House Chair: Rep. Ben Westlund (R-Bend)</i>	
20			Assigned to Ways & Means subcommittee on Human Services <i>Chair: Rep. Jackie Winters (R-Salem)</i>	
25	DHS Director’s Office faxes a document to Governor’s Office explaining how county-based programs use tobacco prevention dollars ¹⁶⁰			

26			ACS' John Valley alerts advocates to 24-notice that bill would receive a hearing; reports that "a deal has been struck"	
29				Existing language that dealt with the MSA is deleted and replaced by smokefree workplace language proposed by the ORA. Amendments drafted by Legislative Counsel
July				
3				Work session ORA proposes amendments containing preemption language from HB 3953, an extended grandfathering clause from July 1, 1999 to July 1, 2001, and smokefree workplace language OHLAT proposes amendments containing local preemption with grandfathering clause of July 1, 2001, smokefree workplace language, and no exemptions for bar-restaurant combinations or bowling alleys
5				Minority report rejected (7-21) Senate passes (18-11) House concurs with Senate amendments House repasses (46-14)
August				
17				Governor Kitzhaber (D) signs
Source: Oregon State Legislature, ⁴⁷² Tobacco Free Coalition of Oregon ⁴⁷³				

Attack the credibility of TPEP

As it had done in other states¹² and in Oregon locales (discussed above), the tobacco industry, working through "third party" allies, used claims of "illegal lobbying" to seek legislation that limited the ability of public agencies to promote public health through public policy. Sponsored by Representative Bruce Starr (R-Aloha; tobacco control policy score of 3.0), who had received \$2,250 in tobacco industry campaign contributions in the 2000 election for a lifetime total of \$2,980,¹⁴ HB 3874 was introduced in early March 2001 and was intended to restrict Tobacco Use Reduction Account (TURA) funds from being used to help pass local tobacco

control ordinances. According to the CDC's *Best Practices*,¹⁵ community programs, such as the county coalitions in Oregon, were the most effective if they "promoted the adoption of public and private tobacco control policies," among other activities and programs (Figure 10). Out of all the work plans approved by TPEP for 2000-01, roughly one-third included "activities specifically related to [the] passage of such ordinances," according to a DHS summary of Measure 44 funding for county-based programs.¹⁶⁰

HB 3874 was clearly intended to put an end to the momentum that tobacco control advocates and professionals had achieved in recent years. As introduced, the bill stated that "[moneys received from cigarette tax] may not be used to fund lobbying for the passage of any antismoking ordinance."³¹⁰ At the April 9, 2001 public hearing before the House Committee on Smart Growth and Commerce, where HB 3874 was first assigned, Rep. Starr outlined the logic of his position:

I believe it is wrong for state tax dollars to be used in lobbying local anti-smoking ordinances... The money from state cigarettes taxes is like gold in these fiscally tight, trying times. Let's not use it to pit one Oregonian against another, or one governmental body against another. Let me be clear, I have no problem with state cigarette taxes being used to educate and persuade smokers, and potential smokers, about the dangers of smoking. I wholeheartedly support the Tobacco Free Coalition's efforts to educate school children regarding the long-term health effects of cigarette smoking. I do, however, have a huge problem, and believe it is bad public policy, to take state tax dollars and use them to balkanize the state into hundreds of smaller units. The bottom line is that state tax dollars should be used for public policy at the state level. If local nonsmoking groups want to advocate for local ordinances against the smokers in their local areas, let them do what most other grassroots organization do: they raise money from private sources to support their efforts.⁴⁷⁴

Interestingly, Starr's stated intent was exactly opposite to the intent of HB 3542, which aimed for complete decentralization of the program (discussed later). However, these two bills both worked to weaken local coalitions and tobacco control advocacy;³³³ local coalitions would lose funding in HB 3874 and would lose infrastructure, guidance, and coordination in HB 3542. Starr's motivation to introduce this legislation arguably arose from his constituency; his district included parts of Washington County, whose county commissioners had opposed the local public health department's use of cigarette tax revenue for ordinance work (described earlier). In his testimony, Starr said, "I'd like to pat my [Washington] county commissioners on the back, so to speak. In a way, they had the idea before I did, recognizing that perhaps there was a conflict there, and they didn't want to have their hands involved in that money."⁴⁷⁴ The chair of the House Committee on Smart Growth and Commerce, Rep. Bill Witt (R-Cedar Mill), also represented parts of Washington County. Witt, who had been the most vocal against the Washington County TPEP's use of public funds in 1999, according to John Valley, the state advocacy manager at ACS,³⁰⁹ accepted \$2,350 from tobacco companies in the 2000 election for a lifetime total of \$2,390 in 2001 (Table 34).¹⁴

The advocates' understanding of lobbying

Lobbying is defined in Oregon Revised Statutes 171.725 as "influencing, or attempting to influence, legislative action through oral or written communication with legislative officials,

solicitation of others to influence or attempt to influence legislative action or attempting to obtain the good will of legislative officials.” According to John Valley, formerly the State Advocacy Manager at ACS and the State Government Affairs director for AHA in 2007, “local county health employees who worked with county coalitions did a good job of making sure they didn’t cross the line.”³³³ The Summer 2000 edition of the TPEP newsletter, *Know Tobacco News*, which was produced by Pac/West and published by DHS, contained an article about the limitations of government employee involvement in local ordinances. The article detailed the activities of both coalition members and county staff in Central Point and Multnomah County, and stated:

State guidelines allow full participation by county or other Measure 44 funded tobacco program staff in developing and supporting an ordinance. However, there may be local restrictions... Once a measure goes to the ballot, everything changes. Oregon election law is clear that public employees can’t do anything on work time which can be construed as influencing the outcome of an election... It is acceptable to provide copies of research articles or fact-based information upon request. However counties may not carry out any new or beefed up tobacco counter-advertising that may appear to influence an election. Advertising may not contain any content which is in any way opinion-based, because this can be interpreted as support for or opposition to the ballot measure... Just remember, as long as an issue is before an elected body, public employees can legally (under state guidelines) be full participants in the decision making process. However, when an issue is on the ballot, restrictions on what public employees and measure 44-funded program can do and say during work time are very specific and place strict boundaries on activities.⁴⁷⁵

Table 34. 2000 Campaign Contributions from the Tobacco Industry to Members of the House Committee on Smart Growth and Commerce

Member	ORA Contributions	Tobacco Industry Contributions	Lifetime Tobacco Industry Contributions as of 2001
Bill Witt (R-Cedar Mill), Chair	\$7,700	\$2,000	\$2,390
Betsy Johnson (D-Scappoose), Vice-Chair	\$500	\$0	\$0
Tim Knopp (R-Bend), Vice-Chair	\$2,300	\$3,028	\$4,168
Alan Bates (D-Eagle Point)	\$0	\$0	\$0
Alan Brown (R-Newport)	\$8,369	\$1,250	\$1,250
Janet Carlson (R-Salem)	\$10,000	\$250	\$250
Richard Devlin (D-Tualatin)	\$790	\$0	\$0
Bill Garrard (R-Klamath Falls)	\$5,000	\$750	\$750
Jerry Krummel (R-Wilsonville)	\$4,500	\$3,250	\$3,500
Laurie Monnes-Anderson (D-Gresham)	\$0	\$0	\$0
Vicki Walker (D-Eugene)	\$500	\$0	\$0

Source: Oregon Secretary of State, Elections Division¹⁴

Despite this clear guidance on government employee activities with respect to local ordinances, Dr. Grant Higginson, then the Acting Administrator of the Health Division, told members of the House Committee on Smart Growth and Commerce at an April 23, 2001 work session for HB 3874 that “there really is very little in statute to give us guidance of what was intended for these funds to be used for.”⁴⁷¹ Tabithia Engle, the former executive director of TOFCO, also noted that the legality of these activities was not particularly clear to the advocates or the legislators.³⁴⁸ However, TPEP had provided guidance for local uses for Measure 44 funds in December 1999, following the change in fiscal agency of Washington County’s TPEP (Table 35).⁴⁷⁶ These guidelines, approved by the Conference of Local Health Officials, were “intended as a state guideline for the acceptable local use of Measure 44 funds in each of the steps involved in local tobacco-related policy activities. These guidelines are not meant to supercede county-specific policies or guidelines regarding these activities.”⁴⁷⁶

The guidelines for ordinance work indicated that coalition members from the community, such as a physician or a private citizen, could actively lobby for smokefree ordinances *as a physician or private citizen*. According to Julia Martin, who was formerly an independent contractor with the Lane County tobacco prevention program, “We’d been told over and over again that we can’t do lobbying, we can’t use funds to do that kind of activity. We can just do education, so you find surrogates to do the lobbying piece.”¹⁴⁵ Even though Mel Kohn, the State Epidemiologist, believed that “those kinds of coalitions actually work in favor of tobacco control because there are things that the health department can’t do that volunteer people can do and should do,”⁵⁴ he acknowledged that the actions of non-governmental coalition members may have been spun around to reflect the entire coalition. According to Kohn, the “local coalition members [had] varying degrees of sophistication and understanding about this.”⁵⁴ For Stephanie Young-Peterson, the Lane County tobacco control coordinator, the distinction was clear:

We had been trained that this is education, this is advocacy, and this is lobbying—these are the definitions of different things, and this is who can do what. And we are a public health agency. There’s nothing wrong with having—heaven forbid—public health policies passed... That’s why we built a coalition—a grassroots campaign to get the local support to make it happen so that the citizens were the lobbying people... The restaurant people didn’t like that the Health Department had money to work on tobacco control.¹⁶⁸

In addition to these guidelines, TPEP staff worked with the Attorney General’s office to determine appropriate uses of Measure 44 funds.¹⁶⁰

Allegations of illegal lobbying

The allegations against tobacco control advocates were not specific. In a 2006 interview, Kohn explained, “That was one of the problems that we had in terms of responding to these allegations. They were always kind of vague.”⁵⁴ Nevertheless, the accusations against TPEP “took an awful lot of time and energy that was zapped away from running [TPEP] to try to deal with the PR piece around this,”⁵⁴ according to Kohn.

At the first public hearing for HB 3874 in the House Committee on Smart Growth and Commerce on April 9, 2001, tobacco allies used an email dated May 19, 2000 from Dennis Dahlin, a Linn County Health Administrator, to the Linn County commissioners, a county

administrator, the manager of the county public health department, and a health educator as evidence of TPEP’s wrongdoing. The email, which was submitted as Exhibit “D”⁴⁷⁷ by committee member Rep. Tim Knopp (R-Bend)⁴⁷⁴ (Table 33) during the public hearing, had been provided by Mark Nelson,⁴⁷⁸ who testified in support of HB 3874 on behalf of RJ Reynolds and 7-Eleven⁴⁷⁷ and lobbied the bill for the ORA.⁷⁸ The copy of the email stated:

In January 1998, the Oregon Health Division notified me that they approved our Tobacco Prevention and Education Program proposal to the tune of \$98,050. These funds are generated by Measure 44. In order to receive the full amount amount [sic] of funds available for Linn County, OHD required us to increase our efforts to pass local ordinances to require smoke-free environments.⁴⁷⁹

	Community Involvement	Ordinances/Regulations
Requirements	Measure 44 funded (county or other lead agency) staff and coalitions can and should be fully engaged in assessment, education, and advocacy	Involvement with ordinances is acceptable if the community values and supports ordinances as a part of the solution
Guidance on tobacco-related policy activities	Assess community conditions, opinions, values	There are no state legal restrictions regarding County staff participation in drafting and/or reviewing ordinance language and promotion passage of ordinance. Restrictions, if any will depend on County legal restrictions
	Educate general community and community leaders on the dangers of tobacco use and of exposure to secondhand smoke for adults and youth, as well as the potential solutions for decreasing harmful effects of tobacco use and exposure to secondhand smoke	In the special case where an issue is on the ballot (local or statewide), Measure 44 funds cannot be used to influence the outcome of that election
	Advocate for solutions that are based on community values	If County staff involvement in promoting or developing ordinances is legally restricted by the county itself, then Coalition (or a subset of the coalition) involvement in ordinance development and promotion may need to be done independently (e.g. without county staff support)
		In any case, coalition organizations can independently be involved in ordinance work in any way their organization deems appropriate, whether or not they receive Measure 44 funds for other activities
Source: TPEP ⁴⁷⁶		

According to this email, there was no evidence of any illegal activity on behalf of the county coalition or the Health Division. The Health Division's requirement "to increase our efforts" may have referred to TPEP's guidelines that stated "Measure 44 funded (county or other lead agency) staff and coalitions can and should be fully engaged in...education of general community and community leaders regarding...potential solutions for decreasing harmful effects of tobacco use and exposure to secondhand smoke"⁴⁷⁶ (Table 35). In March 2000, just two months before Dahlen's email, Colette Dow, Philip Morris' grassroots consultant,²²⁹⁻²³² sent out an email update on Oregon's local activity to tobacco company lobbyists and the ORA's Bill Perry, reporting that the Linn County Tobacco Free Coalition had just tabulated the results from a survey sent to more than 2,500 people.⁹⁶ The Coalition found that 85% of survey respondents believed a smokefree workplace policy should exist in workplaces with 2 or more employees, 79% believed that smoking should be prohibited in restaurants, and 49% thought bars should be smokefree.⁹⁶ Dow also reported that the Coalition's youth volunteers would be conducting telephone surveys throughout the county in April 2000, and that "the Coalition would like to ban smoking in both restaurants and bars, but will wait to decide based on the survey results."⁹⁶ (According to a January 3, 2001 legislative update by Covington & Burling, a Washington, D.C.-based law firm that assisted the tobacco industry in monitoring tobacco control activities, the Coalition "agreed to drop its effort to place two tobacco-related ordinances on the 3/01 ballot ... one would have prohibited smoking in public places; the other would have placed new restrictions on the way tobacco products are displayed in stores."³⁴²) Despite the lack of evidence suggesting illegal use of Measure 44 funds by the local coalition, the Committee appointed Daniel Clem, the committee administrator, to pursue further investigation of this email.⁴⁷¹

Subsequent work sessions on HB 3874 revealed that Linn County had used Measure 44 funds appropriately and legally. Minutes from the April 16 work session stated: "Higginson responds that in the case of Linn County the application criteria dealt specifically with ordinances, at the request of the county. Says the review of Linn County's application included a notation that that work to that effect should have progressed farther, which may have been misinterpreted to imply proscriptive language."⁴⁸⁰ Later, during the April 23 work session, Clem reported that John Lindsey, a Linn County Commissioner and an addressee on Dahlen's email, had hired the county counsel to investigate the allegations that public funds were used for lobbying. Based on examination of activities from January to August 2000,⁴⁸¹ the counsel found that "the coalition had not violated any intent or letter of the law in Measure 44."⁴⁷¹ However, in a 2007 email following up on this matter, Linn County Counsel's Tom Corr wrote, "I still am not sure about the source that suggested that my office investigated and made "finding" involving the coalition. None of the attorneys in my office remember being involved in that."⁴⁸¹ Corr did acknowledge though that the Counsel concluded neither Measure 44 nor the County "required local governments to adopt ordinances to implement the statute."⁴⁸¹

Other allegations were not mentioned in the 2001 committee hearings for HB 3874, but related by Kohn in a 2006 interview:

Some of the charges that were raised were things like we were using the county coalitions to work for the election of Democratic candidates versus Republican candidates, which of course to my knowledge was complete bunk. That was the kind of stuff that was being circulated, and in the political sphere, those kinds of rumors, if said a couple of times, take on a life of their own... I don't remember which county it was, but there was some brouhaha about the county having used

our tobacco funds to buy roses for some of the elected officials they had been working with as a thank you gesture. This was held up as this incredibly frivolous use of public funds.⁵⁴

Perception versus Reality: Allegations create a negative legislative environment

While there was no explicit, hard evidence that showed the Health Division had required their TPEP grantees to lobby with public funds, pro-tobacco groups and legislators had successfully stirred suspicions that public funds were being misused. Bill Perry, the Director of Government Relations at the ORA, had already planted this idea in July 2000, two months after Dahlen had sent his email in May. Even though the Linn County Tobacco Free Coalition had already found overwhelming support for smokefree policies when they conducted their written survey in March 2000,⁹⁶ Linn County's *Mid-Valley Sunday* quoted Perry as saying, "This isn't a groundswell of public support [in Linn County]. If you read the Measure 44 language, the money's not supposed to go to regulations; it's supposed to go toward education."⁴⁸² A year later, during the April 23, 2001 work session for HB 3874 in the House Committee on Smart Growth and Commerce, Perry testified in support of the bill even though it did not directly affect the restaurant industry. (Indirectly, the intent of the bill arguably would decrease the successful passage of local ordinances against smoking, and therefore ORA members would not have to conform to new laws.) In his testimony, Perry mentioned that the ORA's concern about local ordinance passage was one of the reasons he became involved with HB 3874, but also emphasized that "the activities...in the year of 2000, in many different fronts, were very, very questionable from our member's standpoint."⁴⁷¹

According to TOFCO's Tabithia Engle, these statements by the ORA had a powerful effect on legislators. In a 2006 interview, Engle explained that "perception equals reality" in the legislature: "There were legislators who, basically because the Restaurant Association told them this, thought that these public funds were being used to advocate and lobby for these smokefree ordinances, and that this use was against the law... The Restaurant Association never has to prove that public dollars are being misused; we, as public health, have the burden of proof to show that these completely legal and good community programs are doing what they should be doing."³⁴⁸

The House Committee on Smart Growth and Commerce, the only committee in which HB 3874 was heard, provided a less than ideal venue for tobacco control advocates to defend the program. During the public hearings and work sessions throughout April 2001, tobacco control supporters consistently referred back to the CDC's *Best Practices for Comprehensive Tobacco Control Programs*,¹⁵ the 1999 document that helped determine TPEP's infrastructure and programmatic components.⁴⁸³ The *Best Practices* recommended that "training for local community coalitions on the legal and technical aspects of clean indoor air ordinances and enforcement can be provided most efficiently through statewide partners who have experience in providing these services (Figures 10, 14). However, when John Valley, who represented the Oregon Health Leadership Against Tobacco (OHLAT), mentioned the effectiveness of passing ordinances, Rep. Bill Witt (R-Cedar Mill), the committee chair, responded by saying, "It sounds like lobbyists are being used routinely to lobby local governments."⁴⁷⁴

Unfortunately, the attacks on TPEP in the House Committee on Smart Growth and Commerce took its toll on the program's vigor, which was often replaced by poor judgement and

self-censorship. Although HB 3874 regarded the lobbying of *local* ordinances, Higginson explained during the April 11 public hearing that he decided to not participate in the earlier April 9 public hearing out of concern that his testimony, as a *state* employee, would be perceived as lobbying.⁴⁷⁸ Reacting to the division’s “insulting” absence at the earlier public hearing, Witt believed that Higginson’s explanation was “unbelievable”⁴⁷⁸ and turned the hearing into what Kohn described as “political theater”⁵⁴ by threatening the Health Division with a subpoena that requested information on “the grant application process and criteria, advocacy for tobacco cessation/local smoking ordinances, and outcomes of program activities. Bring with them and provide to the committee all records in the custody of the Division relating to the Tobacco Prevention and Education Program, including, but not limited to, rules, policies, contracts, applications, memorandums, correspondence, and notes.”⁴⁷⁸ Specifically, Rep. Witt was interested in records that “suggest or require or put conditions on these grants that require these local governments to have a lobbying or public advocacy program with local cities to pass anti-smoking ordinances.”⁴⁷⁸ Even though Higginson and Katy King, the Health Division’s Intergovernmental Relation Liaison, were both present and willing to testify when Witt proposed to submit his subpoena, Chair Witt denied their offer.

V Statewide Programs

Justification

Funding to support statewide programs is a major element of CDC’s recommended comprehensive approach to the prevention and reduction of tobacco use. Statewide projects can increase the capacity of local programs by providing technical assistance on evaluating programs, promoting media advocacy, implementing smokefree policies, and reducing minors’ access to tobacco. Supporting organizations that have statewide access to diverse communities can help eliminate the disparities in tobacco use among the State’s various population groups. Statewide and regional grants to organizations representing cities, business and professional groups, law enforcement, and youth groups inform their membership about tobacco control issues and encourage their participation in local efforts. Statewide programs in California, Massachusetts, and Oregon have included the following elements:

Figure 14. The CDC’s *Best Practices for Comprehensive Tobacco Control Programs* (1999),¹⁵ which formed the basis for Oregon’s TPEP, specifically encouraged “implementing smokefree policies” as a best practice for statewide programs.

Pursuant to Oregon Revised Statutes 171.510, Witt had the authority as a chairperson to serve the subpoena *duces tecum*, which was prepared through Legislative Counsel, if it was approved by a majority vote of the committee.⁴⁷⁸ He also tried to lend more weight to the

subpoena by mentioning that Speaker Mark Simmons (R-Elgin), who received \$6,000 from the tobacco industry in the 2000 election (the most out of any legislator elected that year),¹⁴ had approved Witt’s subpoena.⁴⁷⁸ However, knowing that the threat of a subpoena was enough to make TPEP comply with the documents request, the committee members persuaded Witt not to formally submit the subpoena.⁴⁷⁸

Since HB 3874 was the first bill to have a public hearing, the allegations brought up in this hearing set up a negative legislative environment that provided context for the other bills. Other alleged abuses of public funds came up in committee hearings for other bills, reflecting a pervasive negative legislative environment throughout the 2001 session. In the April 26, 2001 public hearing for HB 3542, a bill that decentralized TPEP by directing Measure 44 funds to counties rather than the state, Rep. Bill Garrard (R-Klamath Falls; tobacco control policy score of 1.5) declared, “The use of tobacco reduction monies [in Klamath Falls] was one of the worst abuses I have seen of taxpayer dollars. I do not believe, as of this moment, that most of the counties know how to spend that money or effectively use that money. Because of the previous hearings with the state health department, I now have severe doubts as to whether [the Health Division] knows how to spend this money or not. So I find myself in a very negative position of trying to determine whether the counties or state is more inept at using this money in an effective manner.”⁴⁸³ Garrard also questioned the program’s success in Klamath, which, according to him, had one of the highest smoking prevalence rates among the counties. He commented that “smokers do not react to newspaper ads, and that’s how I saw the money being spent.”⁴⁸³ In fact, data on tobacco use in Klamath County was fairly commiserate with other rural communities in Oregon, according to TPEP’s annual publication, *Oregon Tobacco Facts* (Table 36).⁴⁸⁴⁻⁴⁸⁹

Table 36. Klamath County Data				
	1998	1999	2000	2001
Number of tobacco-related deaths (% total)	na	183 (27%)	na	175 (26%)
Tobacco Use during pregnancy (% all births)	24%	21%	22%	21%
Adult cigarette use in Eastern/Central region	21%	21%	19%	19%
Adult smokeless tobacco use in last 30 days in Eastern/Central region	12%	12%	11%	11%
11 th grade smoking in last 30 days in Eastern/Central region	30%	30%	27%	17% (in 2002)
Source: Oregon Tobacco Facts ⁴⁸⁴⁻⁴⁸⁷				

One would not expect to see a drop in smoking or smoking related deaths as fast as Garrard was demanding. This demand for instant results has been one way that tobacco industry allies tried to undermine support for the California Tobacco Control Program years earlier.⁸⁷

Disagreement over definitions weaken HB 3874

One of the main problems with HB 3874 was that legislators could not agree on clear definitions for advocacy and lobbying. While the original bill had stated that Measure 44 monies could not be used to “fund lobbying for antismoking ordinances,”³¹⁰ the Smart Growth and

Commerce Committee amended the bill to prohibit the funds from being used to “*advocate* for antismoking ordinances.”⁴⁹⁰ Committee members who did not agree with this change had proposed amendments that stated the funds could not be used for “*advocacy* for antismoking ordinances *on ballot or before city council for action,*” where “advocacy” was defined as “explicitly encouraging a vote for or against a proposed ordinance of bill.”⁴⁹¹ In the April 23 work session, Rep. Richard Devlin (D-Tualatin) pointed out that the focus of the Committee’s discussions should be on differentiating between situations in which advocacy is and is not acceptable. Devlin questioned the purpose of establishing a unique standard for public health issues: “By setting up some sort of unique standard where a public official, like Mr. Higginson, who is charged with trying to protect the public health of the state, can’t go out and advocate that eliminating smoking from workplaces isn’t an appropriate responsibility, we are drawn to question why we need a department of public health, because that is clearly what he should be doing. All the evidence suggests that smoking in the workplace has a major impact on the public health.”⁴⁷¹ TPEP training materials for education and advocacy stated that “public policy is critical in the battle to reduce tobacco related morbidity and mortality.”⁴⁹²

HB 3874 becomes a budget note

The health groups argued that “changing the dynamics of [TPEP] made no sense,” according to voluntary health advocate John Valley,³³³ because TPEP was successful in reducing smoking rates and nationally regarded for its comprehensive program. The voluntaries also encouraged local coalition members who did not work for the county to explain how their local coalitions operated,³³³ which provided legislators with specific information that contrasted with the vague illegal lobbying allegations. The bill passed the House with the majority of Democrats voting in opposition, but did not receive a hearing in the Senate Committee on Rules and Redistricting, chaired by Sen. Steve Harper (R-Klamath Falls). Although HB 3874 died in committee, pro-tobacco forces were able to enact a budget note, which is “a formal directive to a state agency expressing legislative intent... [and] directing an agency to take administrative and managerial action relating to the agency’s execution of its biennial budget.”⁴⁹³ Budget notes do not have the power of law, but they certainly have political implications if the agency ignores their intent. This specific budget note for the 2001-2003 Department of Human Services budget read:

As part of official duties, employees of the Department of Human Services may not lobby for the passage of any antismoking ordinance. DHS employees may provide local coalitions information on best practices for creating tobacco free environments. The Department may not require a local plan to advocate for local ordinances restricting the use of tobacco nor can the Department condition the approval of a local grant on such action. State funds, including tobacco tax and Master Tobacco Settlement Funds, may not be used to influence the outcome of any election of local ordinance adoption.¹³

Most budget notes are sponsored by legislators, but must be approved by the co-chairs of the Joint Ways and Means prior to consideration by a Subcommittee.⁴⁹³ Representing both the House and the Senate, the 2001 co-chairs of the Joint Way and Means committee were Rep. Ben Westlund (R-Bend; tobacco control policy score of 5.0), who received \$3,950 from the tobacco industry in the 2000 election for a lifetime total of \$7,090, and Sen. Lenn Hannon (R-Ashland), who had received \$2,250 in his most recent election in 1998 for a lifetime total of \$4,950 (Table 37).¹⁴ Rep. Jackie Winters (R-Salem; tobacco control policy score of 1.0), a restaurant owner⁴⁹⁴

who received \$2,500 in tobacco industry campaign contributions during the 2000 election for a total of \$3,240,¹⁴ was the Chair of the Human Services subcommittee, where the DHS Budget was first discussed (Table 37). Sources have suggested that Winters was responsible for this budget note, but no one was willing to go on the record about how HB 3874 became a budget note. Other members of the Joint Ways and Means committee received a significant amount of tobacco industry campaign contributions (Table 37). Notably, Sen. Randy Miller (R-West Linn), a member of Ways and Means, was identified by Philip Morris lobbyist Jim Gardner as “amenable to preemption” when he served as chair of the Senate Committee on Revenue in 1999.⁴¹⁹

House	2000	Lifetime Total
Ben Westlund, Co-Chair (R-Bend)	\$3,950	\$7,090
<i>Alan Bates (D-Eagle Point)</i>	\$0	\$0
Tom Butler (R-Ontario)	\$0	\$0
<i>Janet Carlson (R-Salem)</i>	\$250	\$250
Gary Hansen (D-Portland)	\$750	\$1,140
Cedric Hayden (R-Elmira)	\$0	\$0
Betsy Johnson (D-Scappoose)	\$0	\$0
Susan Morgan (R- Myrtle Creek)	\$2,500	\$3,890
Rob Patridge (R-Medford)	\$2,750	\$3,140
Kurt Schrader (D-Canby)	\$0	\$1,890
Jackie Winters (R-Salem)	\$2,500	\$3,240
Senate		
Lenn Hannon, Co-Chair (R-Ashland)	\$2,250	\$4,950
Bev Clarno (R-Bend)	\$3,500	\$3,500
Joan Dukes (D-Astoria)	\$0	\$200
Verne Duncan (R-Milwaukie)	\$0	\$0
Ted Ferrioli (R-John Day)	\$4,400	\$4,400
Tom Hartung (R-Portland)	\$2,000	\$3,500
Randy Miller (R-West Linn)	\$2,000	\$5,100
Cliff Trow (D-Corvallis)	\$0	\$200
Mae Yih (D-Albany)	\$0	\$1,100

*Includes most recent election data (e.g. Sens. Dukes, Duncan, Hannon, Hartung, Miller, Trow, and Yih were not up for reelection in 2000 because they were elected in 1998. Consequently, contributions to these Senators are from the 1998 election). **Bold** indicates members of the Human Services subcommittee, for which Jackie Winters was the Chair. **Bold italic** indicates members who served only on the Human Services subcommittee, but not in the Joint committee. Source: Oregon Secretary of State, Elections Division¹⁴

Although the budget note was attached to the DHS 2001-03 budget, its effect on TPEP and tobacco control advocates outlived its expiration at the end of the biennium. According to the Legislative Fiscal Office, “the directive of a budget note typically expires at the end of the biennium for which it pertains.”⁴⁹³ Even though the TPEP budget note was not replicated in the 2003-05 DHS budget,⁴⁹⁵ TPEP continued to operate more conservatively under its effect, as the 2003-04 Request for Applications for Local Coalitions and Community-Based Programs stated that the budget note’s intention “continues to be the case.”⁴⁹⁶ In a 2006 interview, Tabithia Engle observed “that budget note sent fear amongst the department, and kind of tied the hands of our public health partners to help [TOFCO] do the work that we do. It has taken us a lot of years to reshape and help public health to feel comfortable in their role as public health advocates.”³⁴⁸

An attempt to dismantle the state tobacco control infrastructure

While HB 3874 set the tone for the 2001 legislative session with its first public hearing on April 9, 2001, the first bill to be introduced was HB 3542 on March 15. Sponsored by Rep. Tom Butler (R-Ontario; tobacco control policy score of 4), who had no record of campaign contributions from tobacco companies through 2007, this bill distributed cigarette and other tobacco tax revenue in the Tobacco Use Reduction Account (TURA) directly to the counties for tobacco prevention and education efforts, eliminating the state's Tobacco Prevention and Education Program. The counties would receive the money according to a population-based formula regardless of the performance or the effectiveness of their tobacco control efforts, and they would be able to run their local tobacco control program autonomously in the absence of a larger statewide infrastructure.

Rep. Butler argued that counties should be the “gatekeepers,” or fiscal agents, of TURA funds because they would know how to tailor tobacco prevention to their own individual or regional needs. He also argued that his proposed funding mechanism would decrease administrative costs at the state level, and that a gatekeeper such as the Association of Oregon Counties “already has enough folks in place that [they would be able to locally assist the counties in disseminating the tobacco prevention and education message] for a very small administrative fee—not 12-16%, and certainly not the Department of Administrative Services (DAS) service charge of over 20%.”⁴⁸³ (Committee administrator, Diane Lewis, questioned this figure, and recommended that Rep. Butler himself ask the Oregon Health Division about its administrative costs.⁴⁸³)

Although the voluntary health groups did not testify against the bill, they worked behind the scenes to lobby committee members and coach Reps. Phil Barnhart (D-Eugene) and Laurie Monnes-Anderson (D-Gresham) on their arguments during committee hearings.³³³ According to John Valley, who was at ACS before becoming the State Government Affairs director for the American Heart Association, the voluntaries thought that DHS and TPEP “would be in the best position to explain the logistics of the program and why the current structure was the best practice.”³³³

TPEP understood the danger of automatically distributing TURA money only to the counties. At the public hearing on HB 3542 held before the House Health and Public Advocacy Committee (Table 38), Dr. Grant Higginson, the acting administrator at the Oregon Health Division (OHD) testified that this bill would eliminate the comprehensive scope of tobacco control services and programs that made TPEP a national model. In addition to funding local coalitions at the county level, TPEP also funded school-based programs, multicultural and tribal programs, the state Quitline, a media campaign, as well as state level evaluation, training, and program coordination (Table 16). Higginson emphasized that HB 3542 would render TPEP a “much less effective program...[with] more duplication, an increase in administrative costs..., [and] no monitoring, oversight, and evaluation.”⁴⁸³ The statewide Quitline and educational media campaign were two program components that were significantly more effective at the state level, but would be left unfunded if TURA funds were distributed directly to the counties.

Table 38. Campaign Contributions for the 2000 Election from the ORA and the Tobacco Industry to Members of the 2001 House Committee on Health and Public Advocacy

Member	ORA Contributions	Tobacco Industry Contributions	Lifetime Tobacco Industry Contributions as of 2001
Jeff Kruse (R-Roseburg), Chair	\$2,000	\$1,000	\$1,390
Bill Morrisette (D-Springfield), Vice Chair	\$0	\$100	\$100
Bill Garrard (R-Klamath Falls), Vice Chair	\$5,000	\$750	\$750
Phil Barnhart (D-Eugene)	\$0	\$0	\$0
Jerry Krummel (R-Wilsonville)	\$4,500	\$3,250	\$3,500
Jan Lee (I-Clackamas)	\$1,250	\$0	\$0
Laurie Monnes-Anderson (D-Gresham)	\$0	\$0	\$0
Carolyn Tomei (D-Milwaukie)	\$500	\$0	\$0
Cherryl Walker (R-Murphy)	\$1,271	\$0	\$0

Source: Oregon Secretary of State, Elections Division¹⁴

Two committee members in particular were strongly in opposition to Rep. Butler’s bill. Rep. Laurie Monnes-Anderson (D-Gresham; tobacco control policy score of 7.0), a nurse who had previously managed the tobacco prevention program in Clackamas County, and Rep. Phil Barnhart (D-Eugene; tobacco policy score of 8.3) reminded their fellow committee members that TPEP was nationally-lauded, and argued that HB 3542 would not only render TPEP ineffective and inefficient, but would not ensure that TURA funds were used for tobacco prevention and education.⁴⁸³ Despite this understanding of the program’s success, Butler tried to undermine the arguments put forth by Higginson, Monnes-Anderson, and Barnhart by pointing out the fact that Higginson was new to his position. Although this was a weak and seemingly unrelated point that suggested Higginson was blindly continuing to support a successful and effective program that had since failed its purpose by being organized at the state level, Rep. Butler said, “Dr. Higginson hasn’t been here during the entire program. He’s basically picking up the pieces of the program that he’s inherited over the last few months.”⁴⁸³

Apparently, Rep. Butler was not the only critic of TPEP. After the Vice-Chair of the committee, Rep. Bill Morrisette (D-Springfield; tobacco control policy score of 8.8), who supported tobacco control efforts according to newspaper articles, campaign contribution reports, and legislative record,^{443,464,497-502} reasoned that the counties should receive more money so that they can all provide the most basic services in tobacco control, he added that some counties may not be performing well because “we don’t have enough money to distribute. And I wish that the Chair [Rep. Jeff Kruse] was here to have heard my remarks.”⁴⁸³ This last comment may have pointed to the fact that Kruse, who later became a Senator in the state legislature, has routinely opposed increases in cigarette and tobacco taxes.⁵⁰³⁻⁵⁰⁵ Kruse, who had accepted a lifetime total of

\$5,490 in tobacco industry campaign contributions through the 2006 election, had received \$1,000 of the total amount by 2001¹⁴ and had a tobacco control policy score of 2.0.

Bill Perry, the lobbyist for the Oregon Restaurant Association and ally of the tobacco industry,^{11,88-91} testified in support of HB 3542, without ever mentioning the restaurant industry.^{80,82,85,86} Perry's arguments for HB 3542 contradict his arguments for a statewide clean indoor air law with preemption, which the ORA was the main proponent and initial sponsor. He testified that, "It's going to be up to the local communities to take their portion of the money, which will be substantially higher, in my opinion, than it is today, and implement the program as they see fit... The message from both [Rep. Butler and the ORA is that] the *counties do have to have an ability to make some decisions* [about the money], and ... they are being directed rather strongly from the health division. [emphasis added]"⁴⁸³ Ironically, Perry's statement indicates support for county empowerment even though he argued, on behalf of the ORA, in support of a statewide smoking ban that would preempt counties from making any decision about smoking regulations.

HB 3542 was problematic for several reasons. In the May 17, 2001 work session in the House Committee on Health and Public Advocacy, both Perry and Rep. Jerry Krummel (R-Wilsonville; tobacco control policy score of 3.0) predicted that the bill was likely to change when referred to subsequent committees. Rep. Krummel commented that the bill as it stood in the House Committee on Health and Public Advocacy should be regarded as a vehicle: "We should think of it from the standpoint of some other things that can be done, with this as a vehicle to make it a better bill so that we really are getting the best use out of the dollars."⁵⁰⁶ Since the general subject matter, known as the "relating clause," of HB 3542 dealt with how funds in TURA were spent, amendments to the bill could be made as long as they related to TURA; *anything* could potentially happen to the program's funding source.

In the same work session, Perry noted that "this bill, if it moves out of Ways and Means, would not be written the same way it is."⁴⁸³ Besides echoing Krummel's suggestion to use the bill as a vehicle for modifying the mechanism for distributing TURA funds, Perry's statement should have troubled tobacco control advocates when he mentioned a referral to the Ways and Means committee. More specifically, at the first and final work session on HB 3542, Rep. Kruse said, "I've heard in the building that the chair of the Ways and Means [Human Services subcommittee] has been characterized as wanting to destroy this program."⁵⁰⁶ The chair of the Human Services subcommittee was restaurant owner⁴⁹⁴ Rep. Jackie Winters (R-Salem), who received more than \$2,500 from the tobacco industry and \$4,887 from the ORA in the 2000 election.¹⁴ However, in the next election cycle in 2002, Winters received \$14,728 from the ORA and \$9,500 from tobacco companies in the 2002 election¹⁴—perhaps to acknowledge the work she did in the 2001 legislative session.

The significant increase in campaign contributions from both the ORA and the tobacco industry may have been more in response to Winters' possible involvement in the TPEP budget note than this particular bill. While HB 3542 was eventually referred to the Ways and Means subcommittee in May by House Speaker Mark Simmons (R-Elgin), who had received \$6,000 from the tobacco industry in 2000 to total \$6,640 in lifetime tobacco industry campaign contributions,¹⁴ it died without a hearing when the legislature adjourned in early July 2001. It may

be that HB 3542 died because tobacco industry lobbyists and pro-tobacco interests were focusing their efforts on passing preemption of local clean indoor air laws. However, it is unclear what the real players behind this bill were doing, or why.

Preemption is Passed

According to TPEP's 2000 program report, 85% of Oregonians were in favor of secondhand smoke protection, and 73% favored smokefree workplaces.⁵ Across the state, tobacco control advocates were successfully passing local ordinances regulating smoking. Because of the increasing number of city and county ordinances, public health advocates planned to maintain their focus at the local level since their chances of success were much greater than at the state level. A 2001 Philip Morris background brief summarizing public smoking laws confessed that "addressing local initiatives is a challenge as [PM State Government Affairs] will never have the resources necessary to follow and challenge them all."⁵⁰⁷ This local strategy excluded the state legislature as a policymaking venue, where campaign contributions and powerful lobbying firms available to the tobacco industry and the Oregon Restaurant Association (ORA) were likely to dominate the decision making process. From 2001-02 the tobacco industry spent a total of \$571,541 on lobbying and \$294,859 on campaign contributions to legislators, political parties, and constitutional officers (Appendix D). Likewise, the ORA spent \$424,500 on lobbying and \$261,532 on campaign contributions in 2001.^{14,508}

The ORA was especially intent on achieving preemption in the 2001 legislative session, especially after the failed attempt two years earlier. Although neither HB 3542 (decentralization of TPEP) nor HB 3874 (limitations on local coalitions' ability to advocate for smokefree ordinances) were signed into law in 2001, pro-tobacco forces had dominated the legislative debate and established a foundation for the successful passage of preemption. As the law stood, the Oregon Indoor Clean Air Act of 1981⁵⁰⁹ prohibited smoking in indoor public places. However, designated smoking areas were allowed in public places, and cocktail lounges, taverns, certain restaurants and rooms, and tobacco retail stores were specifically exempt from restrictions on smoking (Table 39). On April 3, 2001, Rep. Alan Brown (R-Newport; tobacco control policy score of 3.0), at the request of the Oregon Restaurant Association, introduced HB 3953, which preempted local smoking ordinances that were stricter than state law and expanded the exemptions of the 1981 Act to include bar areas of restaurants (Table 39). Brown was among the top recipients of ORA campaign contributions at \$8,369 in the 2000 election year, which was also when he received his first tobacco industry campaign contributions totaling \$1,250.¹⁴ However, in a series of events similar to the 1999 legislative session, HB 3953 became a victim of political horse trading, and the ORA found another vehicle for the language of HB 3985 in HB 2828,⁵¹⁰ which had already experienced gut-and-stuff maneuvers (when amendments completely replace the original content of the bill) in the House.⁵¹¹

In the end, Governor Ted Kulongoski (D) signed into law HB 2828, which removed designated smoking areas, expanded the Indoor Clean Air Act to cover all workplaces except for bars, bar areas of restaurants, and several other areas, and preempted local governments from prohibiting smoking in the exempted areas unless the local ordinance or policy had been passed before July 1, 2001.⁵¹²

Table 39. HB 3953-Introduced (2001) Amends the Indoor Clean Air Act of 1981		
	1981 Act	HB 3953 - Introduced (April 3, 2001)
Exemptions	Cocktail lounges and taverns	
	Enclosed offices or rooms occupied exclusively by smokers, even though these areas may be visited by nonsmokers	
	Rooms or halls being used for private social functions where the seating arrangements are controlled by function's sponsor	
	Tobacco retail stores	
	Restaurants with seating capacity for 30 or fewer patrons <i>or</i> restaurants with air filtration systems meeting standards set by the Oregon Health Division	Rooms or halls being used by a charitable, fraternal, or religious organization to conduct bingo games
		Bar areas of restaurants
Local preemption of clean indoor air ordinances stricter than state law	No preemption clause	Contains preemption clause: "A local government may not prohibit smoking in any area where smoking is not prohibited by state law"
Source: Oregon State Legislature ^{77,509}		

The Oregon Restaurant Takes the Public Lead

As introduced, HB 3953 proposed to amend the Indoor Clean Air Act of 1981 by making all restaurants smokefree—except for the restaurants or areas of restaurants ruled as off-limits to minors by the Oregon Liquor Control Commission (OLCC), which oversaw the sale and service of alcoholic beverages in Oregon. The OLCC typically assigned the “no minor” posting to taverns, stand-alone bars, lounges, gambling rooms, and bar areas of various premises.⁵¹³ The bill also contained a preemptive clause that was more prohibitive than what ultimately passed in HB 2828 (Table 39). Under this provision, a local government would not be able to enact smokefree ordinances prohibiting smoking in areas that were not considered a public place, according to the 1981 Act.

Unable to prevent ordinance passage on the local front, the ORA “asked for the bill as a middle ground between blanket smoking bans and efforts to protect children from second-hand smoke.”⁵¹⁴ The ORA framed its arguments as a fair compromise between health and business by maintaining that the ORA and its members were basically asking to be regulated⁵¹⁵—a tactic that was understandably looked upon favorably in the ORA’s various political relationships. ORA President and CEO Mike McCallum told *The Oregonian* that sponsoring a bill that banned smoking in areas of restaurants where minors were allowed was a “tough but responsible” position for the Association because many restaurants would be forced to get rid of their smoking sections.⁵¹⁴ While the ORA marketed HB 3953 as a reasonable compromise, Rep. Alan Brown (R-Newport), who sponsored HB 3953, appealed more to business owners when he reasoned that “tavern owners should retain the right to offer a place for smokers to light up.”⁵¹⁴

In committee hearings, the ORA used many of the same arguments for a statewide law that they had used in 1999, and maintained their support of a law that gave restaurant owners the option to allow smoking in areas prohibiting minors. They continued to argue that local smoking laws created “competitive disadvantages” and “huge financial risks” only heightened “as the tobacco money from Ballot Measure 44 continues to be utilized by counties to create local anti-smoking coalitions.”⁵¹⁶ Bill Perry, the ORA’s Director of Government Relations, also argued that “there is no information today, absolutely none, of all the smoking implementations in bars and taverns, that shows that there is any benefit, economically, to the bars and taverns.”⁵¹⁵ Perry’s argument contradicted not only the academic literature that existed at the time,^{390,448,449,452} but also the results of the focus group study conducted by Schroth & Associates, which not only advised the tobacco industry to stay out of sight in 2001, but also found that “a clear majority of the focus group participants were simply resigned to the fact that smoking will always take place in bars and taverns in Oregon—and many don’t go to bars and taverns for that very reason.”⁵¹⁷ This finding suggested that bars and taverns actually stood to gain from the wider customer base that smokefree bars and taverns would attract.

The majority of the ORA’s arguments were speculative and capitalized on economic and societal fears. Besides the possibilities of financial risk, Perry cautioned legislators at the first April 11, 2001 public hearing in the House Committee on Smart Growth & Commerce that “as you start to kick bar patrons outside in busy or noisy neighborhoods, you are going to put alcohol licensees at risk of losing their licenses.”⁵¹⁵ Perry had used this argument previously in discussions of the Multnomah County’s Citizens Task Force on Smokefree Workplaces³⁸⁹ to suggest that community values such as public safety and orderly conduct were at risk. Also at the April 11 public hearing, Perry argued that video poker sales had declined 25-30% after Corvallis’ comprehensive smokefree workplace ordinance went into effect in July 1998,⁵¹⁵ according to his interpretation of a study commissioned by the Oregon Health Division and conducted by the Pacific Research Institute from April through September 1999.⁵¹⁸ When Corvallis passed its smokefree law, Perry said, “you didn’t see a loss in customer counts, you saw a loss in revenues based on the same amount of customers, and that’s just because those customers smoke.”³⁷¹ However, the study itself reported:

Comparing video commissions with food and alcohol sales, we identified only four businesses which relied on video income to any significant degree (10% or more of revenues). The most video-dependent business suffered an approximate 6% decrease in total revenues from reduced video commissions. Of the six other video-providing businesses for which we have OLCC data, three experienced losses of 3-4% and three experienced losses of less than 1% from decreased video commissions (as a fraction of total pre-ordinance revenues from food, alcohol and video). Thus, the video sales declines have affected a minority of establishments and only a few of those to more than a negligible extent.⁵¹⁸

In a letter to the House of Representatives on April 24, the Eugene city council opposed HB 3953 because it “was introduced at the request of the Oregon Restaurant Association in response to concerns about falling alcohol and lottery monies for some of its members.”⁵¹⁹ In February 2001, 1,830 bars and restaurants housed 8,750 video poker machines.⁵²⁰ According to one *Oregonian* editorial, bar, tavern, and restaurant owners that housed these machines would earn 32% of an expected \$252 million in commission from lottery revenues in 2001.⁵²¹ Since the lottery had the potential to earn anywhere from \$70,000-250,000 a year for each restaurant or bar

owner,⁵²¹ the ORA used gambling revenues as another argument for protecting smoking. According to Perry, video poker machine players were more likely than other types of gamblers to be smokers.³⁷¹

Perry took the leading role in the public fight for preempting local tobacco control ordinances, but the ORA was clearly advancing the tobacco industry's interests. According to an April 30, 2001 article in the Eugene *Register-Guard*, "lawmakers said that despite the tobacco lobby's low profile, its representatives are working behind the scenes to advocate for the bill as they are in other states where similar legislation is pending."⁵²² Preemption was a nationwide goal for the tobacco industry, and they commonly enlisted the help of restaurant associations.^{82,85,523-526} An overview of "public place smoking laws and public attitudes toward smoking in the US with an eye toward anticipating future trends" from Philip Morris' State Government Affairs department stated, "Our friends in the hospitality industry have been our staunchest allies against inappropriate smoking bans. ... In Oregon, the restaurant association is supporting a ban in eating areas to stave off a total ban. Look for similar actions throughout the country."⁵⁰⁷ The tobacco companies, of course, were laying low since focus groups conducted for Philip Morris in Eugene and Portland during March 2001 by Schroth & Associates, a Washington, D.C. polling group, had found that "the tobacco industry's involvement in this issue was generally more problematic and uncomfortable for voters than the last round of Oregon groups (Sept, '99). Indeed several [voters] wrote in their "workbooks" that the industry's involvement in any future "YES" campaign would certainly doom it's potential to pass."⁵¹⁷

The House Passes HB 3953

The House Committee on Smart Growth and Commerce was chaired by Rep. Bill Witt (R-Cedar Mill), "a key supporter" of HB 3953 according to *The Oregonian*.⁵¹⁴ The committee held its first public hearing for HB 3953 on April 11, just two days after the committee had heard testimony for HB 3874, which prohibited Measure 44 funds from being used to lobby for smokefree ordinances. As much support as the ORA had summoned for this first hearing on HB 3953, tobacco control advocates also presented strong opposition against the bill (Table 33).^{515,527} Notably, Warden Minor, the President and CEO of the American Lung Association in Oregon, likened the bill to a Trojan horse coming into Salem to put an end to local smokefree ordinances, which the tobacco industry could not stop at the local level.⁵¹⁵ Representatives from the Department of Justice, local tobacco control coalitions, the bar and restaurant industry, and public officials from local and state jurisdictions that had passed smokefree ordinances came out in strong opposition to HB 3953.

When the committee started working on the bill a week after the public hearing, the ORA introduced amendments that narrowed the preemption provision to prohibit local governments from passing ordinances that restricted smoking in bar areas of restaurants, bowling centers, and bingo halls.⁴⁷⁰ In a legislative bulletin from April 20, the League of Oregon Cities stated that HB 3953, as introduced, "contained a very sweeping local government preemption, but was amended once the League and other parties stated their concerns."⁵²⁷ Perry clarified that local governments would be able to pass ordinances regulating smoking in all other workplaces.⁴⁷⁰ In addition, the ORA amendments also added a grandfathering clause to the preemption provision; ordinances that prohibited smoking in bar areas of restaurants, bowling centers, or bingo halls would be allowed

to stand if passed before January 1, 1999. This date only grandfathered the Corvallis ordinance, which meant that ordinances in Baker City, Central Point, St. Helens, Lake Oswego, Multnomah County, Philomath, Eugene, and Tillamook County would all be affected.

While the committee voted unanimously to adopt the amendments and move the bill to a vote on the House floor,⁴⁷⁰ more than half of the committee members expressed their opinion of HB 3953 after voting to pass it out of committee. Democratic Representatives Alan Bates, Richard Devlin, and Vicki Walker objected the most to the bill, and Rep. Laurie Monnes-Anderson joined them as nonconcurring committee members in submitting a minority report, which removed the preemption language and prohibited smoking in all workplaces except for bars, rooms rented for private events, tobacco retail businesses, motel and hotel rooms designated for smokers, bingo operations, race courses, and open air patio or decks of restaurants.⁵²⁸ This minority report was coordinated by the voluntaries.³³³ None of the minority report authors had ever received campaign contributions from the tobacco industry (Table 40).¹⁴ On the other hand, Reps. Jerry Krummel and Alan Brown, the only two members who spoke out affirmatively in support of HB 3953, had both received significant tobacco industry campaign contributions in the 2000 election year (Table 40).

Member	ORA Contributions	Tobacco Industry Contributions	Lifetime Tobacco Industry Contributions as of 2001
Bill Witt (R-Cedar Mill), Chair	\$7,700	\$2,000	\$2,390
Betsy Johnson (D-Scappoose), Vice-Chair	\$500	\$0	\$0
Tim Knopp (R-Bend), Vice-Chair	\$2,300	\$3,028	\$4,168
Alan Bates (D-Eagle Point)	\$0	\$0	\$0
Alan Brown (R-Newport)	\$8,369	\$1,250	\$1,250
Janet Carlson (R-Salem)	\$10,000	\$250	\$250
Richard Devlin (D-Tualatin)	\$790	\$0	\$0
Bill Garrard (R-Klamath Falls)	\$5,000	\$750	\$750
Jerry Krummel (R-Wilsonville)	\$4,500	\$3,250	\$3,500
Laurie Monnes-Anderson (D-Gresham)	\$0	\$0	\$0
Vicki Walker (D-Eugene)	\$500	\$0	\$0

Source: Oregon Secretary of State, Elections Division¹⁴

Without a motion from the committee to replace HB 3953 with the minority report, the pro-tobacco version was sent to the House floor and passed 35-24, largely along party lines on April 26, with the majority of Democrats voting in opposition (Table 41). Legislators who voted for the ORA-sponsored bill received a total of \$119,034 in campaign contributions from the ORA while legislators voting against HB 3953 received only \$13,830.¹⁴

Table 41. House Votes on HB 3953 (April 26, 2001) and Campaign Contributions from the Tobacco Industry and ORA

"Yes" votes			
Legislator	ORA	Tobacco Industry (2000)	Tobacco Industry (Lifetime)
Vic Backlund (R)	\$1,500	\$0	\$0
Jo Ann Bowman (D)	\$0	\$0	\$0
Alan Brown (R)	\$8,369	\$1,250	\$1,250
Tom Butler (R)	\$2,000	\$0	\$0
Janet Carlson (R)	\$10,000	\$250	\$250
Dan Doyle (R)	\$3,500	\$500	\$500
Dan Gardner (D)	\$1,000	\$2,750	\$3,250
Bill Garrard (R)	\$5,000	\$750	\$750
Mark Haas (D)	\$500	\$0	\$0
Jim Hill (R)	\$2,500	\$900	\$2,040
Bob Jenson (R)	\$2,000	\$250	\$250
Deborah Kafoury (D)	\$500	\$750	\$750
Al King (D)	\$500	\$500	\$500
Tim Knopp (R)	\$2,300	\$3,028	\$4,168
Wayne Krieger (R)	\$7,500	\$1,750	\$1,750
Jeff Kropf (R)	\$2,500	\$1,750	\$1,750
Jerry Krummel (R)	\$4,500	\$3,250	\$3,500
Jeff Kruse (R)	\$2,000	\$1,000	\$1,390
Jan Lee (I)	\$1,250	\$0	\$0
Randy Leonard (D)	\$0	\$500	\$1,890
Kathy Lowe (D)	\$545	\$0	\$0
Karen Minnis (R)	\$5,050	\$2,900	\$3,290
Susan Morgan (R)	\$2,080	\$2,500	\$3,890
Donna Nelson (R)	\$5,000	\$1,000	\$1,000
Kurt Schrader (D)	\$4,000	\$0	\$1,890
Mark Simmons (R)	\$8,448	\$6,000	\$6,640
Greg Smith (R)	\$1,500	\$1,000	\$1,000
Patti Smith (R)	\$7,500	\$0	\$0
Tootie Smith (R)	\$7,650	\$2,250	\$2,250
Bruce Starr (R)	\$6,000	\$2,250	\$2,890
Joanne Verger (D)	\$0	\$500	\$500
Ben Westlund (R)	\$1,955	\$3,950	\$7,090
Carl Wilson (R)	\$2,000	\$0	\$0
Jackie Winters (R)	\$4,887	\$2,500	\$3,240
Cliff Zauner (R)	\$5,000	\$1,650	\$1,650
Total	\$119,034	\$45,678	\$59,318
"No" votes			

Robert Ackerman (D)	\$500	\$0	\$0
Phil Barnhart (D)	\$0	\$0	\$0
Alan Bates (D)	\$0	\$0	\$0
Chris Beck (D)	\$500	\$0	\$0
Betsy Close (R)	\$2,500	\$2300	\$2300
Richard Devlin (D)	\$790	\$0	\$0
Jackie Dingfelder (D)	\$0	\$0	\$0
Gary Hansen (D)	\$500	\$750	\$1140
Cedric Hayden (R)	\$2,500	\$0	\$0
Elaine Hopson (D)	\$0	\$0	\$0
Betsy Johnson (D)	\$500	\$0	\$0
Steve March (D)	\$500	\$500	\$500
Jeff Merkley (D)	\$0	\$0	\$0
Laurie Monnes Anderson (D)	\$0	\$0	\$0
Bill Morrisette (D)	\$0	\$100	\$100
Mary Nolan (D)	\$500	\$0	\$0
Charlie Ringo (D)	\$0	\$0	\$0
Diane Rosenbaum (D)	\$0	\$0	\$0
Lane Shetterly (R)	\$1,000	\$0	\$390
Carolyn Tomei (D)	\$500	\$0	\$0
Cherryl Walker (R)	\$1,271	\$0	\$0
Vicki Walker (D)	\$0	\$0	\$0
Max Williams (R)	\$2,269	\$0	\$0
Kelley Wirth (D)	\$0	\$0	\$0
Total	\$13,830	\$3,650	\$4,430
Excused	Bob Patridge (R)		
Out of 35 “Yes” votes, 25 were from Republicans, 9 from Democrats, and 1 from an Independent. Out of the 24 “No” votes, 19 were from Democrats and 5 from Republicans. Rep. Bob Patridge (R) was excused from the vote. Source: Oregon State Legislature			

Tobacco control advocates and some legislators were not pleased with the bill’s progression to the Senate, which was also under Republic control,⁵²² but they were confident that Governor Kitzhaber would veto HB 3953 even if the Senate passed the bill.^{78,529} On April 30, the *Register-Guard* reported that the Governor’s spokesman, Bob Applegate, “said it was too early to say how Kitzhaber might respond, but added, ‘we have not in the past, nor do we see in the future, support for legislative efforts to preempt local authority.’”⁵²² Nevertheless, the League of Oregon Cities began lobbying Senators and the Governor to oppose HB 3953 after the bill’s passage in the House.⁵³⁰ Before the bill was heard in a Senate Committee, Kitzhaber threatened to veto HB 3953 in a May 7, 2001 letter to Senate President Gene Derfler (R-Salem); Kitzhaber wrote that he did not “believe that local communities who wish to protect themselves and their citizens from the harmful effects of second-hand smoke should have restrictions places on them.”⁵³¹

HB 3953 in the Senate: Adding an Attack on TPEP

After the House passed HB 3953, Senate President Gene Derfler (R-Salem) referred the bill to the Senate Committee on Business, Labor, and Economic Development, chaired by Sen. Roger Beyer (R-Molalla; tobacco control policy score of 3.0), who received \$7,000 from the ORA and \$5,000 from the tobacco industry (for a lifetime total of \$6,390) in the 2000 election year.¹⁴ However, at the scheduled work session for HB 3953 on May 11, the committee did not work on the bill and voted instead to return HB 3953 to the Senate floor so that Sen. Derfler could refer it to the Senate Committee on Rules and Redistricting, chaired by Sen. Steve Harper (R-Klamath

Falls). Although the League of Oregon Cities favored this change because they thought that Beyer's committee would favor HB 3953, they also feared that "as Senate committees close in anticipation of the session's end, the Rule Committee remains open, increasing the possibility that the bill will move forward."⁵³⁰

When HB 3953 was heard on June 8 by the Senate Committee on Rules and Redistricting,⁵³² Perry moved beyond pushing for the preemption of local clean indoor air legislation. In the three minutes that the committee spent on HB 3953, as it was the last bill on the agenda for the day, Bill Perry quickly explained that the ORA had drafted amendments to the bill following "discussions going on... The head of the Health Division and others have expressed a concern on making sure that the youth tobacco reduction is in the primary mission of the Ballot Measure 44 monies...and to give assurance that the continued properties under Measure 44 will continue to be funded in the same manner that they have been in the past."⁵³³ While it is not clear what "discussions" Perry was referring to, or if these amendments arose from a larger political agenda that also involved HB 3874 and HB 3542, the proposed amendments were put forth by Rep. Jackie Winters (R-Salem; tobacco control policy score of 1.0) according to Salem's *The Statesman Journal*.⁵³⁴ *The Statesman Journal* reported on June 21 that Rep. Winters wanted to "make sure the money is spent on school-based programs,"⁵³⁵ a move that would substantially reduce the effectiveness of the TPEP. State Epidemiologist Mel Kohn publicly made this point, citing the opinions of both the CDC and the Surgeon General: "We have very good evidence that spending this money on school programs alone would be quite ineffective."⁵³⁵ According to a June 22 editorial in the *Statesman Journal*, which chided this "hostage" situation in an editorial, Rep. Winters proposed the move in order "to get some attention and increased accountability."⁵³⁴

Despite Winters' doubts that TPEP was spending money on school-based programs, the 2000 TPEP Program Report stated that 11% of TPEP's 1999-2001 budget was dedicated to school-based programming that incorporated youth education, parent involvement, staff training, and anti-tobacco activities to reach roughly one-third of students in Oregon attending more than 300 schools.⁵ TPEP also reported the 70% of these schools have existing or developing policies that prohibited tobacco use by any person at school events and anywhere on school property, and that youth tobacco consumption had declined since the program's inception in 1997: 41% fewer eighth graders and 21% fewer eleventh graders were smoking in 2000 compared to 1996.⁵ Moreover, the comprehensive structure of TPEP enabled a network of schools, coalitions, tribes, and multicultural groups to reduce youth tobacco use together, and the statewide public education media campaign reinforced their messages.⁵ TPEP was able to coordinate this attack on youth tobacco use because of the language approved by voters in Measure 44 (1996), which was incorporated as ORS 431.832 to 431.836 in the Oregon Revised Statutes.⁵³⁶ The statute already explicitly stated that TURA funds were to be earmarked for prevention and education programs designed to reduce cigarette and tobacco use, and charged the Department of Human Services with the responsibility of developing and adopting "rules for awarding grants to programs for educating the public on the risk of tobacco use, including but not limited to educating children on the health hazards and consequences of tobacco use..."⁵³⁶

Although youth tobacco use reductions programs may be effective as a *component* of a comprehensive statewide tobacco control program,⁵³⁷⁻⁵³⁹ programs that only target specific populations, such as youth, "are extremely expensive and/or usually have a very limited impact in

the absence of broader policy measures.”⁵⁴⁰ Youth programs implemented in schools have generally disappointing long-term results.⁵⁴¹ Although youth programs were implicit in the existing law (“amounts credited to the Tobacco Use Reduction Account are continuously appropriated to the Health Division for the funding of prevention and education programs designed to reduce cigarette and tobacco use”), channeling funding to less effective areas is one tactic mentioned that the Tobacco Institute has used since the early days of the California Tobacco Control Program in 1991 in the Tobacco Institute’s strategy for California.^{87,463}

The amendments introduced on June 8 also took a stab at TPEP’s budget by requiring the Health Division to use specified TURA funds for smoking cessation and prevention education programs in general and at the county level, a toll-free cessation hotline, and grants to educational programs already approved by Measure 44.⁵³² The dollar amount was left undetermined in the amendments introduced in the Senate Committee on Rules and Redistricting, and was intended to be set in the Joint Committee on Ways and Means, which worked on all bills that had a budgetary impact. With this provision, HB 3953 became analogous to a “blank check,” as the Ways and Means committee could require the Health Division to direct TURA funds in such a way that the comprehensive structure of TPEP would be destroyed. A similar tactic was intended for HB 3542 just two weeks earlier in late May, when HB 3542 (which also compromised the comprehensiveness of TPEP by directing TURA funds directly to counties) was referred to the Ways and Means committee (discussed earlier). Rep. Jackie Winters (R-Salem), a restaurant owner,⁴⁹⁴ chaired the Human Services subcommittee, and had received \$2,500 from the tobacco industry campaign contributions (for a lifetime total of \$3,240) and \$4,887 from the ORA in the 2000 election year (Table 42).¹⁴ This ORA contribution to Winters was modest compared to their \$14,187 donation in 1998 and \$14,728 in 2002.¹⁴ Whether these campaign contributions, or her experience as a restaurant owner herself, were able to elicit her sympathies, Tabithia Engle, from TOFCO, said in a 2006 interview, Winters “has never been a friend” of the tobacco prevention and education program.³⁴⁸

Co-chairs of full Committee	Tobacco (2000)	Tobacco (Lifetime)	ORA (2000)
Rep. Ben Westlund, Co-Chair (R-Bend)	\$3,950	\$7,090	\$1,955
Sen. Lenn Hannon, Co-Chair (R-Ashland)*	\$2,250	\$4,950	\$1,152
Human Services subcommittee			
Rep. Jackie Winters (R-Salem), Chair	\$2,500	\$3,240	\$4,887
Rep. Alan Bates (D-Eagle Point)	\$0	\$0	\$0
Rep. Janet Carlson (R-Salem)	\$250	\$250	\$10,000
Sen. Verne Duncan (R-Milwaukie)*	\$0	\$0	\$1,600
Sen. Tom Hartung (R-Portland)*	\$2,000	\$3,500	\$1,000
Rep. Rob Patridge (R-Medford)	\$2,750	\$3,140	\$3,478
Rep. Kurt Schrader (D-Canby)	\$0	\$1,890	\$4,000
Sen. Mae Yih (D-Albany)	\$0	\$1,100	\$3,000

*Includes most recent election data (Sens. Duncan, Hannon, and Hartung were not up for reelection in 2000 because they were elected in 1998. Consequently, contributions to these Senators are from the 1998 election).
Source: Oregon Secretary of State, Elections Division¹⁴

In their haste to adjourn the June 8 meeting, members of the Senate Committee on Rules and Redistricting all voted to adopt the ORA's amendments. Because HB 3953 now contained a budgetary component, the bill was referred as amended to the Joint Ways and Means Committee. On June 20, HB 3953 was assigned to the Human Services Subcommittee. However, TPEP's budget was not ultimately used as collateral to pass the ORA's bill. According to a 2006 interview with Bill Perry, the bill died in Ways and Means when the Senate Chair, Sen. Lenn Hannon (R-Ashland) killed a number of bills, including HB 3953, in reaction to the passage of another unrelated bill he disliked.³⁷¹

At that point, said Perry, "We had to find a new vehicle for the same bill."³⁷¹ Before Hannon killed HB 3953, John Valley, from the American Cancer Society, sent out an email on June 26, 2001 to the advocacy community, informing them that HB 3953 would be heard in Ways and Means within 24-hours. The email reported rumors that a deal had been struck, and that "the deal includes a Multnomah county style [smokefree workplace] ordinance that grandfathers in all ordinances passed by 7/1/01."⁵⁴² While Valley was right that a deal had been struck, the deal would not be implemented in HB 3953. As the new vehicle for the ORA's intent to protect smoking in restaurants and bars, HB 2828 was completely gutted and stuffed with language that not only prohibited smoking in restaurants, but also prohibited smoking in workplaces and added more exemptions to the Indoor Clean Air Act. This maneuver took place in the Senate Committee on Rules and Redistricting, where HB 3953 had previously been heard on June 8 before it was referred to Way and Means on June 12. While HB 3953 was in the Rules and Redistricting Committee from May 16 to June 12, the Committee received HB 2828 on June 6. The easy transition between HB 3953 and HB 2828 may have been facilitated by Committee Chair Sen. Steve Harper (R-Klamath Falls), who \$2,000 from the ORA in the 2000 election.¹⁴ Harper had also received \$4,000 in tobacco industry campaign contributions for a lifetime total of \$5,140.¹⁴

The Deal

Although the details of this deal were never clearly elucidated by tobacco control advocates or the media, a June 1, 2001 memo from Mark Gibson, the Governor's policy advisor for Health, Human Services, and Labor, to Governor John Kitzhaber (D), indicted that a "deal" on smoking, presumably with the ORA,³¹¹ was in the works long before Valley found out about it. Gibson advised Kitzhaber that he should insist on a Multnomah County-style ordinance that prohibited smoking "in all workplaces except bars, bar/restaurant combinations, bingo parlors, and truck stops," grandfathered in all local ordinances that have already been passed but not yet implemented, and protected the nearly \$7 million TPEP budgeted for county smoking prevention programs.⁵⁴³ These points revealed that the Governor's Office supported the work TPEP did at the local level, but also wanted to compromise with the ORA by settling on a law that would ultimately protect more people from secondhand smoke. In a 2006 interview, Maura Roche, the contract lobbyist for the American Cancer Society, said, "[The ORA] came forward with a workplace smoking ban...and then got it on the Governor's desk and really created a conundrum for this physician-Governor: do you want to have a ban on smoking that will cover 95% of the workers in the state, or do you want to say 'No' to that. So of course he said 'Yes' to that."³¹¹

Gibson's memo also revealed prior communication with the ORA, specifically with the ORA's President and CEO Mike McCallum. Gibson wrote:

The sticking point with the Restaurant Association will be the grandfather issue. This comes down to one city, Eugene. I told McCallum that your view of preemption would not allow you to interfere in an action already taken that didn't have a clearly adverse statewide impact.⁵⁴³

Eugene's smokefree workplace ordinance that prohibited smoking in bars, taverns, restaurants, bingo parlors, and cocktail lounges was passed on November 13, 2000 and went into effective 30 days later on December 26, 2000.⁵⁴⁴ However, the ORA had set the grandfather date for HB 3953 at January 1, 1999, which would preempt Eugene's ordinance. In order to make a deal with the Governor, the ORA would have to move the date up at least by two years.

Governor Kitzhaber made a political calculation in his deal with the ORA. As the father of the Oregon Health Plan (OHP), Kitzhaber wanted to ensure its longevity by creating a formulary that would provide affordable drugs and medications to low-income OHP members. In order to pass it in the 2001 session before he left office, Gov. Kitzhaber would have to make some deals by "promising to approve a series of bills in exchange for his prescription-drug pricing plan," according to *The Oregonian*.⁵⁴⁵ Reporting on the whirlwind of events late in the session, the *Willamette Week*, observed, "it's now clear that no one is going home unless [Governor Kitzhaber] gets his plan to reduce pharmaceutical costs for the Oregon Health Plan. Rumors fly about what GOP bills he will be willing to sign in order to get it: the pollution tax credit, the capital-gains tax decrease, the bill to preempt local smoking bans..."⁵⁴⁶

In the past, the advocates had trusted Governor Kitzhaber to veto any legislation that contained preemption.¹⁸⁸ In 2001, the advocates did not anticipate the Governor's agenda for his last term in office. The ORA's deal with the Governor was implemented through last minute amendments to HB 2828 in the Senate Committee on Rules and Redistricting. Governor Kitzhaber's files stored at the Oregon State Archives in Salem revealed that the ORA's proposed amendments to HB 2828 were drafted on June 29, 2001.⁵⁴⁷ On July 3, four days before the 2001 legislative session ended, Bill Perry testified and submitted these amendments to the Rules and Redistricting Committee. The bill was passed by 18-11 in the Senate on July 5, repassed by a 46-14 vote in the House on the same day, signed by the House Speaker on July 13 and the Senate President three days later, and finally signed into law by Governor Kitzhaber on August 18, 2001. Julia Martin, the Eugene tobacco control coordinator, remembers, "It all happened very fast... It was sort of done behind closed doors and we just had to cross our fingers and hope that [Eugene would] be grandfathered in."¹⁴⁵ Instead of prohibiting smoking solely in areas of restaurants where minors were allowed as HB 3953 proposed, HB 2828 promised to protect 95% of Oregon's worker, or approximately 500,000 people.⁵⁴⁸

Implementing the Deal: Oregon's Smokefree Workplace Law

In the July 3 work session on HB 2828 in the Senate Committee on Rules and Redistricting, chaired by Sen. Steve Harper (R-Klamath Falls), proposed amendments were submitted by both Bill Perry, from the ORA, and Josh Alpert, from the Oregon Health Leadership Against Tobacco (OHLAT), which represented the ALA, ACS, and AHA. Although a statewide smokefree workplace law had already been proposed in the minority report from the House Committee on Smart Growth and Commerce on April 30, the amendments from both the ORA and OHLAT stripped out the content from HB 2828 (which directed the legislature to study

distribution and expenditure options of MSA funds) and replaced it with smokefree workplace language. Both proposals contained preemption of local rule-making ability, although the ORA version preempted smoking prohibitions in exempted workplaces and the OHLAT version preempted smoking prohibitions of any kind.^{549,550} OHLAT opted for broader preemption because their proposed amendments did *not* include bar-restaurant combinations or bowling alleys in the interest of protecting children from secondhand smoke (Table 43).⁵⁵¹ Both proposals also allowed all local ordinances that had been passed on or before July 1, 2001 to stand, unlike the ORA’s original proposal.³⁷¹ Perry described the amendments proposed by the ORA as “compromise language that [the ORA has] reached with the Governor’s Office in relation to the statewide smoking bill as [legislators had] dealt with in [HB]3953.”⁵⁵¹

Table 43. Amendments to HB 2828 proposed by the ORA and OHLAT on July 3, 2001		
	ORA	OHLAT
Type of Law	Smokefree workplace	Smokefree workplace
Exemptions	Restaurants or areas of restaurants prohibiting minors Bars or taverns prohibiting minors Bingo operations Bowling centers Certain hotel or motel rooms Tobacco retail stores Employee lounges that meet ventilation standards, are inaccessible to minors, and are located in areas where employees are not required to enter	Stand-alone cocktail lounges or taverns Certain types of private rooms Bingo operations Race courses Certain hotel or motel rooms Tobacco retail stores Employee lounges that meet ventilation standards, are inaccessible to minors, and are located in areas where employees are not required to enter
Preemption	“A local government may not prohibit smoking in any areas listed [as exemptions]”	“A political subdivision of the state may not enact or enforce any charter provision, ordinance, resolution, or policy relating to the regulation of smoking”
Grandfather date	Before July 1, 2001	On or before July 1, 2001
Source: Oregon State Archives ^{549,550}		

The ORA was not the only one negotiating with the Governor’s Office. A late afternoon email dated July 2, 2001 from Mel Kohn, the State Epidemiologist, to Mark Gibson at the Governor’s Office, revealed that the Health Division was able to weigh in on the ORA’s amendments before they were introduced the next day on July 3.⁵⁵² The Division was primarily concerned with the exclusion of passageways in the definition of “enclosed spaces,” the exemption for restaurant-bar combinations, vague language that would allow smoking in more establishments than intended, and the weak penalty provisions.⁵⁵² Kohn suggested that passageways should be considered an “enclosed area,” thereby eliminating the possibility of smoke wafting into a room from an adjacent open passageway. He also pointed out that the absence of a definition for bars and taverns would allow for greater interpretation of the bill. Kohn encouraged Gibson to make all restaurants or areas of restaurants without a bar smokefree because “secondhand smoke doesn’t know how to stay in the smoking section.”⁵⁵² The same line of reasoning was provided for Kohn’s argument that employee lounges should not be exempted.

Kohn wrote that “this should not be an issue for the Restaurant Association since most restaurants don’t have employee lounges,” but conceded that nonsmokers should be accommodated with sufficient nonsmoking employee lounges if the exemption was going to stay.⁵⁵² He also recommended increasing the penalty for violations from \$100 per month to \$100 for every day the violation persisted.

Only some or parts of these suggestions from the Health Division were incorporated into the ORA’s proposed amendments.⁵⁴⁹ Notably, the ORA and the Governor’s Office did not heed Kohn’s suggestions to make passageways, bar-restaurant combinations, and employee lounges smokefree, or to define bars and taverns. The amendments did reflect a fine increase of “\$50 per day, not to exceed \$1,000 in any 30-day period,”⁵⁴⁹ although the maximum limit allowed violators to save an extra \$500. Also, the ORA incorporated the language about nonsmoking employee lounges. However, what was troubling about this exchange was that OHLAT and the voluntary health groups seemed to be acting completely independently of TPEP and the Health Division. The amendments proposed by OHLAT⁵⁵⁰ addressed some of Kohn’s concerns (OHLAT made all restaurants and restaurant-bar combinations smokefree, and defined stand-alone cocktail lounges and taverns) but not other major suggestions. (OHLAT did not prohibit smoking in passageways, eliminate employee lounges from exemptions, or increase fines.) The inconsistencies between OHLAT’s proposed amendments and the Health Division’s suggestions may have been due to political concessions OHLAT believed would help garner enough legislative support to pass the bill *without* exemptions for bar-restaurant combinations and bowling alleys.

In the July 3 work session, the health coalitions strongly objected to the ORA’s amendments. Alpert’s written testimony on HB 2828 submitted to the Rules and Redistricting Committee stated that OHLAT’s proposed amendments represented “a true compromise – one the public health community would agree to as a last resort.”⁵⁵⁰ Although OHLAT fundamentally opposed preemption, “the most potent weapon in the war against tobacco,”⁵⁵⁰ they conceded the preemption language in an unsuccessful attempt to get protection of restaurant-bar combinations and bowling alleys. Alpert argued that protecting these two key areas “is the only way this bill will protect children.”⁵⁵⁰ The legislature, he believed, had failed to recognize that the public health and safety of all Oregonians, including children, were at risk. Alpert expressed his frustration that the emphasis on the health agencies themselves had overshadowed their public health mission. Alluding to the committee hearings on HB 3874, Alpert cited the “talk all session long about hidden agendas of the public health community, of illegal uses of taxpayer money, of nationally renowned, long-respected non-profit health agencies doing evil.”⁵⁵⁰

After the ORA and OHLAT proposed their amendments to the Senate Committee on Rules and Redistricting on July 3, Senators Peter Courtney (D-Salem; tobacco control policy score of 7.0) and Lee Beyer (D-Springfield), who had both received \$0 in campaign contributions from the ORA in the 2000 election year, moved to adopt the amendments proposed by OHLAT on the same day. A vote on this motion failed 2-3, with Chair Harper and Senators Jason Atkinson (R-Jacksonville; tobacco policy score of 3.0) and John Minnis (R-Wood Village) voting no. These dissenting senators had received a total of \$18,300 from the ORA and \$8,500 from the tobacco industry in 2000 (Table 44). A subsequent motion by Sen. Minnis to adopt the ORA’s proposed amendments resulted in a 5-0 vote.

Table 44. ORA and tobacco industry campaign contributions to the Senate Committee on Rules and Redistricting in the 2000 election year			
	ORA (2000)	Tobacco Industry (2000)	Tobacco Industry (Lifetime)
Steve Harper (R-Klamath Falls), chair	\$2,000	\$4,000	\$5,140
Peter Courtney (D-Salem), vice-chair	\$0	\$0	\$200
Jason Atkinson (R-Jacksonville)	\$3,000	\$0	\$0
Lee Beyer (D-Springfield)*	\$0	\$0	\$0
John Minnis (R-Wood Village)	\$13,300	\$4,500	\$8,200
*Contributions reported for last election year in 1998. Source: Oregon Secretary of State, Elections Division ¹⁴			

Even though Courtney and Beyer voted to adopt the ORA amendments, they co-sponsored a minority recommendation that included almost all of the proposed amendments put forth by OHLAT. The Senate rejected the minority report with an 8-21 vote on July 5. Sen. Kate Brown (D-Portland; tobacco control policy score of 5.3) was the only one who received campaign contributions from the ORA out of all the eight Democrats who voted to substitute the minority report modeled after OHLAT's proposed amendments.¹⁴ The 21 votes against the minority report indicated that the ORA enjoyed the return on its investment of \$52,580 to the most recent election campaigns of these dissenting senators.¹⁴ With HB 2828 amended to include the ORA's proposals, the bill passed in the Senate with a 18-11 vote and in the House 46-14 on July 5, 2001. Legislators who had received campaign contributions from the ORA and the tobacco industry were more likely to have voted in favor of passing HB 2828 into law (Table 45). In general, voting behavior on clean indoor air legislation in the 2001 session did not have a marked effect on the ORA campaign contributions made in 2002 compared to 2000, but may have had an effect on tobacco industry campaign contributions (Table 46).

With HB 2828 passed in the both the House and Senate, the tobacco control advocates hoped that Governor Kitzhaber would veto the bill.^{188,553} The Governor's Office was flooded with letters in opposition to the bill, which are now stored in files from the Governor's Office at the State Archives in Salem. These letters came from the Oregon Academy of Family Physicians, the Oregon Partnership (a non-profit promoting healthy, substance-free children and communities), Ellen Lowe (a long-time health services advocate who also served as chair of OHLAT), and private physicians, among others. Notably, in their July 19 letter to the Governor, Lowe and representatives from the voluntary health organizations argued that the ORA's ulterior motives in supporting HB 2828 were immediately revealed when they embarked on a campaign to weaken local ordinances that were stronger than the smokefree workplace language passed in HB 2828. The authors of the letter wrote that "the ORA provided the [Tillamook] county staff with excerpts from the 1999 Oregon Health Division study on the economic impact of the implementation of the Corvallis smokefree workplace ordinance...extracted to portray an economic disaster."⁵⁵⁴ Subsequently, the Tillamook County Board of Commissioners voted to exempt bars, taverns, and bar-restaurant combinations in their local smokefree workplace ordinance.

	Senate		House	
	Votes in favor	Votes in opposition	Votes in favor	Votes in opposition
# Democrats	3	10	13	14
# Republicans	15	1	32	0
# Independents	0	0	1	0
Total	18	11	46	14
ORA contributions in most recent election	\$57,428	\$1,652	\$142,942	\$3,000
Tobacco industry contributions in most recent election	\$42,100	\$3,750	\$52,728	\$1,350
Lifetime tobacco industry contributions	\$71,010	\$9,250	\$67,538	\$1,740

Note: The Senate had 14 Democrats and 16 Republicans. The House had 27 Democrats, 32 Republicans, and 1 Independent. Source: Oregon Secretary of State, Elections Division¹⁴

OHLAT also sent an opinion editorial to the *Oregonian* that publically urged the governor to veto HB 2828. Authored by John Valley, from the ACS, John Chism, from AHA, and David Delvallee, from ALA, the opinion editorial argued that “HB 2828 was done in haste and has major loopholes that the Governor and legislators failed to close.”⁵⁵³ They emphasized the dangers of preemption, the exemptions for bar/restaurant combinations and bowling alleys, and the disregard for the health of children, workers, and consumers.

Governor Kitzhaber signed HB 2828 into law in August 2001 (Table 33). Despite “intense criticism from anti-smoking groups for signing the bill,”⁵²⁹ according to the *Statesman Journal*, Kitzhaber reasoned that the new smoke-free workplace law was a great accomplishment for Oregon, and that “while [the law] is not the total answer, it is an enormous step forward.”⁵⁵⁵ Compared to roughly 65% of workers who were protected under the old law, the new law protected 95% of workers. In addition, the Governor believed that grandfathering all existing local ordinances was another important accomplishment for Oregon, in spite of the fact that the provision killed hopes for a Corvallis-like smoking law in Salem, where city council members were largely in favor of an ordinance free of exemptions, including bars (Table 47).^{529,556,557} Although Kitzhaber applauded tobacco control advocates for their work leading up to the adoption of these ordinances, he also directed the following comment to them, namely the Oregon Lung Association: “To argue that this legislation should be vetoed on the promise that someday we might do better is to argue that hundreds of Oregonians must suffer and die on the chance that a better bill may be passed at an undetermined date.”⁵⁵⁵

Table 46. Effect of voting behavior on HB 3953 and HB 2828 on ORA campaign contributions before and after 2001

Voting Behavior	Legislator	ORA (2000)	ORA (2002)	Tobacco Industry (2000)	Tobacco Industry (2002)
No vote on 3953 to Yes vote on 2828	Ackerman (D)	\$500	\$0	\$0	\$0
	Bates (D)	\$0	\$0	\$0	\$0
	Close (R)	\$2,500	\$7,000	\$2,300	\$4,000
	Devlin (D)	\$790	\$0	\$0	\$0
	Hayden (R)	\$2,500	did not run	\$0	did not run
	Hopson (D)	\$0	\$0	\$0	\$0
	Johnson (D)	\$500	\$500	\$0	\$1,000
	Monnes-Anderson (D)	\$0	\$750	\$0	\$0
	Shetterly (R)	\$1,000	\$0	\$0	\$0
	C. Walker (R)	\$1,271	did not run	\$0	did not run
	Williams (R)	\$2,269	\$1,000	\$0	\$0
No on 3953 and No on 2828	Barnhart (D)	\$0	\$500	\$0	\$0
	Beck (D)	\$500	did not run	\$0	did not run
	Dingfelder (D)	\$0	\$500	\$0	\$0
	Hansen(D)	\$500	\$0	\$750	\$0
	Hopson (D)	\$0	\$0	\$0	\$0
	March (D)	\$500	\$0	\$500	\$0
	Merkley (D)	\$0	\$0	\$0	\$0
	Morrisette (D)	\$0	\$0	\$100	\$0
	Nolan (D)	\$500	\$0	\$0	\$0
	Ringo (D)	\$0	\$0	\$0	\$0
	Rosenbaum (D)	\$0	\$0	\$0	\$0
	Tomei (D)	\$500	\$0	\$0	\$0
	V. Walker (D)	\$500	\$1,543	\$0	\$0
	Wirth (D)	\$0	\$0	\$0	\$0

Source: Oregon Secretary of State, Elections Division¹⁴

THE 2001 SMOKEFREE WORKPLACE LAW GOES INTO EFFECT

Administrative Rule-Making

After the law was passed, the Department of Human Services (DHS) was responsible for amending the existing administrative rules established under the old Indoor Clean Air Act of 1981. On November 15, 2001, nearly three months after the Governor signed the new Indoor Clean Air Act of 2001 (informally named Oregon's Smokefree Workplace Law), the Health Division created an advisory committee that included TOFCO, the ORA, and representatives from several divisions within the Department of Human Services (Table 48).⁵⁵⁸ After receiving input from the committee, which worked by consensus,⁵⁵⁸ Health Services held four public hearings during March in Pendleton, Bend, Roseburg, and Salem⁵⁵⁹ to develop the final rules,⁵⁵⁸ which went into effect on August 27, 2002 even though the smokefree workplace law went into effect on January 1, 2002.⁵⁶⁰

Table 47. Summary of Major Changes to Oregon’s Indoor Clean Air Act

	1981 Act	2001 Act
Exemptions		
Retail businesses primarily engaged in the sale of tobacco or tobacco products	Exempt	Exempt
Bowling centers	Not exempt	Exempt
Bars and taverns	Exempt	Exempt
Rooms or halls	Exempt if used for private social functions where seating arrangements are under control of function’s sponsor	Exempt if used by a charitable, fraternal or religious organization for bingo games
Enclosed offices or rooms	Exempt, if occupied exclusively by smokers even though the offices or rooms may be visited by nonsmokers	Exempts some hotel or motel rooms
Restaurants	Exempt, if they seat 30 or fewer people and meet standards for air filtration systems	Exempt if they are completely off-limits to minors. In restaurants that allow minors, only areas posted as off-limits to minors and licensed by OLCC are exempted
Employee lounges	Not exempt	Exempt, if 1) prohibits minors, 2) air exhausted directly to the outside by an exhaust fan and not recirculated to other parts of building, 3) complies with ventilation standards established by rule set by the Health Division, 4) employees are not required to enter as part of employee’s work, 5) there are sufficient non smoking lounges
Authority		
Proprietor or person in charge of a public place	Can designate smoking areas	Cannot designate smoking areas; all places of employment (except exemptions) must be smokefree
Local governments	N/A	May not prohibit smoking in exempted areas unless a local law existed before July 1, 2001
Enforcement		
Posting signs	Required	Required
Fines	not more than \$100 in any 30-day period	not more than \$50 per day, not to exceed \$1,000 in any 30-day period

In an internal working document, the Health Division identified that the most controversial issues in the rules process would be signage, smoking lounge ventilation, attempts to close loopholes in the law, and the enforcement process itself.⁵⁶¹ The document notes that the Restaurant Association represented the “least possible change,” while the voluntary organizations were anticipated to exhibit the “most possible change.” Throughout the rules process, the Health Division’s strategy was to “stay as high and general as possible,” leave out language unless absolutely necessary, and to remember that amendments were always an option.

Nancy Clarke, facilitator	Quit Line manager, DHS
Ann Blaker	Manager, TPEP
Harvey Crowder	Environmental Services manager, Department of Human Services (DHS)
Laura Culberson	Director, Tobacco Free Coalition of Oregon
Verne Duncan	Oregon State Senator, District 12
Matt Jaqua	Environmental Health supervisor, Yamhill County Public Health
Janet Jones	County TPEP coordinator, Umatilla County
Jane Moore	Program Manager, Health Promotion & Chronic Disease Management, DHS
Gerry Odisio	Tobacco Prevention and Education Program (TPEP)
Bill Perry	Director of Government Relations, Oregon Restaurant Association
Wendy Rankin	County TPEP coordinator, Multnomah County
Sarah Rosenberg	Cessation Services Specialist, Director, TPEP
Kathy Schwartz	Director, Wasco/Sherman County Public Health Department
John Valley	State Advocacy manager, American Cancer Society
Source: Department of Human Services, Health Division ⁵⁵⁸	

The Rules Advisory Committee

From its first meeting on November 15, 2001, the Advisory Committee decided that recommendations would be shaped by two principles. The first principle was a unanimous recommendation “that the education, complaint and enforcement procedures be based on a county-state partnership.”⁵⁵⁸ The Advisory Committee “felt that allowing individual counties to come up with their own procedures [would be] a recipe for disaster.”⁵⁵⁸ The second principle was that the “emphasis should be on an educational approach. Enforcement is only necessary after educational efforts are unsuccessful.”⁵⁵⁸ Accordingly, both the committee and TPEP staff decided that enforcement of the law would be complaint-driven.^{558,562} Bill Perry, from the Oregon Restaurant Association, was particularly in support of the emphasis on education rather than actively enforcing the law with violations and citations. During the December 2001 committee meeting, Perry emphasized the need for “an educational approach to enforcement prior to any citations.”⁵⁵⁸ Following a subsequent email in January 2002, the committee’s facilitator assured

Perry “for the umpteenth time that restaurants with wrong signs will be given a chance to comply before being cited.”⁵⁶³

At times, these two guiding principles created conflict in the rule-making process. For example, the emphasis on county-state partnerships overrode the emphasis on education, perhaps at the expense of the law’s effective implementation. According to committee minutes from December, even though “the committee [wanted] it to be easy for people to make a complaint about violations,” the group concluded that the rules should not require “no smoking” signs to include the toll-free information line because “some counties want complaint calls to come to them rather than going to the state number.”⁵⁵⁸ Despite testimony from the public hearings in March 2002 that overwhelming supported a requirement to include the toll-free number on signs,⁵⁵⁹ the final rules did not require the number to appear on signs.⁵⁶⁰ This decision to exclude the toll-free phone number may have been influenced by the fact that the Advisory Committee used the Multnomah County rules “as a starting point.”⁵⁵⁸ Because the local hotline number was not required to appear on Multnomah’s “no smoking” signs, an unspecified committee member questioned whether complaints were low because people did not know how to complain (Figure 15).⁵⁵⁸ In both cases, excluding the phone number on required signage may have reduced compliance, although the state hotline was included in other educational materials, such as posters and brochures, offered to employers.⁵⁶⁴



Figure 15. “No smoking” signs required by the state (left) and Multnomah County (right). Both signs did not include the phone numbers set up to provide additional information or to report violations. The statewide law was modeled after the Multnomah County ordinance. Source: TPEP, Multnomah County^{564,566}

After at least three meetings in November and December, and more frequent communication via email, the committee submitted its recommendations to the Health Services division at DHS.

Jurisdictional Issues

As the Advisory Committee worked on the rules, TPEP staff also worked with Rhea Kessler, an Assistant Attorney General in the Oregon Department of Justice, to determine whether the local government or state would have the responsibility of enforcing the state law in communities covered by the existing local ordinances, which were grandfathered in with the law. After a January 2002 meeting with Kessler, Sarah Rosenberg, a cessation specialist at TPEP, wrote, “There are political issues at stake with these decisions, both for our programs as well as for her office.... We have inter-jurisdictional problems because of the issues with local public health and the state. This is 'fraught with peril' on more issues than just billiard halls. There is an inherent conflict grafted on top of pre-emption and delegation problems.”⁵⁶⁵ The issue here was the problem of deciding not only if the state law applied in localities where smokefree workplace ordinances were upheld, but who would be responsible for enforcing the state law. For example, the Multnomah ordinance allowed smoking in billiard halls, but the state law did not. If the rules were written so that the state law applied to billiard halls in Multnomah County, then the question became one of enforcement: was the County or state responsible for making sure that smoking did not occur in Multnomah billiard halls?

With the understanding that “public health laws should be construed liberally,” according to Kessler⁵⁶⁵ and echoed multiple times in the rule-making process by TPEP staff⁵⁶¹ and DHS staff,⁵⁵⁸ the only guidance provided in the final draft of the rules restated the grandfather clause for local ordinances passed before July 1, 2001.⁵⁶⁰ As a result, local county counsels could interpret the law.⁵⁶² Multnomah County decided that the stronger law applied when there were differences between the two; race courses and billiard halls were exempt under county law, but became smokefree under the state law.⁵⁶⁶

The responsibilities of enforcement, which would be paid for by Measure 44 funds,⁵⁵⁸ was a significant factor in determining state or local jurisdiction. As written in the rules, the Health Division was responsible for three enforcement steps: providing education and assistance in complying with the law, receiving and processing complaints of non-compliance, and issuing citations.⁵⁶⁰ According to Jane Moore, the program manager of Health Disease and Chronic Management at the Health Division, the Conference of Local Health Officials, which was mandated by statute to consist of all local health officers and public health administrators, had opposed explicit inclusion of enforcement procedures.⁵⁵⁸ However, the Committee felt that “allowing individual counties to come up with their own procedures is a recipe for disaster.”⁵⁵⁸ Including enforcement procedures in the rules eliminated the possibility for contradictions and conflicts between state and local rules. For those counties that wanted to enforce the rules themselves, the adopted rules permitted a county or Local Public Health Authority to enter into written agreement with the state that would allow the county or Local Public Health Authority to assume some or all of the enforcement responsibilities normally held by the Health Division.^{560,567} In the end, implementation and enforcement of the law was carried out by the state and 20 local public health agencies (Table 49).⁵⁴⁸ Even though the enforcement process was complaint-driven and not expected to be expensive,⁵⁶⁸ Tabithia Engle, from TOFCO, pointed out, “Some counties chose not to sign an [intergovernmental] agreement even when [they had] a person in place [who could enforce the law]. They didn’t want the responsibility of enforcing the law, so the state had to use their staff to enforce the law.”⁵⁴⁸

State Enforcement (no IGA)		Local Enforcement (signed IGA)	
County	Smokefree Workplace Ordinance existing in County /City	County	Smokefree Workplace Ordinance existing in County /City
Baker	Baker City	Clatsop	None
Benton	Benton County, Corvallis, Philomath	Columbia	St. Helens
Clackamas	Lake Oswego	Crook	None
Coos	None	Deschutes	None
Curry	None	Harney	None
Douglas	None	Hood River	None
Grant	None	Klamath	None
Gilliam	None	Jackson	Central Point
Jefferson	None	Lake	None
Josephine	Grants Pass	Lane	Eugene
Linn	None	Lincoln	None
Morrow	None	Malheur	None
Multnomah	Yes	Marion	None
Polk	None	Tillamook	Tillamook, Manzanita, Rockaway Beach, Wheeler, unincorporated areas
Washington	Tualatin	Umatilla	None
		Union	None
		Wallowa	None
		Wasco-Sherman	None
		Wheeler	None
		Yamhill	None

Source: TPEP⁵⁶⁹

Ventilation Issues

By statute, the Health Division had the authority to develop standards for employee lounges, but not other workplace areas. The Committee’s discussion on ventilation standards during the December 21 meeting revealed that they were uninformed and negligent in establishing safe environments for workers entering employee lounges. According to Stanton Glantz, a Professor of Medicine and the University of California, San Francisco:

One of the really big issues at the time was how the ventilation standards in the law would be implemented. I was up there at the state tobacco control meeting, and I was urging them to write the rules so that the ventilation requirements were hard to meet as a way of discouraging their use. I remember Jane Moore staring at me icily during my presentation. They were terrified of pissing off Perry, who really dominated the Advisory Committee. Everyone was afraid that he would complain about them to the Governor. The decision to operate by consensus also greatly increased Perry’s influence in the process.⁵⁷⁰

One of the issues discussed at the December Advisory Committee meeting was whether the rules should be based on performance standards or construction standards.⁵⁵⁸ While construction standards described the presence of ventilation, performance standards set a minimum level of efficacy for a ventilation system. Clearly, adopting performance standards

would establish more rigorous standards for ensuring a minimum level of indoor air quality. However, the Committee demonstrated its lack of awareness when “staff reported that research has verified that there is no way to measure tobacco smoke.”⁵⁵⁸ The opposite, in fact, was true.^{241,571-573} Based on the Committee’s findings that tobacco smoke could not be measured and ventilation equipment was very expensive, the Committee concluded, “Therefore the rules will use the construction standards approach.”⁵⁵⁸ The Committee also decided that doors leading into the smoking lounge did not have to be “smoke-tight,” but rather “must be solid,” and they replaced the “reference to air changes per occupant to number of air changes per hour.”⁵⁵⁸ The final rules only required ventilation systems to be negatively pressurized, exhaust air through smoke-tight ducts at least 30 feet away from an opening or air intake of the building, prevent smoke from entering other parts of the building, and operate at all times the smoking lounge was occupied.⁵⁶⁰

The Educational Campaign

In the six months between when the statewide law was signed and when it went into effect on January 1, 2002, TPEP conducted an educational campaign about the law. A hotline was set up for general information and, later, complaints, and a website that specifically targeted businesses contained detailed information on the law, tips for implementation, and downloadable materials to post and distribute in the workplace.⁵⁶⁴ According to *The Oregonian*, some businesses took advantage of these implementation resources by offering their employees cessation benefits and business cards with the Oregon Quit Line number.⁵⁷⁴ As the effective date approached, nearly 100,000 employers received an informational packet that contained a letter from Governor Kitzhaber, signage, and implementation instructions.⁵⁴⁸ The law was also advertised through newspapers, billboards, and events.⁵⁴⁸

Media Efforts

TPEP’s statewide media campaign was organized through its contractor Pac/West, who was in charge of orchestrating media exposure during the educational and enforcement phases for the new law. During the educational phase, Pac/West reported that media coverage “was focused on the upcoming change in the law and what it will mean for Oregonians in the workforce and for employers and business owners.”⁵⁷⁵ During the enforcement phase, the media “revisited the story..., interviewing business owners who criticized the change in Oregon law and reexam[ing] the positive statistics put out by the Oregon Tobacco Prevention and Education Program.”⁵⁷⁵ Throughout each phase, Pac/West’s specific efforts included the placement of editorials and opinion pieces, the preparation of press kits, and the organization of a letter writing campaign to the editors of local newspapers.^{575,576}

Statewide newspaper coverage of HB 2828 allowed the firm to rely heavily on earned media opportunities. The fact that the law went into effect on January 1, 2002, when resolutions are made for the new year, provided an opportunity to mention the smokefree workplace law.⁵⁷⁷ Pac/West believed that the media coverage “was pervasive from a statewide perspective and overall very pro-TPEP in its tone and approach.”⁵⁷⁵ The firm credited the media’s accuracy to a press release that Pac/West issued in mid-December, reasoning that “specific verbage [sic] about the fines and percentage of working Oregonians now covered under the law show up

repeatedly.”⁵⁷⁷ (Negative press that could have come from the tobacco industry or the ORA⁵⁷⁸ was scarce, most likely because the ORA had championed the effort to pass the statewide law and were satisfied with the final legislation.)

Besides coordinating the paid and earned media coverage, Pac/West was also responsible for creating print materials regarding enforcement and compliance aspects of the new law. The firm produced advertisements, posters, brochures, decals, and billboards (Figure 16).⁵⁷⁹ However, according to Tabithia Engle from TOFCO, some of the Pac/West concepts were weak and unclear, and messages were even misplaced:

Looking at the billboards, it wasn’t clear what you were supposed to do, and there was no phone number on it... [Another billboard depicted] this beautiful African American woman and a very unclear message about second hand smoke and the law... This ad was obviously targeted to reach a certain population, but it was placed in Pendleton, Oregon, where there aren’t any African American people. Those are problems with how the media contractor put together the materials.³⁴⁸



Figure 16. Billboard created for the Oregon Tobacco Prevention & Education Program by Pac/West Communications. Source: Pac/West Communications⁵⁷⁵

Implementation: A Year Later

A year later, TPEP reported high rates of compliance and satisfaction with the law.⁵⁴⁸ TPEP stated that only 2% of workers surveyed had been exposed to secondhand smoke where it was not allowed, and only 128 complaints had warranted a more detailed investigation.⁵⁴⁸ These 128 businesses “received official letters from DHS or the appropriate county,” and 26 of these businesses required follow-up visits.⁵⁴⁸ Not surprisingly, no citations were issued in the first year, perhaps as a result of voluntary compliance and an enforcement process that favored an educational approach (Figure 17).

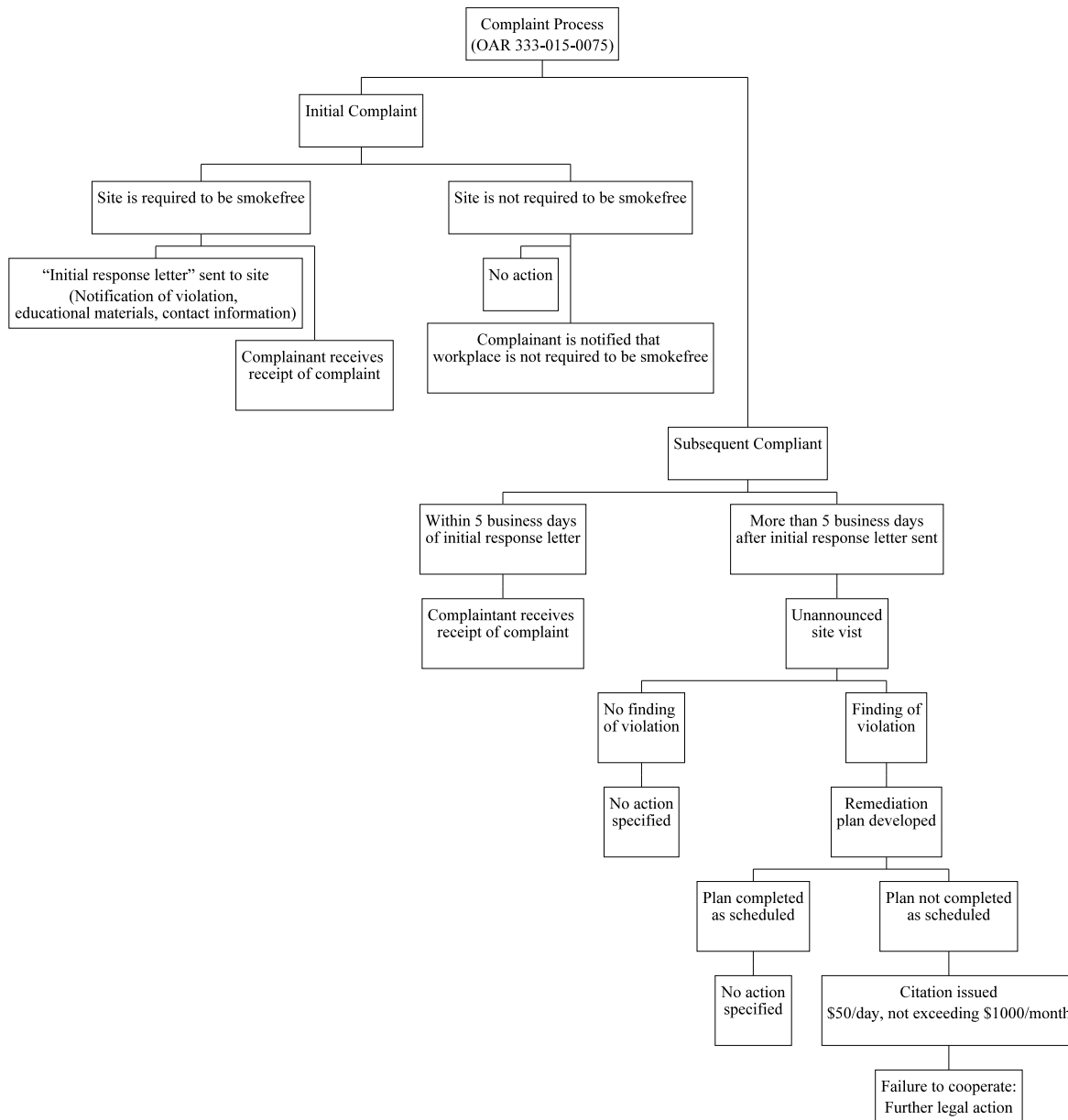


Figure 17. The enforcement process for responding to complaints. Both the state and the local public health authority adhered to these procedures. Source: OAR 333-015-0075

In order to measure awareness and satisfaction, TOFCO hired a public opinion research group, Davis, Hibbitts, and McCaig, who had also worked with Philip Morris in 2000.^{580,581} The poll showed that 70% of those surveyed were aware of the law and even more (76%) supported it.⁵⁴⁸

Evaluation of the Smokefree Workplace Law

Although 500,000 more people were protected under the new law,⁵⁴⁸ approximately 35,000 workers in the exempted workplaces, including some restaurants, bars, tobacco retail stores, bingo halls, and bowling alleys, remained unprotected.^{582,583} Due to these exemptions and preemption,

the American Lung Association's 2002 annual report, *State of Tobacco Control*, gave Oregon a "D" for smokefree air.⁵⁸⁴ By 2006, Oregon's grade improved to a "C"¹⁷ because of the May 2004 decision by the Oregon State Board of Education that required all school campuses (including outdoor areas) to be smokefree.^{159,585} Still, the smokefree workplace law received bad marks for its provisions for childcare facilities (which were only required to be smokefree during operating hours⁵⁸⁶), bars, and restaurants.

More than four years after the smokefree workplace law went into effect, the Roswell Park Cancer Institute conducted the "Oregon Air Monitoring Project" in 107 bars and restaurants around the state (Table 50). The study measured the air in these venues for the amount of small (and dangerous) "respirable suspended particulates" found in cigarette smoke (and other forms of air pollution, such as diesel exhaust), and concluded that the concentration of these particulates in smoking venues was 7 times higher than the level in non-smoking venues⁵⁸⁷ and exceeded the EPA's National Ambient Air Quality 24-hour fine particle standard of 65 $\mu\text{g}/\text{m}^3$ in 80% of venues that allowed smoking. The study concluded:

Employees in Oregon hospitality venues allowing indoor smoking are exposed to levels of particular matter in excess of levels recommended by the Environmental Protection Agency (EPA) to protect public health... [In venues where smoking is allowed], full-time bar and restaurant employees are exposed to over three times the annual EPA exposure limit of fine particulate air pollution, solely from occupational exposure... Policies that prohibit smoking in public worksites dramatically reduce secondhand smoke exposure and improve worker and patron health.⁵⁸⁷

Public opinion continued to support broad protections from secondhand smoke. The 2003 Oregon Behavioral Risk Factor Surveillance System (BRFSS), an ongoing random-digit dialed telephone survey developed by the states working with the US CDC, revealed that 94% of the adults surveyed for health-related behaviors believed secondhand smoke was harmful to one's health and 89% said people should be protected from secondhand smoke.⁴⁸⁸ While the State Board of Education acted upon the finding that 90% of those surveyed in the BRFSS favored ending adult tobacco use at school events⁴⁸⁸ by requiring smokefree school campuses in 2004,^{159,585} the state legislature did not remove the exemptions in the state clean indoor air law until June 26, 2007, when Governor Kulongoski signed SB 571 into law.

The Indoor Clean Air Act is Strengthened in 2007

During the 2007 legislative session, four bills (SB 354, SB 419, SB 571, HB 2571) proposed amendments to the Indoor Clean Air Act that would remove the exemptions. Of these bills, TOFCO chose to support SB 571 because it would repeal preemption, increase fines for violations of the law, credit penalties to TURA rather than the General Fund, prohibit smoking within 25 feet of entrances, exits, open windows, and ventilation intakes of public places and places of employment, and exempt a certain fraction (25%) of hotel or motel rooms, as well as non-commercial tobacco for ceremonial purposes.^{589,590}

While variations of SB 571 were introduced in past sessions,^{591,592} legislators attributed the failure to amend the Indoor Clean Air Act from "free market" issues to preoccupations with the state's economic crisis. In 2003, Sen. Kate Brown (D-Portland), who received \$6,000 in tobacco

industry campaign contributions as Senate Majority Leader for a lifetime total of \$7,500,¹⁴ doubted that the amendments would be made while the state faced serious budget problems, saying, “I don’t know if there’s the will in the Senate and the Legislature as a whole to address this issue.”⁴⁹⁸ In the next regular legislative session in 2005, Sen. Doug Whitsett (R-Klamath Falls), who received his first tobacco industry campaign contributions of \$2,000 in the 2004 election year,¹⁴ commented on the amendments proposed by the Committee on Commerce, of which Whitsett was a member: “I am inclined to leave such matters up to the operator of the business and to the free market... Smoking is still legal, and with the number of places available that now cater to non-smokers, I am loathe to make it illegal to cater to smokers if that is the choice of a business person.”⁵⁹³

Location	100% Smokefree Workplace ordinance in effect	# Venues monitored	Smokefree Venues		Smoking Venues		# Above EPA National Ambient Air Quality 24-hour fine particle standard in 2006 (65µg/m ³)
			# Venues	Avg PM _{2.5} (µg/m ³)	# Venues	Avg PM _{2.5} (µg/m ³)	
Bend	No	10	5	14.4	5	145	5 (100%*)
Coos Bay	No	10	2	27	8	179.8	5 (88%)
Corvallis	Yes	5	5	8.8	0	0	0
Eugene	Yes	5	5	23.2	0	0	0
Hillsboro	No	8	0	0	8	350	6 (75%)
Hood River	No	5	4	9.5	1	28	0
Medford	No	10	6	59.5	4	133.8	4 (100%)
Oregon City	No	8	2	5.5	6	328.3	6 (100%)
Pendleton	No	9	0	0	9	169.6	5 (56%)
Portland	No	27	5	28.4	22	227.2	18 (82%)
Salem	No	5	1	8	4	168.5	3 (75%)
Springfield	No	5	3	118	2	372	3 (150%)
Total		107	38	25.2	69	175.2	55 (80%)

*Percentage of venues that allow smoking that exceed maximum EPA level for safe air. Note that the National Ambient Air Quality Standard for fine particulate matter has been lowered to 35 µg/m³ in a 24-hour period as of December 17, 2006.⁵⁸⁸ PM_{2.5} is the concentration in the air of particulate matter smaller than 2.5 microns in diameter. Source: Oregon Air Monitoring Project (2006)⁵⁸⁷

Whitsett’s remarks were consistent with the ORA, which remained opposed to any changes in the law in the 2007 legislative session. Bill Perry reiterated the ORA’s position in 2006, when the legislature was anticipating amendments to the Smokefree Workplace Law: “We’re still going to be opposed to it this year... I don’t think an all-out ban is supportive of a

free-market system... This industry is about trying to serve everybody.”⁵⁹⁴ However, Maura Roche, the contract lobbyist for ACS, said in the 2007 interview, “The Restaurant Association felt pretty pressured by that Democratic majority—I think the Restaurant Association, like a lot of groups, is more tied to power than to ideology... I heard from restaurant owners and [ORA] members all the time about their disappointment in the organization’s position on the bill.”⁵⁹⁵ Since the ORA did not have the same powerful hold on the Legislature as it did in previous sessions when the Republicans were in the majority, the ORA’s primary goal during the 2007 legislative session was delaying the implementation date on SB 571 rather than fighting to uphold exemptions for bars and bar-restaurant combinations.⁵⁹⁵ However, these negotiations were “not a feature to the public discussion,” said Roche.⁵⁹⁵

A Friendlier Political Landscape for Strengthening the Indoor Clean Air Act

In the legislative sessions that followed the Indoor Clean Air Act of 2001, the Department of Human Services routinely provided information at committee hearings. The health groups and TOFCO diligently testified at hearings, arranged for testimony from hospitality industry workers such as a professional singer who sang her testimony or a bar owner who showed his “no smoking” tattoo,⁵⁹⁶ and organized student rallies⁴⁹⁹ in their support of bills that would remove the exemptions and extend the smokefree workplace law to all workplaces, including bars, bar areas of restaurants, bowling alleys, and bingo halls. The health groups, however, failed to mobilize public support, and a critical mass of supporters for clean indoor air and a stronger smokefree workplace law was never attained. Perry himself perceptively remarked in a 2003 news article in *The Oregonian*, “There are a lot of people out there who don’t like cigarette smoke... But I don’t think there is any public outcry for the (current) law to be changed.”⁴⁹⁸

With stronger clean indoor laws in neighboring states^{597,598} and Democratic majorities in both the House and Senate in 2007,^{595,599,600} legislators in Oregon passed SB 571 in the 2007 legislative session. The voluntary health organizations proposed one bill in the Senate and a nearly identical one in the House. While both removed the exemptions for bars, bar areas of restaurants, bowling alleys, bingo halls, and employee lounges, SB 571 prohibited smoking within 25 feet of an entrance and HB 2571 prohibited smoking within 10 feet (Table 51). (This provision, which prohibits smoking within a certain distance of a public place or workplace, is known as a setback provision).

With no pressing economic crises for the legislature to deal with in 2007,⁶⁰² SB 571 got off to a good start in the Senate Judiciary Committee when Committee Chair Sen. Ginny Burdick (D-Portland; tobacco control policy score of 7.3) arranged for its first public hearing on February 16, 2007 to be held in Eugene, which had passed its 100% smokefree workplace law in 2000. Burdick, who did not receive any tobacco industry campaign contributions in the 2006 election, but had collected a lifetime total of \$2,000 from tobacco companies,¹⁴ said, “I wanted to have [the hearing] in one of the smoke-free communities because I wanted to hear from people living with this. They’re best qualified to speak to the actual effects.”⁵⁹⁷

	Existing Law	SB 571-Introduced	Passed by Comm.	Passed by Comm.	Passed by Comm.	Signed into Law
Committee	NA	Judiciary (S)	Judiciary (S)	Finan/Rev (S)	HS&WW (H)	NA
Date	2001	Feb 12, 2007	April 19, 2007	May 17, 2007	June 12, 2007	June 25, 2007
Coverage	Public places Workplaces	Public places Workplaces	Public places Workplaces	Public places Workplaces	Public places Workplaces	Public places Workplaces
Exemptions	Bars Bar-rest. combos Bingo halls Bowling alleys Tobacco stores Employee lounges Hotel/motel rooms	25% hotel/motel rooms Noncommercial tobacco products for American Indian ceremonial purposes	25% hotel/motel rooms Noncommercial tobacco products for American Indian ceremonial purposes Smoke shops (alcohol served*)	25% hotel/motel rooms Noncommercial tobacco products for American Indian ceremonial purposes Smoke shops (alcohol served*) Cigar Bars Race courses	25% hotel/motel rooms Noncommercial tobacco products for American Indian ceremonial purposes Smoke shops Cigar Bars	25% hotel/motel rooms Noncommercial tobacco products for American Indian ceremonial purposes Smoke shops Cigar Bars
Local preemption	Yes	No	No	No	No	No
Effective Date	NA	Not specified	Not specified	Jan 1, 2009	Jan 1, 2009	Jan 1, 2009
Fines	\$50/day No more than \$1,000/month Deposit in GF	\$500/day No more than \$2,000/month Deposit in TURA	\$500/day No more than \$2,000/month Deposit in TURA	\$500/day No more than \$2,000/month Deposit in TURA	\$500/day No more than \$2,000/month Deposit in TURA	\$500/day No more than \$2,000/month Deposit in TURA
Setback	None	25-feet	10-feet	10-feet	10-feet	10-feet
<p>This table shows the amendment history of SB 571 from its introduction as a bill to strengthen the existing Indoor Clean Air Act (2001) to its final form as signed into law by Governor Ted Kulongoski (D) on June 25, 2007. Abbreviations: Comm: Committee; Judiciary (S): Senate Judiciary Committee; Finan/Rev (S): Senate Finance & Revenue Committee; HS&WW (H): House Human Services and Women’s Wellness Committee; GF: General Fund; TURA: Tobacco Use Reduction Account. *Smoke shops can serve alcohol if the shop has an alcohol license, if the alcohol is served in a separate lounge area, and if alcohol is offered only between 3-8 PM. Source: Oregon State Legislature⁶⁰¹</p>						

Legislative Maneuvers by Tobacco Control Advocates in the Senate

Although Burdick made sure that SB 571 was first received in a positive political environment, the bill faced the most opposition from the Oregon Restaurant Association, the tobacco companies, the bingo industry, and like-minded legislators. But some tobacco control lobbyists backed down early, resulting in amendments to SB 571 as it was originally drafted by the voluntary health groups. After the Eugene public hearing and another public hearing and work session a month later on March 16, 2007, tobacco control lobbyists amended the setback provision from 25 to 10 feet in the Senate Committee on Judiciary⁶⁰³ as a political concession.⁶⁰⁴ In a 2007 interview, Roche explained that this amendment “had been a problem in Washington State, and it was a problem that we didn’t want to have to deal with, so we did that early on.”⁵⁹⁵ Despite Roche’s reasoning, health officials in Washington have interpreted enforcement of the 25-foot

rule as provision that prevents smoke from drifting inside protected work spaces.⁶⁰⁵ According to Clark County Public Health, “smoking is prohibited within a *presumptively reasonable* minimum distance of 25 feet from entrances, exits, windows that open, and ventilation intakes that serve an enclosed area where smoking is prohibited to ensure that tobacco smoke does not enter the enclosed area... Sidewalks, parking lots, and public streets are not areas of service for most businesses and therefore not included in the areas of business owner responsibility.”⁶⁰⁶

The tobacco control advocates also employed an interesting tactic to move SB 571 from the Senate committees to a vote on the Senate floor so that it could be heard in the House. According to Roche, the advocates introduced an amendment in the Senate Committee on Judiciary on behalf of committee member Sen. Floyd Prozanski (D-Eugene; tobacco control policy score of 8.5) that not only allowed smoking in smoke shops, but effectively turned a smoke shop into a makeshift bar by allowing smoke shops to serve alcohol if the shop fulfilled several conditions, including the possessing of a liquor license, designating a separate lounge area only for drinking alcohol, and restricting alcohol consumption during the hours of 3-8 in the evening.⁶⁰³ Prozanski had never received any tobacco industry campaign contributions,¹⁴ but persuaded the tobacco control advocates that they would not have enough votes to move the bill out of committee if they did not include his amendment.⁵⁹⁵ Even though the committee was comprised of three Democrats and two Republicans, the advocates acquiesced to Prozanski’s request (Table 52). In a 2007 interview, Roche explained, “Once you’ve got a Democrat demanding an amendment in the five-member committee with two Republicans and three Democrats, you’ve got a problem... [The smoke shop provision] is the craziest thing since I’ve been on the planet but I just needed to get the hell out of that committee.”⁵⁹⁵ This provision for alcohol served in a smoke shop was eventually removed by the House Committee on Human Services and Women’s Wellness, chaired by Rep. Carolyn Tomei (D-Milwaukie; tobacco control policy score of 7.0), on June 12, 2007.⁶⁰⁷ Like Sen. Prozanski, Rep. Tomei had never received campaign contributions from the tobacco industry as of the 2006 election.¹⁴ However, the smoke shop exemption remained in the final bill; smoking was allowed in stand-alone smoke shops as long 75% of gross revenues came from the sale of tobacco products and smoking instruments, no one younger than 18 years old was permitted entrance, alcohol was not sold or consumed, and lottery games, social gaming, or betting was prohibited.⁶⁰⁸

	Tobacco Industry		ORA
	2006 election	Lifetime	2006 election
Ginny Burdick (D-Portland), chair	\$0	\$2,000	\$0
Roger Beyer (R-Molalla), vice-chair	\$1,500	\$16,890	\$0
Jeff Kruse (R-Roseburg)	\$0	\$5,490	\$0
Floyd Prozanski (D-Eugene)	\$0	\$0	\$492
Vicki Walker (D-Eugene)	\$0	\$0	\$532

Source: Oregon Secretary of State, Elections Division¹⁴

Before the Senate Judiciary Committee was able to vote SB 571 out of committee, progress on the bill was delayed during the last half of March, when the advocates had to convince legislators that SB 571 would have no fiscal impact. The Legislative Fiscal Office (LFO) was concerned that broadening the Indoor Clean Air Act by removing the exemptions would cost the state more money to enforce the amended law. According to Roche, “we had a bunch of fights over the fiscal [impact], but we were able to work through [DHS] to get that dealt with... The folks who do enforcement currently on other locations besides bars, bowling alleys and bingo halls were able to talk to the fiscal officers and explain their ability to enforce the new law within their current budget allocation.”⁵⁹⁵ On March 29, 2007, the LFO issued a fiscal analysis of SB 571 that concluded:

To implement this measure, DHS would shift from current TPEP priorities (e.g. secondhand smoke campaign/cessation, etc.) to public awareness of this measure... The Department anticipates no additional violation revenue based on its assumption that compliance will not be an issue. Therefore, DHS has categorized this measure as having no fiscal impact.⁶⁰⁹

In addition, the LFO stated that the Oregon Judicial Department and local county health departments would not experience fiscal impacts.⁶⁰⁹

The Revenue Impact Statement on SB 571 Delays Progress in the Senate

One of the most significant obstacles to passing SB 571 was a revenue impact statement issued by the nonpartisan Legislative Revenue Office (LRO) on April 11, 2007.⁶¹⁰ Roche believed that the LRO statement was released “at the behest of the lobbyist for the Restaurant Association.”⁵⁹⁵ Roche’s suspicions were not unfounded given testimony from the ORA’s Bill Perry at the first February 16, 2007 public hearing in the Senate Committee on Judiciary. Perry said, “When you ban smoking in adult establishments, there are negative impacts... If you’re going to ban it, you need to remember that you need to budget for a loss in revenue.”⁶⁰⁴ Later, when the Senate “solved” the problem of the revenue impact from SB 571 by delaying the new smoking regulations in bars and bar-restaurant combinations to January 2009, Perry was quoted in a May 23 *Oregonian* news article as saying, “It’s going to cost the state money. The question then is: Is it worth the policy?”⁶¹¹

The revenue impact statement, prepared by LRO economist and tobacco tax specialist Mazen Malik, estimated that the stronger smokefree law proposed by SB 571 would have a negative revenue impact of \$53.93 million to all the programs or funds that received cigarette tax revenue, including the state’s General Fund, the Oregon Health Plan (OHP), TURA, and cities, counties, and transit (Table 53). Because SB 571 suddenly had a revenue impact, the bill was passed out of the Senate Judiciary Committee, and referred by Senate President Peter Courtney (D-Salem) on April 19 to the Senate Committee on Finance and Revenue, chaired by Sen. Ryan Deckert (D-Beaverton; tobacco control policy score of 5.3). For two weeks, the bill was stalled as committee members balked at the revenue impact.^{612,613}

Malik based his estimated \$53.9 million in lost revenue projected for the 2007-09 biennium on an assumed 2-cigarette per day reduction following the successful passage of SB 571 together with the anticipated loss of smokers from Washington State, who came to Oregon to

smoke after Washington’s comprehensive Smokefree Workplace Law went into effect in December 2005.⁶¹⁴ The revenue impact statement reported:

When the state of Washington instituted its smoking restriction with its price tax increase, the tobacco taxes in Oregon started increasing again. This increase is interpreted as increase in sales as well as an increase of smokers (from Clark County, WA) smoking in Oregon establishments. Many will assume drinking and playing lottery as well. The restrictions in Oregon will send much of this business somewhere else.⁶¹⁰

	2007-08	2008-09	2007-09	2009-11
General Fund	(\$5.5)	(\$6.7)	(\$12.2)	(\$18.7)
OHP	(\$16.8)	(\$20.5)	(\$37.3)	(\$57.0)
TURA	(\$0.8)	(\$0.9)	(\$1.7)	(\$2.6)
City, County & Transit	(\$1.3)	(\$1.5)	(\$2.8)	(\$4.2)
Total	(\$24.3)	(\$29.7)	(\$53.9)	(\$82.5)

Source: Oregon Legislative Revenue Office ⁶¹⁰

In a 2007 interview, Malik again emphasized that people from Washington were “coming and buying and smoking in Oregon. They couldn’t smoke in bars and taverns in Washington, so they’re coming to smoke here.”⁶¹⁵ The so-called “Washington-Oregon effect”⁶¹⁵ was based on Malik’s observation that the trend of declining cigarette stamp sales in Oregon reversed for the first time in 2005 while Washington’s sales continued to decline (Figure 18). Even though the change in Oregon’s cigarette stamp sales began in January 2005, according to the data, Malik noted that increases in liquor and lottery sales suggested an influx of smokers from Washington after Washington’s Smokefree Workplace Law went into effect in 2005.⁶¹⁵

In contrast, a 2006 interview with the ORA’s Bill Perry revealed that these increased alcohol and lottery revenues were simply industry trends unrelated to smoking restrictions. According to Perry, “Gaming dollars have gone up, but I don’t think it has anything to do with smoking. Alcohol sales have gone up, but volumes haven’t... I don’t think it has anything to do with smoking, necessarily.”³⁷¹

Arguably, the increase in cigarette stamp sales was also a result of the elimination of the temporary \$0.10 cigarette tax in 2004,⁶¹⁷ as well as TPEP’s drastically underfunded tobacco prevention and education efforts following the legislature’s raid of TURA in March 2003 (both discussed later).⁶¹⁸ However, Malik believed that the increase was the combined result of Oregon’s increased enforcement efforts to combat tobacco tax evasion and the Washington effect.⁶¹⁵ He denied the possibility of a “TPEP effect,” despite the marked decrease in cigarette stamp sales during the time TPEP was fully funded from 1997 to 2003, saying:

The defunding happened in [2003], and there was no impact on anything... The only time we start seeing the uptake is due to enforcement and due to tax increase and due to restrictions in Washington. Everyone wants to see that program as the program that makes the difference. There is no statistic ever to support that... I don't know if I've seen anywhere that tobacco prevention was responsible for anything beyond the secular trend we've been seeing since 1982."⁶¹⁵

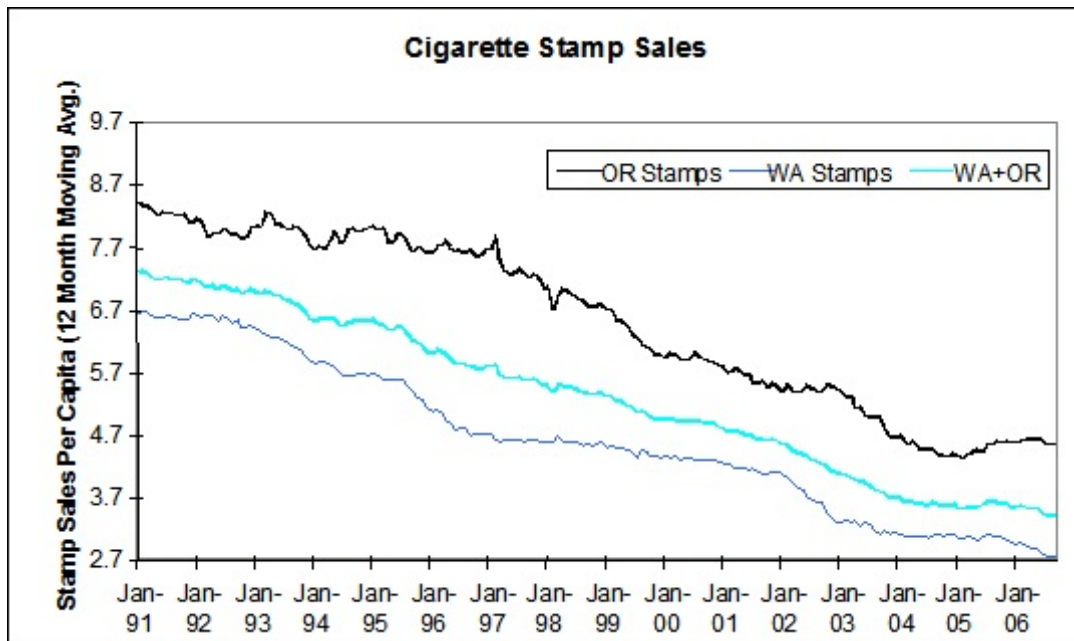


Figure 18. Cigarette stamp sales data that Malik used for his analysis for the revenue impact of SB 571. Note that the increase in cigarette stamp sales in Oregon begins in January 2005. Washington's Smokefree Workplace Law went into effect in December 2005. Source: Slide 16 of Malik's presentation to the Senate Committee on Finance & Revenue⁶¹⁶

The main problem with Malik's analysis was that he assumed the effect of SB 571 was the same as the effect of raising the cigarette tax, according to Jeffrey Fellows, an economist and researcher that TOFCO had recruited from Kaiser Permanente's Center for Health Research in Portland to respond to the LRO's revenue impact statement.⁶¹⁹ In the 2007 session, a cigarette tax increase was likely. Governor Kulongoski (D) had proposed to provide health insurance for uninsured children by raising the cigarette tax by 84.5 cents, under his "Healthy Kids Plan." Malik's assumption was evident in his presentation to the Senate Finance and Revenue Committee, where he spent a majority of his presentation talking about the state's excise tax and the effect of the 84.5 cent increase on cigarette tax rates and revenues.⁶¹⁶ However, committee members did not question Malik's logic even though, in Roche's opinion, "He was doing math we thought was funny, and he was also doing it at lightening quick speed [during his presentation], so people really had a hard time digesting it or asking any questions about it."⁵⁹⁵ (Roche also believed that Democrats went along with the LRO's analysis since "they didn't have a lot of choice because one of the key committee chairs was not going to force that issue."⁵⁹⁵ Although Roche would not go on the record to say which committee chair she was referring to, SB 571 was heard in a total of three committees. Two were chaired by Sen. Burdick and Rep. Tomei, who were both portrayed in the media as ardent supporters of the bill.^{611,613,620-622} The third was Sen. Deckert, who amended SB 571 to exempt cigar bars.) Later, during a 2007 interview, Malik's reasoning was clearer: "You could quantify [the Indoor Clean Air Act] as an increase in tax, and it

affects [decreases] consumption in the same way.”⁶¹⁵ Although Fellows, a former staff economist with the CDC and the Office on Smoking and Health, believed it was reasonable to consider some cross-border traffic, Fellows noted that “there’s no research demonstrating that a neighboring state enacting a smoke ban does anything to a particular state in terms of consumption.”⁶¹⁹

Moreover, Malik did not consider the health costs of tobacco use to Oregon in his analysis. He explained in a 2007 interview, “It will be difficult to say this is how much we will reduce healthcare expenditures because of the clean indoor air act... Enaction of this law will reduce revenue, but there is no immediate effect that anybody could actually significantly put to numbers [for health care expenditures].”⁶¹⁵ Fellows confirmed that including the effect of the strengthened law on healthcare costs would be “a very difficult item to put into an analysis because of the lack of data.”⁶¹⁹ In addition, Roche said that the advocates focused the debate on the right to have smokefree workplaces rather than on healthcare costs.⁵⁹⁵ While data on the effect clean indoor air policies have on medical care costs may not have been available at the time, tobacco control and prevention efforts *were* quantified into healthcare costs. TPEP reported that in 2004 alone, Oregon spent an extra \$4 million in neonatal healthcare just to treat the 5,683 infants who were born in 2004 to mothers who had used tobacco during pregnancy.⁴⁸⁹ According to the annually published *Oregon Tobacco Facts*, 2,300 fewer infants were born to mothers who used tobacco during pregnancy from TPEP’s inception in 1996 to 2004.⁴⁸⁹

At TOFCO’s request, Fellows provided the Senate Committee on Finance and Revenue with his own analysis of the revenue impact of SB 571. Fellows used three conservative assumptions to conclude that “at most, the bill would reduce cigarette excise tax revenues by \$388,000-775,000 each year (or 0.2-0.4% of total annual excise tax revenues).”⁶²³ He first assumed that half of the 130,000 Oregonians working in food services and drinking places⁶²⁴ would be affected by the new law. He also assumed that 30% of those affected smoked, and a 5-10% decline in consumption would follow the implementation of smokefree workplace policies.^{625,626} Even though the numbers that Fellows came up with were much different than Malik’s, Fellows did not think Malik was adversely influenced by either the tobacco industry or the ORA, pointing out that he agreed with Malik’s separate revenue impact analysis of the Healthy Kids Plan, which undermined criticism from Republicans by concluding that the 84.5-cent increase would generate enough revenue to pay for the Governor’s Plan.⁶²⁷ Fellows said, “If anybody was being influenced inappropriately by the tobacco industry, I would think it would show up in [the Health Kids Plan analysis] as opposed to [the analysis for SB 571], which is going to have a small effect on people. I attribute the \$53.9 million revenue impact to an honest mistake and having an unfamiliarity with the nuances of the content area.”⁶¹⁹

Even though the LRO analysis for SB 571 had estimated a surprisingly high revenue impact, which the media portrayed as the main reason that the bill’s progress was delayed for several weeks,^{611,613,620} Fellows was under the impression that there was a strong political will to strengthen the Smokefree Workplace Law. In his opinion, “It seemed like the money issues were pretty much ignored by the committee... That’s my own perception from what was being discussed, how the debate in the committee was going, and then some personal conversations with some of the committee members afterward.”⁶¹⁹ Indeed, the staff summary of actions taken on SB 571 in the Senate Finance & Revenue Committee noted that “revenue loss is not important in comparison with the health benefits and worker protection policy.”⁶²⁸ Key legislators, including

Senate President Peter Courtney (D-Salem; tobacco control policy score of 7.0) and Rep. Carolyn Tomei (D-Milwaukie; tobacco control policy score of 7.0), chair of the House Committee on Human Services and Woman’s Wellness, also believed that the potential for improving the public health with SB 571 was well worth any possible declines in cigarette tax and lottery revenues.^{611,612}

The Senate Committee’s solution to mitigate the supposed \$53.9 million revenue impact of SB 571 was to delay the implementation date by a year to January 1, 2009.⁶⁰⁴ This decision was based on Malik’s second revenue impact statement issued two days before the committee changed the implementation date on May 17. The LOR predicted that delaying implementation of the 100% smokefree workplace law would have a negative impact of \$9.83 million on tobacco tax revenue during the 2007-09 biennium.⁶²⁹ Legislators found this option more palatable, despite arguments from the ORA, described as “the main lobbying arm for lottery retailers”⁶¹¹ in *The Oregonian*, that lottery revenues would decrease by \$100 million during the first year of implementation. Mark Nelson, the lobbyist for RJ Reynolds, had also attempted to persuade legislators with “a study done for his clients—including the RJ Reynolds cigarette company and about 400 bar owners—estimating the ban would reduce the state’s lottery sales by between \$70 million and \$135 million a year.”⁶³⁰ The explanatory text accompanying the LRO’s second impact statement suggests the incorporation of arguments put forth by the ORA and the tobacco industry: “Reductions in Lottery revenues are expected to occur, however, they are not included in these estimates because it is difficult to pinpoint the impact on the currently robust lottery revenues and to separate the confounding increases that the lottery has been experiencing. The 2009 effective date, however, leaves time and some room for adjustments and change by agency and retailers.”⁶²⁹

Tobacco control advocates were extremely cautious in their strategy to pass SB 571. Even though they did not agree with the delayed implementation date, explained Roche, they also did not want to prompt a formal revenue impact statement of the bill’s effect on lottery revenues.⁵⁹⁵ Instead, TOFCO opted to bring in Fellows to provide an alternate analysis of the revenue impact,⁶¹⁹ and Roche talked to Rep. Mary Nolan (D-Portland), co-chair of the Joint Ways and Means Committee, explaining to her “why it was bogus math.”⁵⁹⁵ Publically contesting the LRO’s findings was a political calculation that the advocates, and certainly pro-tobacco control legislators, were not willing to make.

Legislative Maneuvers by Legislators in the Senate

After SB 571 was referred to the Senate Revenue and Finance Committee from the Senate Judiciary Committee in May, tobacco control advocates had to deal with more than the LRO’s revenue impact statement. Several amendments to the bill prompted criticism from local newspapers and media outlets for what the Portland *Willamette Week* described as “self-interested law-making.”⁶³¹ Race tracks and existing cigar bars (which were mostly located in Portland and Multnomah County) were exempted in the Senate Committee on Finance and Revenue by amendments⁶³² introduced by Sen. Rod Monroe (D-Portland)⁶³³ and Sen. Ryan Deckert (D-Beaverton),⁶¹² respectively. Monroe was a member of the Senate Revenue and Finance Committee, and described as “Mr. Anti-Smoking”⁶³¹ by fellow committee member and chair of the Senate Judiciary Committee Sen. Ginny Burdick (D-Portland). Monroe did not receive any campaign contributions from the ORA or tobacco companies in the 2006 election year, and had

also never received a tobacco industry contribution in his lifetime.¹⁴ Deckert chaired the Finance and Revenue Committee, and had previously sponsored HB 2806, which allowed smoking in bars, in the 1999 legislative session (see “Preemption is Introduced in HB 3492”). Like Burdick and Monroe, Deckert did not receive any tobacco industry or ORA campaign contributions in the 2006 election, although he had collected a lifetime total of \$1,390 from the tobacco industry.¹⁴

At the same time Portland Meadows lobbyists perfunctorily argued that the track should be exempted because of competition from tribal casinos where smoking was allowed,^{595,613,633} Monroe, who authored the 1981 Indoor Clean Air Act,⁶³¹ was the main supporter of the race track exemption. Openly public about his conflict of interest, Monroe supported the exemption solely because his daughter-in-law was employed at the track, arguing that a smokefree race course would put jobs at risk with the lost patronage under new rules.⁶³¹ His conflict of interest is especially apparent in the inconsistency of his position on other smokefree workplaces. According to Eugene’s *Register-Guard*, “Monroe disputed the notion that tavern workers can simply quit their jobs and find new ones in smoke-free workplaces.”⁶¹³

Although Deckert did not have a family member employed by a cigar bar, he was a cigar aficionado.⁶¹³ His amendment allowed cigar smoking in existing cigar bars as long as the establishment was restricted to people at least 21 years old, did not offer video lottery games, required employees to read and sign a “document that explains the dangers of exposure to second hand smoke,” and made at least \$5,000 in on-site cigar sales during the 2006 calendar year.⁶³²

In protest of these two amendments, Burdick refused to vote the bill out of the Revenue and Finance Committee, which was comprised of three Democrats and two Republicans. As one of three Democrats in the committee, Burdick’s absence meant that the bill would never get to the Senate floor. As Senate President, Peter Courtney (D-Salem) stepped in to replace Burdick, and voted along with fellow Democrats Monroe and Deckert to move the bill out of committee to the floor. Although the two exemptions for cigar bars and race tracks were approved by the Senate, the race track exemption was eventually removed on June 12, 2007 in the House Committee on Human Services and Women’s Wellness,⁶⁰⁸ chaired by tobacco control supporter⁶⁰⁰ Rep. Carolyn Tomei (D-Milwaukie).

An Initiative Threatens the Senate

When SB 571 was still stalled in the Senate Committee on Finance and Revenue, TOFCO decided to pressure legislators into moving the bill to a vote on the Senate floor by filing an initiative which contained identical language as the original version SB 571. The initiative, which would likely pass,⁵⁹⁵ allowed the advocates to pursue a strengthened smokefree workplace law in the unlikely case that the proposed legislation did not pass during the 2007 session.⁶²⁰ The three petitioners, Rebecca Duffy, an ACS volunteer with terminal cancer, Joseph Sullivan, a physician with the Providence Health System, and Tabithia Engle filed the smokefree workplace initiative with the Secretary of State on May 22, 2007.⁶³⁴ According to Engle, the initiative was filed because they were “losing faith in lawmakers to get this done.”⁶²⁰ Roche also believed that the initiative’s anticipated success blocked the possibility of further amendments, such as exemptions for bingo halls, in the Senate.⁵⁹⁵

On the same day that the initiative was filed, the Senate passed SB 571 over to the House with a 18-12 vote. With the exception of Betsy Johnson (D-Scappoose; tobacco control policy score of 3.7), Joanne Verger (D-Coos Bay; tobacco control policy score of 3.0), and Kurt Schrader (D-Canby; tobacco control policy score of 4.0), the remaining 15 Democratic senators were joined by Avel Gordly (I-Portland; tobacco control policy score of 10.0), Frank Morse (R-Albany; tobacco control policy score of 7.0) and David Nelson (R-Pendleton; tobacco control policy score of 3.0) in support of SB 571. All three Democrats who opposed SB 571 had received tobacco industry campaign contributions in the 2006 election year (Table 54).¹⁴ Once the Senate had passed the bill, the initiative was not pursued, and no signatures were ever gathered.⁵⁹⁵

	Tobacco Industry		ORA
	2006	Lifetime	2006
Kate Brown	\$1,000	\$19,000	\$2,296
Betsy Johnson	\$2,000	\$4,350	\$1,000
Kurt Schrader	\$2,000	\$3,890	\$4,621
Joanne Verger	\$500	\$4,850	\$0

Source: Oregon Secretary of State, Elections Division¹⁴

Although the initiative threat did put pressure on the Senate to move the bill through the legislature, Bill Perry was able to use TOFCO’s initiative threat, which would have appeared on the 2008 ballot, to argue for his 2009 implementation date: “Most of our people thought it was going to get on the ballot and pass, so they were expecting the 2009 date anyways,” said Perry in an *Associated Press* article.⁶¹² The 2009 implementation date, which was attached to SB 571 in the Senate Finance and Revenue Committee, remained in the final version of the bill.

Throughout the legislative session, the tobacco control advocates employed grassroots strategies as well as legislative tactics in Salem. According to Roche, the advocates garnered support for SB 571 through paid phone campaign, meetings with editorial boards, and opinion and editorial pieces.⁵⁹⁵ The American Lung Association of Oregon also sent out Action Alerts that mobilized their grassroots network to contact legislators and lobby them at the capitol.⁶³⁵⁻⁶³⁷ According to Kylie Meiner, TPEP’s tobacco prevention coordinator in Multnomah County, the advocates arranged for powerful testimony at legislative hearings from a variety of hospitality industry workers, including bars owners, servers, and musicians.⁵⁹⁶ Meiner also credited “the community programs that concocted every media advocacy and social marketing effort possible to keep the public conversation going and the issue in front of policy makers.”⁵⁹⁶ In Salem, said Roche, “high profile cancer victims met with individual folks who were causing us trouble on the bill.”⁵⁹⁵ One of these cancer victims was Rebecca Duffy, who never smoked but had terminal cancer as a result of being exposed to secondhand smoke as a hospitality industry worker.^{595,638} Duffy lobbied Oregon legislators as a volunteer for the American Cancer Society.⁶³⁸

SB 571 is Fine-Tuned in the House

After SB 571 passed the Senate on May 22, the bill went to the House. House Speaker Jeff Merkley (D-Portland; tobacco control policy score of 9.0), a TOFCO ally, was confident that “the House is ready to extinguish smoking in bars and taverns once and for all,” according to an *Associated Press* article published in the *Roseburg News-Review*.⁶¹² On May 23, Merkley referred SB 571 to the House Human Services and Women’s Wellness Committee, chaired by Rep. Carolyn Tomei (D-Milwaukie). The advocates’ goal in the House was to remove as many amendments that had been made in the Senate as possible (Table 51). Roche recalled that they went around the capitol to determine what the vote count would be according to the presence or absence of various amendments. Removing the race track exemption was “not that problematic for most people,” said Roche, but political calculus was required for the other exemptions.⁵⁹⁵ The advocates left in the smoke shop exemption, but removed the alcohol provision for smoke shops because they had already made the concession for the cigar bar exemption, which had to stay in order to secure crucial votes.⁵⁹⁵

Ultimately, the House passed SB 571 on June 15, 2007 by a 38-21 vote, largely along party lines. Out of the 31 Democrats and 29 Republicans in the House, 8 Republicans voted in support of SB 571 and 1 Democrat voted against the bill. In Roche’s opinion, several Republican representatives who had voted against tobacco control legislation in past sessions were able to vote according to their own will rather than according to what their ORA campaign contributions dictated (Table 55).⁵⁹⁵ Because the Senate had passed a different version of SB 571 (with exemptions for race tracks and smoke shops’ ability to serve alcohol), the House-approved version of SB 571 went back for a vote in the Senate. The Senate re-approved the bill on June 18 with a 18-12 vote, and Governor Ted Kulongoski signed the bill into law on June 26, 2007.

As of July 2007, Oregon was the 27th state to pass a comprehensive statewide smokefree law.⁶³⁹ Oregon joins several other states where preemption has been repealed or has expired, including Delaware (2002), Washington (2005), Illinois (2006), Kentucky (2006), Nevada (2006), Rhode Island (2006), and Louisiana (2007).⁶⁴⁰ With the implementation date delayed by more than a year, tobacco control advocates must be prepared to formulate an implementation plan as soon as possible, become leaders in the administrative rules process, and prevent any attempts to weaken the law before its implemented.⁶⁴¹

OTHER TOBACCO CONTROL EFFORTS

Statewide Measures

Tobacco control efforts continued in Oregon despite state preemption of local clean indoor air policies in 2001. The Tobacco Reduction Advisory Committee (TRAC), which was a Governor-appointed committee created by a 1997 executive order by Governor Kitzhaber to advise DHS “in crafting, analyzing, and prioritizing such programs which seek to reduce statewide tobacco use,”¹⁶¹ tried to make the best of a bad situation when it concluded that “these times provide an opportunity to promote voluntary policies among businesses not covered in the law.”⁵⁶⁸ There was not, however, the kind of focused, high profile effort that existed prior to 2001. Some communities enacted clean outdoor air policies in venues such as parks, rodeos,

fairgrounds, college campuses, hospitals, and housing.⁶⁴²⁻⁶⁴⁸ In 2003, TOFCO won a \$192,785 grant from the Robert Wood Johnson Foundation for its “Make It Your Business” campaign,⁵⁸⁶ which educated employers “about best practices in tobacco cessation,” and encouraged health plans to cover and promote effective tobacco cessation services.”⁶⁴⁹ As of 2007, stop-smoking services were a benefit for all coverage levels in the Oregon Health Plan,⁶⁵⁰ which had offered smoking cessation treatment (including physician evaluation, educational materials, and therapy programs in group, individual, and telephone settings) since May 1, 1998.⁶⁵¹ In 2004, the CDC commended Oregon for its comprehensive coverage of all smoking cessation treatments recommended by the CDC.⁶⁵² TPEP also continued to help medical care providers craft cessation program purchasing guidelines for insurers.^{5,159}

Table 55. Tobacco Industry and ORA Campaign Contributions to Republican Representatives who Voted for SB 571			
	Tobacco Industry		ORA
	2006	Lifetime	2006
Vicki Berger	\$1,000	\$2,350	\$0
Brian Boquist	\$2,000	\$2,000	\$1,599
Scott Bruun	\$1,000	\$2,350	\$1,000
Bob Jenson	\$0	\$1,850	\$0
Wayne Krieger	\$1,500	\$6,100	\$1,000
Jerry Krummel	\$1,500	\$7,850	\$0
John Lim	\$2,000	\$4,600	\$2,000
Ron Maurer	\$500	\$500	\$1,000
Karen Minnis	\$5,500	\$36,290	\$12,602

Source: Oregon Secretary of State, Elections Division¹⁴

Support from the Attorney General

Attorney General Hardy Myers (D), who was first elected in 1996, and reelected for a third term in 2004, consistently worked behind the scenes in tobacco control, mainly by improving the areas of enforcement and retailing. Myers supported allocating MSA funds to tobacco prevention⁶⁵³ and secondhand smoke protection. In 2005 he said, “We need to protect 100 percent of Oregonians from second-hand smoke while at work.”⁶⁵⁴

The Attorney General’s Committee on Kids and Tobacco

In 2000, after the Department of Justice found that youth access laws were failing to prevent children from purchasing tobacco products,⁶⁵⁵ Myers formed the Attorney General’s Committee on Kids and Tobacco (CKT).⁶⁵⁵ Governor John Kitzhaber strongly supported Myers’ Committee, and, despite later signing into law the Indoor Clean Air Act of 2001 that exempted

bowling alleys, said, “Oregon must continue to seek out new solutions and additional resources that will keep kids from becoming addicted to tobacco.”⁶⁵⁶ The CKT held hearings in 6 communities around Oregon (Table 56).

Table 56. The Attorney General’s Committee on Kids and Tobacco (2000)	
Meeting Dates and Locations	Members
March 29: Portland April 27: Eugene May 25: Medford July 27: Pendleton September 14: Bend October 26: Salem	John Chism, American Heart Association Paula Christianson, American Heart Association Joe Gilliam, United Grocers Martin Jones, Oregon Medical Association Ellen Lowe, Tobacco Free Coalition Art Martinak, Oregon State Sheriffs Association Clay Parton, Oregon State Health Division Jeff Ruscoe, Office of Drug and Alcohol Policy Liling Sherry, NW Portland Area Indian Health Board Mike Simms, Oregon Gasoline Dealers Association Jerry Spegman, American Cancer Society Larry Welty, Oregon State Police
Source: Oregon Department of Justice ⁶⁵⁵	

Myers wanted Oregonians to be involved in the process of suggesting “legislation or other policy recommendations” that would prevent children from becoming addicted to tobacco.⁶⁵⁶ After hearing both expert and public testimony, Myers made several broad policy recommendations to policymakers in a report released on April 4, 2001.⁶⁵⁷ He advocated for a comprehensive approach to tobacco control, and commended TPEP for “[yielding] good results despite inadequate funding.” In order to reduce the gap between TPEP’s “inadequate” funding level and the minimum funding level set by the CDC, Myers recommended that the program should receive MSA funds. To enhance and reinforce the comprehensive approach, Myers believed that youth-oriented cessation programs should be “made available upon demand,” and advised schools to be tobacco-free. He also opposed preemption of local clean indoor air laws, stating in the executive summary of the report that “state government should not preempt local lawmaking that addresses tobacco control issues more strongly than state law.”⁶⁵⁷

In the preface to his report, Myers wrote, “In the end, the fundamental challenge for adult policymakers is whether we can match, and how we can best support, the enthusiasm and commitment of the youngest warriors in the fight against tobacco.”⁶⁵⁷ Subsequently, four pieces of legislation were introduced that session at the request of the CKT (Table 57). Sponsored by Rep. Bill Morrisette (D-Springfield; tobacco control policy score of 8.8), all died in committee when the session adjourned in July. Three of the four bills were first referred to the House Committee on Smart Growth and Commerce, chaired by Rep. Bill Witt (R-Cedar Mill), who, in the same session, passed three pro-tobacco bills out of his committee with “do pass” recommendations, including HB 3874 (which restricted TURA funds from being used for specific tobacco control best practices), and HB 3953 and HB 2828 (which both contained language that preempted local governments from enacting clean indoor air legislation). Of these three bills, only HB 2828 was ultimately signed into law.

Table 57. 2001 Legislation Proposed by Attorney General's Committee on Kids and Tobacco			
Bill	Committee	Intent	Action
HB 3648	House Committee on Student Achievement and School Accountability	Prohibits tobacco use on schools grounds, youth correction facilities, or juvenile detention facilities	March 16: Received by committee April 26: Public hearing July 7: Died in committee upon adjournment
HB 3649	House Committee on Smart Growth and Commerce	Prohibits person from penalizing tobacco product retailers for moving tobacco product displays or advertising, under certain conditions. Creates cause of action for tobacco retailers harmed by violation of Act.	March 16: Received by committee April 27: Public hearing May 9: Public hearing July 7: Died in committee upon adjournment
HB 3650	House Committee on Smart Growth and Commerce	Prohibits sale of cigarettes in package of less than 20.	March 16: Received by committee July 7: Died in committee upon adjournment
HB 3651	House Committee on Smart Growth and Commerce	Authorizes political subdivision to establish licensing programs for tobacco product retailers. Instructs DHS to study costs and benefits of establishing uniform statewide licensing requirements for retailers of tobacco products and to report findings to Legislative Assembly.	March 16: Received by committee July 7: Died in committee upon adjournment
Source: Oregon State Legislature			

Although none of the legislation that arose from Myer's CKT was realized, Myers was able to influence youth access and youth marketing in other venues.^{658,659} For example, in 2006, Oregon and 38 other states prohibited RJR from producing or selling cigarettes with candy, fruit, or alcohol flavors. According to *The Statesman Journal*, Myers was impelled to enter into the settlement based on his impressions that the sweet, candy-like scratch-and-sniff promotional materials violated the MSA by appealing to young adults.⁶⁶⁰ Besides discouraging the availability of candy-like tobacco and nicotine products,⁶⁶¹ Myers has joined other attorney generals in agreements between their respective states and retailers to reduce tobacco sales to minors. These retailers included Chevron, 7-Eleven,⁶⁵⁸ CVS, Wal-Mart, Walgreens, Rite Aid, and gas stations including Conoco, Phillips 66, Exxon, Mobil, BP, 76, Amoco, and Arco.^{659,662} Illegal tobacco sales to minors were further pursued in a joint effort with the Oregon State Police. Undercover purchases made on Internet websites subsequently led to prosecution of several guilty retailers.^{663,664}

Tobacco Tax Compliance Enforcement Efforts

The 2001 Oregon state legislature created the Tobacco Tax Compliance Task Force in order to recover lost revenues from tobacco tax evasion⁶⁶⁵⁻⁶⁶⁷ and ensure tobacco products regulation according to the MSA.⁶⁶⁸ The Task Force was a collaboration of the Department of Justice, the Oregon State Police, and the Tobacco Compliance Unit⁶⁶⁹ at the Department of Revenue; no members of the public health community were included in this effort.⁶⁷⁰ When the Task Force was first created, efforts were supported by a \$3.5 million biennial budget⁶⁷¹ paid from the General Fund.⁶⁷⁰ The Task Force received mixed reviews for its attempts to recoup lost revenue. Legislators on the 2006 Emergency Board, which handles budgetary matters between legislative sessions, most likely regarded the Task Force as a success when they granted the Department of Revenue \$248,000 more to pay for data processors who would pursue additional cases of uncollected taxes.⁶⁷² The Emergency Board, by statute, consists of the Senate President, House Speaker, co-chair of the Joint Ways and Means Committee, six Senators appointed by the Senate President and approved by a majority of the House, and seven House Representatives appointed and approved in a similar fashion.⁶⁷³ This action was prompted by the results of an \$88,000 effort by the Department of Revenue in 2005.⁶⁷² After the Department sent invoice letters to 7,500 purchasers of untaxed cigarettes from internet websites, approximately 33% of the offenders paid \$686,000 back to the state.⁶⁷¹

Still, revenues recovered from increased enforcement efforts did not always meet expectations, especially considering the amount of money invested into these efforts. *The Bulletin*, a daily newspaper from Bend, reported that the task force “was supposed to intercept truckloads-worth of cigarettes that were allegedly being smuggled into the state and sold tax-free. It never lived up to those early expectations.”⁶⁷¹ These disappointments, according to *The Bulletin*, included the fact that “the task force is not paying for itself with the fines it levies and the cases it pursues.”⁶⁷¹ The below-expected revenues may have been a result of problems identified by the Secretary of State when they conducted an audit of the Department of Revenue for fiscal year 2003 (period beginning July 1, 2002 and ending June 30, 2003). The Secretary of State concluded in January 2004 that the DOR should “improve its system of internal control over the cigarette tax program” and that “without an adequate system of internal control, department management is less able to meet its business objectives and is at a higher risk for inaccurate reporting (i.e., errors of theft could go undetected and uncorrected that materially impact the financial statements), as well as increase the risk of lost revenue for the state”:⁶⁷⁴

Our audit found that the department has significant weakness in its system of internal control relating to the cigarette tax program. Specifically, the department has not:

- Appropriately segregated key duties relating to the maintenance and record keeping of cigarette tax stamps
- Adequately limited physical access to the tax stamps
- Maintained adequate documentation of inventory records and records of destroyed tax stamps
- Developed sufficient policies and procedures to ensure compliance with Oregon Administrative Rules relating to bonding levels for purchasers of cigarette tax stamps
- Ensured that cigarette tax order forms contain all of the necessary information
- Maintained supporting documentation for the sale of all cigarette tax stamps⁶⁷⁴

Even though the Department's Tobacco Compliance Unit had to make significant changes to fulfill their responsibility of maximizing tobacco tax collections,⁶⁶⁹ the 2003 legislature decided to *increase* the task force's budget in the midst of a state budget crisis.⁶⁷¹ (The state budget crisis was also used to justify cutting TPEP's budget, discussed below). The Department "estimated that an additional investment of \$5 million toward cigarette and other tobacco tax compliance efforts would yield additional tax revenues of \$30 million from these sources."⁶⁷⁵ Consequently, the Joint Ways and Means Committee's Subcommittee on Capital Construction Bonding increased the Department of Revenue's budget by \$5 million and added 17 new staff position through HB 2532 with the expectation that the state would experience a net increase of \$25 million in tobacco tax revenues (anticipated to increase as a result of enforcement efforts).⁶⁷⁶ Attempting to balance the state budget, the subcommittee reasoned that \$25 million of the Department's budget could be paid for by the projected increase in collected tobacco tax revenues rather the General Fund.⁶⁷⁶

While an extra \$25 million was available to the General Fund, the Revenue Impact Statement issued by the Legislative Revenue Office pointed out that the Department of Revenue would face a significant budget deficit if tobacco tax collections failed to meet the Department's expectations.⁶⁷⁷ Moreover, HB 2532 sequestered and deprived \$30 million from programs and local governments funded by the tobacco tax.⁶⁷⁸ By November 2004, more than a year after Governor Kulongoski signed HB 2532 into law on September 3, 2003, the Emergency Board had to approve \$5 million for the Department from the general purpose Emergency Fund when cigarette tax collections fell short of previous forecasts by \$25 million.⁶⁷⁵ The Tobacco Task Force reported to the House Revenue Committee in 2005 that since the number of tax stamps sold in 2004 was below projections made in 2003, "the hope that cigarette tax revenue would *rise* in response to the enlargement of the Task Force has not been realized" [emphasis in original].⁶⁷⁹

The decision to dedicate \$30 million in cigarette and tobacco tax revenues to pay for the Department of Revenue⁶⁷⁵ was made by the Joint Ways and Means subcommittee on Capitol Construction Bonding, co-chaired by the two co-chairs of the Joint Ways and Means committee.⁶⁸⁰ Sen. Kurt Schrader (D-Canby; tobacco control policy score of 4.0) had received \$1,890 in campaign contributions from tobacco companies by 2003, and Rep. Randy Miller (R-West Linn) had received a sole contribution of \$250 from Brown & Williamson in 2002 (Table 58). The vice-chair of the Joint Ways and Means committee, as well as a member of the subcommittee, was Sen. Steve Harper (R-Klamath Falls), who had accepted \$5,140 in campaign contributions from tobacco companies by 2003. However, the magnitude of these contributions was not nearly as large as 2002 election totals, as well as lifetime totals as of 2003, for tobacco industry campaign contributions to 2003 Senate Majority Leader Kate Brown (D-Portland; tobacco control policy score of 5.3), House Majority Leader Tim Knopp (R-Bend), House Speaker Karen Minnis, (R-Wood Village; tobacco control policy score of 1.3), Sen. Bruce Starr (R-Aloha; tobacco control policy score of 3.0), and Senator Jackie Winters (R-Salem; tobacco control policy score of 1.0) (Appendix A).

From its inception in 2001 to 2006, the Task Force has directly recovered over \$12 million in tobacco tax evasion, but noted that the Task Force's efforts may have contributed to the increase in revenues from cigarette and other tobacco products beginning in 2004 (Figure 19).

Table 58. Campaign contributions from the tobacco industry to members of the Joint Ways and Means Committee, Capital Construction Bonding subcommittee

Member	Contributions from 2002 election	Lifetime contributions as of 2003
Sen. Kurt Schrader (R-Canby), co-chair	\$0	\$1,890
Rep. Randy Miller (R-West Linn), co-chair	\$250	\$5,350
Sen. Steve Harper (R-Klamath Falls)	Not up for reelection	\$5,140
Rep. Gary Hansen (D-Portland)	\$0	\$1,140
Rep. Wayne Krieger (R-Gold Beach)	\$1,500	\$3,250

Source: Oregon Secretary of State, Elections Division¹⁴

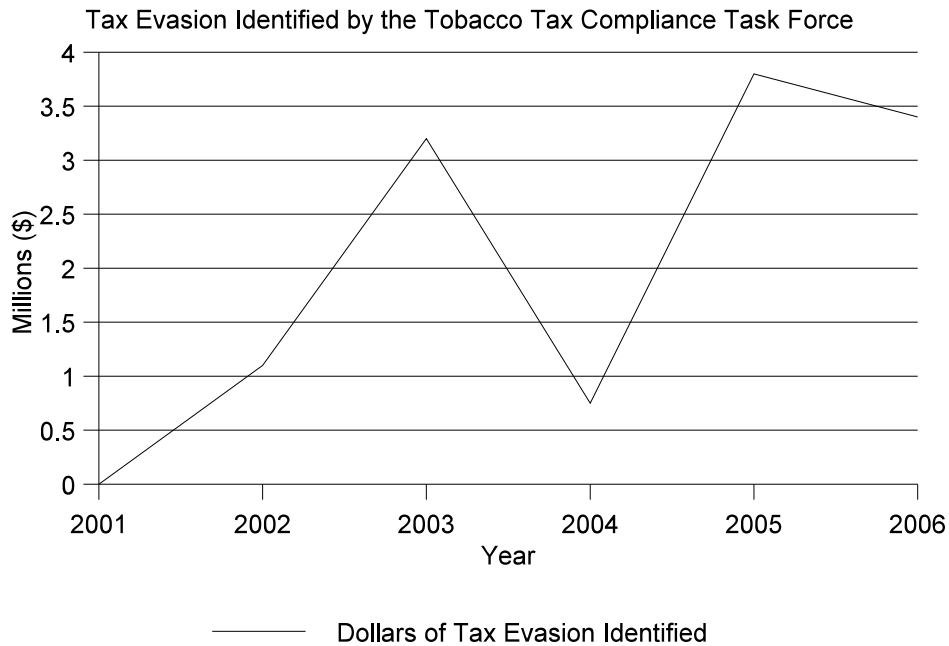


Figure 19. The Tobacco Tax Compliance Task Force recovers over \$12 million in evaded cigarette and other tobacco products taxes. The task force identified cases of tax evasion, then took either regulatory, administrative, civil, or criminal actions to prevent further loss of tobacco tax revenues to the state. Source: Tobacco Tax Compliance Task Force⁶⁷⁹

The Tobacco Enforcement Fund

In the same 2003 legislative session that the legislature appropriated an additional \$5 million to the DOR for enforcement efforts, the Senate Committee on Judiciary created the Tobacco Enforcement Fund through amendments to HB 2094 submitted by the tobacco industry. Attorney General Hardy Myers originally introduced the bill to reduce violation of tobacco tax evasion in order to improve the regulation of tobacco products⁶⁸¹ according to the MSA.⁶⁶⁸ However, HB 2094 was co-opted in the Senate by tobacco industry allies. The Senate Committee

on Judiciary was chaired by Sen. John Minnis (R-Wood Village), who had received \$4,500 from tobacco companies when he was last reelected in 2000, bringing his lifetime tobacco industry campaign contribution total to \$8,200.¹⁴ The provision for the Tobacco Enforcement Fund, which remained in the final bill signed by Governor Ted Kulongoski (D) in September 2003, stipulated that the fund contain revenue recovered from the sale of illegal cigarette and tobacco products, money recovered from the costs associated with enforcement (“investigation, expert witness fees, costs of the action and reasonable attorney fees”), and an annual payment of \$700,000 in MSA funds.⁶⁸¹ The Department of Justice received continuous appropriations from the Fund in order to support the enforcement of legal sales and tax compliance through the Tobacco Tax Compliance Task Force.

Jim Gardner, the lobbyist for Philip Morris, and Mark Nelson, the lobbyist for RJR and president of Public Affairs Counsel (PAC), testified in support of the bill during the Senate committee hearings. Gardner, who submitted the amendment,⁶⁷⁰ argued that “the state of Oregon needs every possible enforcement tool.”⁶⁷⁰ Nelson cited a document put together by Richard Kosesan, the Tobacco Institute’s former legislative consultant, who found that despite huge cigarette and tobacco tax increases and a fairly stable consumption rate, Oregon had experienced a very modest tax collection.⁶⁷⁰ Arguably, the big tobacco companies supported this bill not only as it was originally introduced by AG Myers (because it protected their market share by ensuring compliance with the MSA), but also as amended because it diverted recovered tobacco taxes, as well as MSA funds, away from programs funded by tobacco tax revenue, such as TPEP.

The tobacco control advocates opposed to this legislation because the Enforcement Fund was funded by tobacco taxes. Prior to this proposal, the Tobacco Tax Compliance Task Force, which carried out enforcement activities, was supported by the General Fund. Courtni Dresser, the Oregon advocacy manager for the ACS, argued on behalf of TOFCO in the Senate Judiciary Committee on June 16 that this change would create a fund shift for the programs funded by tobacco taxes in the 2003-05 biennial budget. According to Dresser, the fund shift amounted to reductions of approximately \$90,000 for TPEP (out of an anticipated budget of \$15.8 million, which would soon be slashed to \$5.8 million on two months later), as well as \$2.3 million for the Oregon Health Plan (OHP), \$158,000 for local government and senior and disabled transportation, and \$646,000 for the General Fund.⁶⁷⁰ Along with Dresser, John Valley, the State Government Affairs director for the American Heart Association, expressed concern for the effects on these programs if the enforcement efforts failed to meet expectations. More specifically, if revenues were not recovered, then TPEP would have to bear the negative consequences of the fund shift in addition to the severe reductions in the program’s budget during the 2003-2005 biennium (discussed later). Dresser noted, “While it is our understanding that there has been some sort of compromise struck to hold the Oregon Health Plan harmless, the offer has not been extended to any of the other programs.”⁶⁷⁰ Attorney General Myers was also not in favor of the Fund, its effect on programs that received tobacco tax revenue, and its use of tobacco settlement funds. Myers supported the sunset of the Enforcement Fund in 2008.⁶⁷⁰ However, the final version of bill was passed without a sunset date.

The creation of the Tobacco Enforcement Fund did not appear to have had a marked effect on TPEP’s budget (Table 16). Overall, tobacco tax revenues to the state of Oregon increased

during the 2003-05, mostly due to tax revenue from tobacco products other than cigarettes (Figure 20).⁶⁷⁹

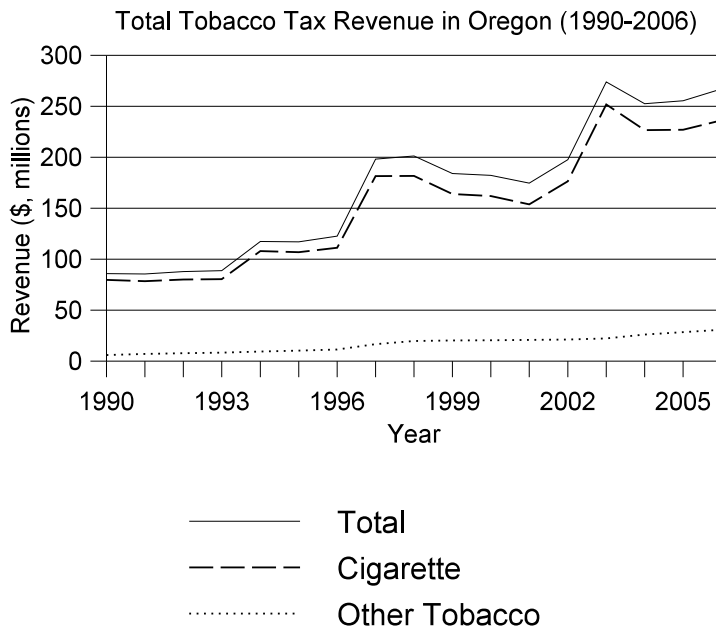


Figure 20. Cigarette and Other Tobacco Receipt Data from 1990-2006. Total tobacco revenue steadily increased in Oregon from 1990 to 1998, but declined from 1998 to 2001. This period of decline coincides with the formation of the Tobacco Prevention and Education (TPEP), which began in 1997, but was completely defunded in 2003. While cigarette receipts have fluctuated throughout the years, other tobacco receipts have steadily increased every year since 1990. Source: Oregon Department of Revenue⁶⁸²

ALLOCATING MASTER SETTLEMENT AGREEMENT MONEY

The Master Settlement Agreement (MSA) in 1998 was an agreement between the four largest tobacco companies (Philip Morris, USA, R.J. Reynolds Tobacco Company, Brown & Williamson Tobacco Corporation, and Lorillard Tobacco Company) and the Attorneys General from 46 states that resolved the lawsuits that the states had filed to recover costs of smoking and seek injunctive relief to restrain the tobacco companies’ marketing activities.⁶⁶⁸ The payments to the states were determined by a complex formula based on smoking-induced disease and the role the state that took in the litigation; Oregon received 1.147% of the total payments paid to the settling states (Table 59).⁶⁸³

Because the settlement could not restrict the use of funds, the settling states were free to use the money how ever they wanted. As of 2007, Oregon’s legislature had not dedicated any portion of its MSA payments to tobacco control.⁶⁸⁷

Period	Scheduled Payment (annual)	Actual Payment	Total (based on Actuals)	Amount dedicated to tobacco control
1999	\$27.5	\$28.3	\$28.3	\$0
2000	73.6	64.4	92.7	0
2001	79.5	69.5	162.2	0
2002	95.4	86.0	248.2	0
2003	96.3	79.1	327.3	0
2004	80.4	72.1	399.4	0
2005	80.4	72.3	471.7	0
2006	80.4	66.3	538.0	0
2007	80.4	67.9	605.9	0
2008-2017	102.8*	90.0 (est)	N/A	N/A
2017-2025	91.9	N/A	N/A	N/A

*Includes annual strategic payment of approximately \$22 million. Source: Campaign for Tobacco-Free Kids,⁶⁸⁴⁻⁶⁸⁶ Legislative Revenue Office⁶⁸³

Oregon received its first MSA payment of \$28.3 million in 1999.⁶⁸⁴ The “Tobacco Settlement Funds Account” was established to hold all MSA payments to Oregon. In the same year, the legislature began to discuss how Oregon would use this new source of revenue. The result of these discussion was HB 2007, a Republican-backed plan from the Senate and House leadership including House Speaker Rep. Lynn Snodgrass (R-Damascus), House Majority Leader Rep. Steve Harper (R-Klamath Falls), Senate President Sen. Brady Adams (R-Grants Pass), and Senate Majority Leader Sen. Gene Derfler (R-Salem) (Table 60).

Name	Position	Contributions in 1998	Lifetime contributions as of 1998
Rep. Lynn Snodgrass (R-Damascus)	Speaker	\$1,000	\$2,000
Rep. Steve Harper (R-Klamath Falls)	Majority Leader	\$1,140	\$1,140
Sen. Brady Adams (R-Grants Pass)	President	\$13,250	\$14,200
Sen. Gene Derfler (R-Salem)	Majority Leader	\$11,750	\$14,200

Source: Oregon Secretary of State, Elections Division¹⁴

As introduced by former House Speaker Rep. Lynn Lundquist (R-Powell Butte), the bill established the Health Security Fund and limited the Fund’s use to “financing health programs” (Table 61).⁶⁸⁸ MSA payments to Oregon were to be deposited into the Fund and invested by the

governor-appointed Oregon Investment Council, a six member group including the State Treasurer, who served as the investment officer.⁶⁸⁹ The earnings, or interest, generated from these investments would then be distributed to health programs; only 10% of the interest was dedicated to tobacco prevention, education, and cessation programs,⁶⁹⁰ estimated to generate less than \$1 million in the first biennium and roughly \$2.6 million in the second biennium.⁶⁹¹

Table 61. Comparison of Measures 89 and 4 on the November 7, 2000 Ballot				
Measure	Measure 4		Measure 89	
Ballot title	“Dedicates tobacco settlement proceeds; earnings fund low-income health care”		“Dedicates tobacco settlement proceeds to specified health, housing, transportation programs”	
Fund	Oregon Health Plan Trust Fund		Health Security Fund	
Allocation	100%	Oregon Health Plan programs	40%	Public & mental health programs
			20%	Housing programs for disabled & low income families, individuals
			20%	Transportation programs for elderly, disabled
			10%	Tobacco use prevention, education, & cessation program
			7%	Oregon Health Sciences University
			3%	Shelter care grant program
Revenue Impact	Not legislatively referred		MSA payment in 1999-2001: \$180.6 million MSA payment in 2001-03: \$191.7 million Earnings in 1999-2001: \$9.2 million Earnings in 2001-03: \$26.4 million	
Fiscal Impact	Not legislatively referred		Total expenditures of distribution: 1999-2001: \$2.80 million 2001-03: 16.8 million	
Earnings from the Health Security Fund were based on a 5.4% interest rate. Source: Oregon Elections Division, ^{692,693} Legislative Revenue Office, ⁶⁹⁴ Legislative Fiscal Office ⁶⁹¹				

According to the minutes from the public hearing and work sessions on HB 2007 in the House Committee on Rules, Elections, and Public Affairs, tobacco control advocates first testified at the February 25, 1999 public hearing. Representatives from ACS, AHA, TOFCO, and the Douglas County Tobacco Prevention Coalition all testified in support of the bill, urging legislators to use the funds for tobacco prevention and education.⁶⁹⁵ Other interest groups, including the Ecumenical Ministries of Oregon and the Oregon Nurses Association, also testified in support of HB 2007 and stressed the importance of TPEP’s activities.⁶⁹⁵ Later, when the bill passed the House by a 32-28 vote, largely along party lines with two Republicans and one Independent joining the Democrats in voting against HB 2007, the tobacco control advocates again appeared at the first public hearing in the Senate Committee on Public Affairs, chaired by Sen. Gene Derfler

(R-Salem), who had received \$11,750 in tobacco industry campaign contributions for a lifetime total of \$14,200 in the 1998 election year.¹⁴ The advocates, including OHLAT and the Community Coalition (a drug prevention network in Salem), now urged Senators to dedicate more than 10% to tobacco prevention and education.⁶⁹⁶ Their request, however, was not met.

Notably, committee minutes revealed that the Oregon State Treasurer's Office was in favor of securitizing the MSA funds. During the May 18, 1999 work session on HB 2007 in the House Committee on Rules, Elections, and Public Affairs, chaired by Rep. Mark Simmons (R-Elgin) who received his first tobacco industry campaign contribution of \$640 in the 1998 election year,¹⁴ Mari Anne Gest, from the State Treasurer's Office, testified that, "securitization increases the return on the fund and reduces risk..., produces money today that will be worth more than future money... [and] is more productive for the state's goals (i.e. proposed budget stabilization fund and educational programs)."⁶⁹⁷ Despite the State Treasurer's push to securitize the MSA funds, members of the House Rules, Elections, and Public Affairs Committee voted 5-7 to reject an amendment to HB 2007 that would have allowed the Treasurer's Office to "begin the process of studying securitization of the Tobacco Settlement Fund."⁶⁹⁷ All five Democratic committee members voted to pursue securitization while all seven Republican members voted against it.

Two other plans for the MSA funds failed to find support in the legislature. House Democrats wrote a minority report for HB 2007, which was voted down largely along party lines in a close 29-31 vote in the House.⁶⁹⁸ This version issued bonds backed MSA payments, and would have expanded the Republican's plan by adding funding for senior and disabled services, a one time \$150 million allocation to the Oregon Health Plan in the 1999-2001 biennium, and a mechanism for reevaluating the funding scheme during the 2003 legislative session.⁶⁹⁹ The Democratic-backed plan specified an \$18 million bond to TPEP each biennium until 2003, when the legislature revisited the funding formula (Table 62).⁷⁰⁰ According to the fiscal impact statement for this version of HB 2007, the Legislative Revenue Office estimated a \$30 million per year debt service cost, with a discount rate of 7.5%. In its impact statement, the Legislative Fiscal Office determined that "the statutory distributions combined with the debt service costs will exceed the interest earnings of the Health Security Fund and will consume a portion of the fund principle."⁶⁹¹

Another plan by Governor John Kitzhaber (D) dedicated a majority of the money to the state's schools.⁷⁰¹ Since the Governor refused to agree with the Republican-backed plan, the legislature referred HB 2007 to the voters as Measure 89 in the 2000 General Election as a way to get around a veto threat from the Governor.⁷⁰²

The Hospitals Try to Get all the Money

Another plan to dedicate the MSA funds came from the Oregon Association of Hospitals and Health Systems (OAHHS) through a competing ballot initiative, known as Measure 4, which did not provide any support for tobacco prevention (Table 61). After OAHHS' lobbyist Ed Patterson was denied an amendment to carve out a \$27 million share of the MSA funds in HB 2007 (the Democratic-backed versions of this bill granted OAHHS a one-time allotment of \$150 million in the 1999-2001 biennium),⁶⁹⁵ the Hospitals left the legislature and filed their own measure on January 7, 2000.⁷⁰³ Measure 4, which appeared on the November 2000 general

election ballot, specified that the Oregon Health Plan (OHP) and its programs would receive all the interest generated from a trust fund created for the settlement money.⁶⁹² OAHHS saw the MSA payments as “an opportunity to stabilize its financially troubled health-care plan for the poor.”⁷⁰¹ However, with the amount of interest generated from the fund expected to be less than 10% of OHP’s 1999-01 biennial budget, according to Tom Novick, a former state representative from Portland and lobbyist for the voluntary health agencies, the OAHHS’ plan would not save OHP.⁴³⁹

Table 62. Democratic Proposal to Allocate MSA Funds in HB 2007, Per Biennia (\$ millions)			
Tobacco Settlement Revenue Bond Recipients	1999-01	2001-03	2003-05
TPEP	\$18	\$18	\$18
OHP	\$150	\$0	\$0
County public health and mental health services and programs	\$9	\$14	\$14
Elderly and Disabled Special Transportation Fund	\$7	\$9	\$10
Low income/disabled housing programs	\$7	\$9	\$10
OHSU	\$3	\$3	\$4
OPI	\$3	\$3	\$3
DHS shelter care programs	\$1	\$1	\$1

Abbreviations: TPEP: Tobacco Prevention and Education Program; OHP: Oregon Health Plan (Oregon’s version of Medicaid); OHSU: Oregon Health Sciences University; OPI: Oregon Project Independence; DHS: Department of Human Services. Notes: The one-time allocation to OHP in the 1999-2001 biennium was intended to offset an equal amount of General Fund to OHP, which would then be redirected to support K-12 public education. The bonds to OHSU were intended to recruit faculty conducting research in emerging clinical areas such as cancer, gene therapy, vaccine development, women’s health issues, and cardiovascular disorders. OPI is a state-funded senior in-home assistance program for people who are not receiving long-term care covered by Medicaid. DHS funds shelter care programs or temporary housing options for pregnant woman, mothers with newborns, or newborn children and mothers who are victims of domestic violence. Source: Oregon State Legislature⁷⁰⁰

The exclusion of tobacco prevention and education programs in OAHHS’ initiative was an affront to the voluntary associations (Heart, Lung, and Cancer), especially because the settlement required the tobacco companies to “make annual payments to states in perpetuity as reimbursement for past tobacco-related costs.”⁷⁰⁴ Ellen Lowe, a tobacco control advocate and lobbyist for the Ecumenical Ministries of Oregon, said, “If you honor the purpose of the settlement, you look first of all at trying to prevent future costs because of tobacco use.”⁷⁰⁵ However, in an article in *The Statesman Journal*, Ken Rutledge, the OAHHS president, “noted that tobacco prevention already got a big boost three years ago when the state raised cigarette taxes under Measure 44.”⁷⁰⁶ Ed Patterson, the chief lobbyist for OAHHS, believed that the state’s Tobacco Prevention and Education Program (TPEP) was “being adequately funded” and asked, “Who’s being greedy here?”⁷⁰¹

According to the voluntary health organizations, the answer to Patterson’s question was OAHHS. Tom Novick believed that OAHHS “got greedy and decided they wanted to take it all.”⁴³⁹ OAHHS, public health groups, and the voluntary health agencies had worked together on

Measure 44 in 1996, although not as equal partners. In 1996 the OAHHS used the three voluntary organizations (Heart, Lung, Cancer) to bolster the credibility of the initiative even though they did not have any input in the initiative's language or structure.¹ (In the first year, 1996-97, Measure 44 was expected to generate an additional \$26 million for OHP and \$3 million for TPEP.⁷⁰⁷) This time, however, OAHHS did not seek the support of public health agencies. According to *The Oregonian*, ACS, ALA, and AHA tried "to persuade the hospital association to include anti-smoking in the initiative" by conducting a poll that "showed strong public support for these [tobacco control] programs."⁷⁰¹ The advocates also threatened OAHHS with the promise that they would strongly oppose the hospitals' ballot initiative if they did not include tobacco control programs in their MSA allocation scheme.⁷⁰¹

The Campaign Against Measures 4 and 89

Without an acceptable portion of the MSA funds dedicated to tobacco control, the tobacco control advocates refused to support either Measure 4 or Measure 89. Novick said:

We were very clear that if there wasn't adequate money for tobacco prevention, we would fight these measures... [OAHHS] was arrogant enough to think they could do it on their own. If they were smart, or more technical, they would have figured a way to bring the tobacco control community in.⁴³⁹

In order to counter Measures 4 and 89, described by Novick as "bad public policy,"⁷⁰⁵ the advocates mounted a campaign against both ballot measures through the Oregon Health Leadership Against Tobacco (OHLAT), the lobbying coalition of the American Heart Association, American Lung Association, and American Cancer Society. To do so, they created a political action committee named the Coalition for a Healthy Future (CHF), which was managed by Laura Culberson, who later served as executive director of TOFCO.⁷⁰⁶ The Oregon State Council of Senior Citizens, Oregon Health Care Association, Oregon Consumer League, and former Surgeon General C. Everett Koop joined CHF in opposition to the measures.^{439,706} Most of the resources to run the campaign came from the voluntary organizations, but the Campaign for Tobacco-Free Kids and the Oregon Health Care Association, which represented long-term care and senior housing, also contributed to the effort. According to Novick, the impetus to fund the campaign was a strategic decision in terms of national tobacco control efforts: "Tobacco-Free Kids and the national organizations (Heart, Lung, Cancer) looked [at Measures 4 and 89] and said, 'This is a precedent we don't want, which is voters adopting measures which don't include tobacco control.'"⁴³⁹ The diverse group of opponents against the measures, in Novick's opinion, differed from the usual tobacco control coalitions because "when it comes to funding, and when there is a large pot of money and there is an agreement on using it for a variety of purposes, it brings people to the table in a different way."⁴³⁹ Perhaps because neither initiative allocated a substantial amount of money to tobacco control, the tobacco industry appears to have stayed out of the campaigns, even indirectly.⁴³⁹

According to the Elections Division of the Secretary of State, the voluntary health groups spent \$311,011 on the Coalition for a Healthy Future, the PAC they created to oppose both Measure 4 and 89 (Table 63). In comparison, OAHHS contributed nearly \$490,000, or 85% of total contributions, to the Committee to Save the Oregon Health Plan, whose treasurer was Ken Rutledge, the president of OAHHS.¹⁴ Unlike the PACs specifically created for Measures 4 and 89,

the other PACs that registered with the Secretary of State as supporting or opposing Measures 4 or 89 were also fighting for other ballot measures, so we cannot assume from their entire campaign finance record that their entire contribution was dedicated to these MSA-related measures. The lack of campaign support for Measure 89 was due to the fact that it was the legislative referral of HB 2007.

One of the primary goals for CHF and OHLAT, according to Novick, was to “undercut their argument that in fact this would save the Oregon Health Plan.”⁴³⁹ While the campaign emphasized their support of OHP, which was supported by the public, they argued that Measure 4 would not provide any stability for OHP and was not a proper use of the settlement money.⁷⁰⁶ Moreover, Ellen Lowe, a key tobacco control ally who was a longtime lobbyist for Ecumenical Ministries of Oregon and chair of OHLAT, was also widely considered the “mother of the Oregon Health Plan.”⁴³⁹ Lowe’s involvement and investment in OHP, gave more credibility to the argument that Measure 4 would not save the Oregon Health Plan.

Opponents also argued that neither Measures 4 nor 89, with no or minimal settlement dollars going to tobacco prevention and education, did not adequately address the impacts of tobacco. OHLAT used former U.S. Surgeon General Koop in radio advertisements to deliver this message based on polling data for credibility.⁴³⁹

Since Measure 89, the legislative referral, was not supported by an organized campaign, CHF and OHLAT developed messages specifically against Measure 4. One way that the health groups attracted public support was to refer to the measure’s proponents as “the hospitals and HMOs.” In fact, one news article in *The Oregonian* stated, “Critics say that the hospitals and HMOs financially benefit from more spending on the health plan and that [OAHHS] is using its political clout to run over other recipients that are just as deserving.”⁷⁰¹ Novick said that the decision to group the hospitals with the HMOs was done to “get the public interest and get them to focus on the measures... We proudly used ‘HMOs’ because it got the public’s attention and that is who they were [when we looked at their membership]. They don’t like to be called HMOs, but they are.”⁴³⁹

Challenging the Ballot Title for Measure 4

Both OAHHS and OHLAT challenged the ballot title that Attorney General Hardy Myers had drafted for Measure 4. As drafted, the ballot title read:

Creates ‘Oregon Health Plan Trust Fund’ with Tobacco-Settlement Money

Result of “Yes” Vote: “Yes” vote places all tobacco-settlement money into health trust fund for low-income persons.

Result of “No” Vote: “No” vote rejects using tobacco settlement to create health trust fund for low-income persons.⁷⁰⁸

Based on the comments received from OHLAT and OAHHS, the Secretary of State and Attorney General revised the caption and vote explanations to reduce confusion. The Attorney General’s Office considered many of the OHLAT’s suggestions, but notably declined to accept OAHHS’ suggestion “that the summary should note that fund earnings are to be used ‘particularly for children’” because the phrase “particularly for children” was too general and misleading.⁷⁰⁹

Table 63. Campaign Finance Reports for Measure 4 and 89

PACs with registered position on Measures 4 and 89	Measure 89		Measure 4	
	Support	Oppose	Support	Oppose
Coalition of Concerned Community Mental Health Professionals	\$0			
Doctors and Nurses, Educators, Sanitarians for Healthy Communities	\$0			
House Lobby Coalition PAC	\$0			
Settlement Funds for Healthy Oregonians and Communities	\$0			
Coalition for a Healthy Future: No on 89 & 4				
<i>American Cancer Society</i>		\$95,247		
<i>American Heart Association</i>		\$165,244		
<i>American Lung Association</i>		\$13,995		
<i>M&R Strategic Services</i>		\$10,000		
<i>Oregon Education Association</i>		\$26		
<i>Oregon Health Care Association</i>		\$26,500		
<i>Total</i>		\$311,011		
Nurses United PAC*		\$144,750		
Oregon Public Employees Union PAC*		\$231,998		
Parent’s Education Association PAC*		\$21,558		
Committee to Save the Oregon Health Plan				
<i>OAHHS</i>			\$487,394	
<i>Other Health Providers</i>			\$83,925	
<i>Total</i>			\$571,319	
Nurses United PAC*			\$144,750	
Coalition for a Healthy Future: No on 89 & 4 (see above for breakdown)				\$311,011
Housing Lobby Coalition PAC				\$0
Parent’s Education Association PAC*				\$21,558
Total	\$0	\$709,317	\$716,069	\$332,569

*The Elections Division does not differentiate between PAC contributions for specific ballot measures; these records represent total campaign finance activity for all measures on the 2000 ballot supported or opposed by a PAC. These PACs took a position on other ballot measures besides Measures 4 and 89. Source: Oregon Secretary of State, Elections Division¹⁴

The certified ballot titled was amended to read:

Tobacco-Settlement Proceeds Restricted to Providing Low-Income Health Care

Result of “Yes” vote: “Yes” vote requires using all tobacco-settlement proceeds for health care for low-income persons.

Result of “No” vote: “No” vote leaves use of tobacco-settlement proceeds unrestricted, rejects creation of health trust fund.⁷⁰³

Both Lowe and Patterson appealed to the Oregon Supreme Court, and OAHHS was unable to gather signatures until May 2, 2000,⁷⁰³ when the Secretary of State approved the final initiative petition cover and signature sheets after receiving the Supreme Court’s judgement.⁷¹⁰ While OAHHS’ Patterson challenged the caption, yes/no vote explanation, and the summary, OHLAT’s Lowe challenged the caption and the yes vote explanation.⁷¹¹ In her appeal to the Supreme Court, Lowe argued that the original ballot caption did not accurately convey the true use and purpose of the funds.⁷¹² She pointed out that only interest earnings from a trust fund containing the principal value of MSA funds would be dedicated to funding low income health care. Her suggestion for the caption read, “Tobacco settlement proceeds restricted to low-income health care trust.” Patterson resubmitted his appeal, arguing that the certified title discouraged voters.⁷¹¹ He suggested revising the caption as drafted to, “Creates ‘Oregon Health Plan Trust Fund’ with tobacco settlement money.” The Attorney General found that Patterson’s proposal “misses the mark, because it does not explain that the earnings from the trust fund will be used to fund health care for low-income persons.”⁷¹¹ In the end, Lowe’s suggestions were incorporated into the approved caption, which appeared as:

Dedicates tobacco-settlement proceeds; earnings fund low-income health care

Result of “Yes” vote: “Yes” vote creates tobacco settlement trust fund; earnings dedicated to low-income health care.

Result of “No” vote: “No” vote leaves use of tobacco-settlement proceeds unrestricted, rejects creation of health trust fund.⁷¹¹

Ken Rutledge, the president of OAHHS, was angered by the resistance of the anti-tobacco advocates. The *Oregon Health Forum*, an independent monthly newsletter covering health policy developments in Oregon, quoted Rutledge as saying:

If [tobacco prevention advocates are] successful in stopping this, we’ll make certain people in the legislature and those who support the Oregon Health Plan understand how self-serving this effort was. They’re basically helping to undermine the Oregon Health Plan and the people who will benefit from it. People trying to throw roadblocks in our way need to take a careful look at what they may be doing to the Oregon Health Plan by doing that. If we don’t get the kind of support we need, we’re not going to go tilting at windmills and spending a lot of money.⁷¹³

The ballot title challenge forced OAHHS to spend more on their signature gathering efforts. By the time the Supreme Court had issued its decision on the ballot measure’s language, the original estimate of the cost to gather signatures had increased from \$175,000⁷¹³ to nearly \$500,000, which OAHHS was willing to spend, according to the *Oregon Health Forum*.⁷¹⁴ However, according to campaign finance data from the Secretary of State, \$66,841 of the nearly \$380,000 contributed by OAHHS in support of Measure 4 specifically paid for signature gathering (Table 64).

Table 64. OAHHS Campaign Finance Summary from the 2000 Election		
Type	Amount	Purpose
Cash	\$105,000	Not specified
In-kind	\$66,841	Signature gathering
In-kind	\$4,200	Campaign assistant
In-kind	\$140	Legal
In-kind	\$4,000	Campaign consultant
In-kind	\$53,704	Campaign management
In-kind	\$243,510	Not specified
Loans received	\$10,000	Not specified
Total	\$487,395	
Source: Oregon Secretary of State, Elections Division ¹⁴		

Oregonians Reject Measures 4 and 89

The public health groups defeated Measure 4 in every county, with 54.8 % voting “no” (789,543 against vs.650,850 in favor). They also defeated Measure 89, with 57.1% voting “no” (828,117 against vs. 622,814 in favor).

Several reasons explain why Oregonians rejected both measures according to Novick.⁴³⁹ First, CHF and OHLAT had credible spokespeople who were leaders at the community and national levels. Second, both the earned and paid media campaigns successfully communicated the messages that the measures would have no impact on the harmful and deadly consequences of tobacco or the stability of OHP. The legislative referral (Measure 89) looked like a “laundry list” of programs and had no organized campaign to support it. Meanwhile, OAHHS was the sole supporter of Measure 4, and spent most of their resources trying to get the measure on the ballot. Novick believed, “[OAHHS] underestimated our ability to both collect resources to put on a campaign, as well as to run the kind of campaign we did.”⁴³⁹

OAHHS had its own ideas about why both measures failed. Rutledge believed that the defeat of Measures 4 and 89 was due to voter confusion arising from the presence of competing initiatives—not because voters wanted more MSA money dedicated to tobacco prevention.⁷¹⁵

Continued Efforts to Dedicate MSA Funds to Tobacco Control

The successful defeat of these two measures should have been a strong indication to the legislature that the public wanted MSA money toward tobacco control. Encouraged by the outcome of the November election, tobacco control advocates immediately sought support for MSA funds dedicated to tobacco control in the upcoming 2001 legislative session, when legislators again faced the question of how MSA funds would be spent. The voluntaries sent emails to their grassroots network, lobbied individual legislators, and devised an earned media

strategy.³³³ The Campaign for Tobacco-Free Kids (CTFK), a national organization significantly involved in defeating Measures 4 and 89 in 2000, put pressure on the legislature to dedicate MSA money to tobacco prevention and education. Early in the 2001 legislative session, CTFK president Matthew Myers explained to *The Oregonian* in a January 12 article, “Oregon’s comprehensive tobacco prevention program has made it a national leader in the past. But its failure to commit any of the tobacco settlement money to build on this program has caused it to fall to 22nd in the nation [in state spending on tobacco prevention programs].”⁷¹⁶

OHLAT proposed that legislators spend the MSA funds as they came in on programs, specifically 20% to tobacco prevention and education, 20% to long-term care, and 60% to OHP.⁷¹⁷ In order to advance this agenda, the coalition had to gain the support of OAHHS even though it had just campaigned heavily against it. Indeed, after hearing about how the CHF campaign had framed Measure 4 as another profit-driven effort by HMOs, Regence BlueCross/BlueShield decided to stop donating to the three voluntaries (Heart, Lung, and Cancer) and the Oregon Health Care Association.^{717,718}

It is unclear whether OHLAT was successful in partnering with OAHHS, but the state’s budget difficulties in 2001 became the justification for not implementing OHLAT’s plan. Oregon’s financial situation worsened as the 2001-2003 biennium progressed, first showing signs of decline during the 2001 session, when legislators were deciding how to allocate the MSA money. The Legislative Revenue Office reported that “revenue decisions of the 2001 Legislature were strongly influenced by the fact that expenditures necessary to maintain current service levels exceed anticipated current law revenue.”⁷¹⁹ Instead of spending MSA payments as they were received, which was proposed in HB 3951 sponsored by Rep. Morrisette,⁷²⁰ the 2001 Joint Ways and Means Committee successfully introduced amendments⁷²¹ that established the Health Care Trust Fund to receive and invest MSA payments to Oregon.⁷²² Earnings on the principal in this trust fund were appropriated to the Department of Administrative Services to fund health programs.⁷²² The co-chairs of the Joint Ways and Means Committee were Rep. Ben Westlund (R-Bend; tobacco control policy score of 5.0), who received \$3,950 in tobacco industry campaign contributions in 2000 for a lifetime total of \$7,090, and Sen Lenn Hannon (R-Ashland), who had received \$4,950 from the tobacco industry but none in the 2000 election cycle (Table 65).¹⁴

The 2001-2003 budget began Oregon’s track-record of using settlement money to backfill state expenditures (Table 66). Of the \$348.2 million in MSA funds immediately available to Oregon in 2001, Governor Kitzhaber responded to pressure from tobacco control advocates at the voluntary health organizations³³³ by proposing to add \$7 million (a lower amount than what the voluntaries wanted) to TPEP’s biennial budget of \$18 million. In contrast, the Ways and Means Committee recommended not allocating any MSA money to the program.⁶⁸⁷

The recommendation not to use any money for TPEP may have been influenced by industry contributions to committee members, particularly the two Republican co-chairs of the committee (Table 65). Despite the recommendation from Ways and Means, the legislature compromised by allocating \$5 million from the MSA dollars to TPEP. In November, the Emergency Board, which handled budgetary matters between legislative sessions (Table 67), was in charge of deciding how to appropriate the money to each component within TPEP. Notably, the public awareness and education component received the largest percentage of the money, and the

House	Contribution (2000)	Lifetime Contribution
Ben Westlund, Co-Chair (R-Bend)	\$3,950	\$7,090
Alan Bates (D-Eagle Point)	\$0	\$0
Tom Butler (R-Ontario)	\$0	\$0
Janet Carlson (R-Salem)	\$250	\$250
Gary Hansen (D-Portland)	\$750	\$1,140
Cedric Hayden (R-Elmira)	\$0	\$0
Betsy Johnson (D-Scappoose)	\$0	\$0
Susan Morgan (R- Myrtle Creek)	\$2,500	\$3,890
Rob Patridge (R-Medford)	\$2,750	\$3,140
Kurt Schrader (D-Canby)	\$0	\$1,890
Jackie Winters (R-Salem)	\$2,500	\$3,240
Senate		
Lenn Hannon, Co-Chair (R-Ashland)	\$0	\$4,950
Bev Clarno (R-Bend)	\$3,500	\$3,500
Joan Dukes (D-Astoria)	\$0	\$200
Verne Duncan (R-Milwaukie)	\$0	\$0
Ted Ferrioli (R-John Day)	\$4,400	\$4,400
Tom Hartung (R-Portland)	\$0	\$3,500
Randy Miller (R-West Linn)	\$0	\$5,100
Cliff Trow (D-Corvallis)	\$0	\$200
Mae Yih (D-Albany)	\$0	\$1,100

Source: Oregon Secretary of State, Elections Division¹⁴

	Governor's Recommended Budget	Legislatively Adopted Budget
Tobacco Prevention	\$7.0	\$5.0
K-12 Education	110.0	0.0
OHSU	10.0	0.0
OHP Medicaid Program	0.0	124.0
Oregon Resources and Technology Development	0.0	5.0
Health Care Trust Fund	100.0	95.0
Family Health Insurance Assistance Program	22.0	20.0
General Fund (for ending balance and Emergency Board)	99.2	99.2
Total	348.2	348.2

Source: Oregon Legislative Fiscal Office,⁷¹⁹ Oregon Department of Administrative Services⁷²³

Table 67. Tobacco Industry Campaign Contributions to Members of the 2001 Emergency Board		
	Contribution (last election)	Lifetime Contribution
Rep. Mark Simmons, Co-Chair (R)	\$6,000	\$6,640
Sen. Gene Derfler, Co-Chair (R)	\$3,600	\$17,800
Sen. Roger Beyer (R)	\$5,000	\$6,390
Rep. Tom Butler (D)	\$0	\$0
Sen. Margaret Carter (D)	\$1,500	\$2,750
Sen. Bev Clarno (R)	\$3,500	\$3,500
Rep. Dan Doyle (R)	\$500	\$500
Sen. Lenn Hannon (R)	\$2,250	\$4,950
Rep. Jim Hill (R)	\$900	\$2,040
Sen. Ken Messerle (R)	\$4,750	\$5,890
Sen. Rick Metsger (D)	\$0	\$0
Rep. Karen Minnis (R)	\$2,900	\$3,290
Rep. Susan Morgan (R)	\$2,500	\$3,890
Rep. Kurt Schrader (D)	\$0	\$1,890
Rep. Ben Westlund (R)	\$3,950	\$7,090
Rep. Jackie Winters (R)	\$2,500	\$3,240
Sen. Mae Yih (D)	\$0	\$1,100
Source: Oregon Secretary of State, Elections Division ¹⁴		

relatively small amount of money directed toward local coalitions reflected the impact of the 2001 budget note and newly amended Indoor Clean Air Act of 2001 that preempted local governments from prohibiting smoking in places exempted by the state law (Table 68). The Emergency Board determined that \$1.15 million would go to school-based programming, \$500,000 would go to cessation services, \$750,000 would be used in diverse and disparate populations.⁷²⁴ The disproportionate allocation to the media campaign was not supported by the voluntaries.³³³

The \$5 million for tobacco control was later reallocated to the Oregon Health Plan (OHP) during the third special session in June 2002,^{725,726} justified by the state's growing budget deficit.⁶⁸⁷ The 2002 special sessions were held five times to balance the budget (discussed later). Governor Kitzhaber had previously vetoed this \$5 million shift from TPEP to OHP in the second special session in late February,⁷²⁵ but did not veto it when it was suggested again three months later as part of a bipartisan proposal by the "Group of Five," which included Sen. Peter Courtney (D-Salem; tobacco control policy score of 7.0), Sen. Lenn Hannon (R-Ashland), Rep. Susan Morgan (R-Myrtle Creek; tobacco control policy score of 3.0), Rep. Kurt Schrader (D-Canby; tobacco control policy score of 4.0), and Rep. Ben Westlund (R-Bend; tobacco control policy score of 5.0).⁷²⁷ Sen. Hannon was the chair of the Senate Budget and Finance Committee, of which Sen. Courtney was a member, and Rep. Westlund was the chair of the House Budget

Reconciliation Committee, of which Reps. Morgan and Schrader were members. With the exception of Sen. Courtney, these legislators were also members of the Ways and Means committee that originally excluded TPEP from its plan to dedicate MSA funds.

TPEP was the only program to be completely eliminated from receiving MSA funds in the 2001-03 biennium after the legislature had adopted the state budget (Table 69).⁷²⁵

Table 68. Distribution of MSA Dollars to the Tobacco Prevention and Education Program (2001)		
Program	Allocation (millions)	% of Total
Public awareness and education	\$1.50	30%
School-based programming	1.15	23%
Diverse & disparate populations	0.75	15%
Local coalitions	0.70	14%
Cessation services	0.50	10%
Program coordination & evaluation	0.40	8%
Total	5.00	100%
Source: Emergency Board ⁷²⁴		

In the fifth special session in September, HB 4073 was enacted to sell a portion of MSA payments for eight years to balance the 2001-03 budget with \$150 in bonds for the State School Fund, which went to K-12 Education.⁷²⁵ Previously, in the 2001 legislative session, the legislature had set a precedent for MSA-backed bonds by passing SB 832, which used approximately \$15.8 million in MSA payments per year for debt service on \$200 million in General Obligation bonds.⁶⁸³ Governor Kitzhaber allowed the passage of HB 4073 without his signature, explaining, “The state could pay over \$40 million in interest and other costs over eight years for \$150 million of 4-6 months of operational costs. Whether for a household or state government, this kind of financial mismanagement is imprudent and must be limited.”⁷²⁹

However, in the following 2003 legislative session, the provision that sold a portion of the MSA revenue stream in HB 4073 was repealed by SB 856, which instead allowed the State Treasurer to issue “Oregon Appropriation Bonds” to pay for 2001-03 budget deficits.⁷³⁰ The Joint Committee on Ways and Means sponsored SB 856, and was co-chaired by Sen. Kurt Schrader (D-Canby) and Rep. Randy Miller (R-West Linn), who received a combined total of over \$7,000 in tobacco industry campaign contributions in 2000.¹⁴ Approved by Governor Ted Kulongoski (D) on March 4, 2003, the sale of these Oregon Appropriation Bonds created net proceeds of \$450 million to pay for budget deficits, but were backed by MSA payments.⁷³⁰ This decision effectively committed the MSA revenue stream for 10 years.⁷³¹ According to State Treasurer Randall Edwards in *The Statesman Journal*, “repayments of those bonds will cost \$571 million over the next ten years.”⁷³² While the sale of these bonds allowed the state to maintain services for older and disabled people, continue OHP prescription-drug coverage, and state reimbursements to hospitals, nursing homes, and assisted-living centers, it was not enough to save four advocacy

commissions, as well as OHP coverage for dental and mental health services, and outpatient drug and alcohol treatment.⁷³¹

Table 69. Use of MSA funds in the 2001-03 Budget (\$ millions)								
	GRB	Leg. Adopted	Leg. Approved	SS I	SS II	SS III	SS V	Actual
TPEP	7.0	5.0	5.0	0.0	0.0	0.0	0.0	0.0
K-12 Education	110.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Family Health Insurance Assistance Program	22.0	20.0	20.0	20.0	20.0	20.0	20.0	17.2
Health Care Trust Fund	100.0	95.0	95.0	45.0	19.5	2.0	2.0	2.0
Oregon Health & Science University	10.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Oregon Health Plan Medicaid Program	0.0	124.0	124.0	179.0	191.5	209.0	209.0	211.8
Oregon Resources and Technology Development	0.0	5.0	5.0	5.0	5.0	5.0	5.0	5.0
General Fund (for ending balance & Emergency Board)	99.2	99.2	99.2	99.2	99.2	99.2	99.2	99.2
Total	348.2	348.2	348.2	348.2	335.2	335.2	335.2	335.2

Note: In 2002, after the legislature had approved the 2001-03 budget, MSA receipts declined by \$13 million to \$335.2 million. Abbreviations: GRB (Governor's Recommended Budget), Leg. Adopted (Legislatively Adopted Budget), Leg. Approved (Legislatively Approved Budget), SS (Special Session). Source: Oregon Legislative Fiscal Office^{719,728}

As of 2007, the legislature had not dedicated any MSA money for tobacco control. HB 2024, proposed in 2005, would have required at least 10% of MSA payments paid into the Tobacco Settlement Funds Account each biennium to go to tobacco prevention and education.⁷³³ Grassroots and earned media support for HB 2024 was strong,⁷³⁴⁻⁷³⁶ but the bill was never referred out of the House Committee on Health and Human Services, which was chaired by Rep. Billy Dalto (R-Salem; tobacco control policy score of 3.5). Before losing re-election in 2006, Rep. Dalto received \$2000 in tobacco industry campaign contributions in 2002, and \$2350 in 2004.^{14,737}

Oregon may have another chance to rightfully dedicate MSA funds to tobacco prevention. Starting in 2008, Oregon will receive bonus payments of approximately \$20.3 million from the settlement agreement, and the 2007 legislature will decide how these funds will be spent. Since the CDC's minimum recommended funding level for tobacco control in Oregon is \$21.1 million, the legislature's decision to dedicate the bonus payments to TPEP would bring the program's funding up to CDC recommendations.⁶⁸⁵ However, in Governor Kulongoski's Recommended Budget for the 2007-09 biennium, MSA money was only used for debt service and the Tobacco Tax Compliance Task Force's enforcement activities (Table 70).⁷³⁸ The Governor did not

recommend issuing any MSA-back Oregon Appropriation Bonds, of which a little more than \$64 million remained from the original \$450 million.⁷³⁹

	2001-2003		2003-2005	2005-2007	2007-2009 (Governor's Recommended Budget)
	August 2001	Final Budget (2002)			
Projected Revenue	348.2	335.2	150.0	149.0	183.8
Debt Service	0.0	0.0	107.0	120.0	183.1
Available Revenue	348.2	335.2	43.0	29.0	0.7
Oregon Health Plan (OHP)	124.0	211.8	42.2	24.0*	0.0
Oregon Resources and Technology Development (OHSU)	5.0	5.0	0.0	0.0	0.0
Health Care Trust Fund	95.0	2.0	0.0	0.0	0.0
Tobacco Prevention	5.0	0.0	0.0	0.0	0.0
Tobacco Enforcement	0.0	0.0	0.7	0.7	0.7
Family Health Insurance Assistance Program	20.0	17.2	0.0	0.0	0.0
General Fund (for ending balance and Emergency Board)	99.2	99.2	0.0	0.0	0.0
Total	348.2	335.2	42.9	24.7	0.7
MSA appropriation bonds	0.0	450.0	0.0	0.0	0.0
*Ultimately unavailable for use because the tobacco withheld payments, disputing the state's agreement to uphold provisions of the MSA. Current litigation will determine the amount paid to Oregon. Source: Oregon Legislative Fiscal Office; ^{719,725,738,740,741} Oregon Legislative Revenue Office ⁶⁸³					

During the debates over how to spend the MSA funds, Philip Morris continued its efforts to promote “youth smoking prevention” as the focus of tobacco control efforts in Oregon. At a January 17, 2001 breakfast in honor of Martin Luther King Jr. hosted by *The Skanner*, a Portland-based African American publication, the keynote speaker was Mark Berlind, an attorney at Philip Morris. In the *The Skanner*'s coverage of the event,⁷⁴² Berlind attempted to generate enthusiasm for youth programs, which is a classic tobacco industry tactic aimed at diverting tobacco prevention dollars away from strong media and policy changes (such as clean indoor air) to ineffective venues, particularly school-based programs that lump tobacco in with illegal drugs.^{87,109,540,541,743,744} Speaking to more than 1,000 attendees, including U.S. Representative Ron Wyden (D), state legislators and administrators, Attorney General Hardy Myers, and community leaders, Berlind said, “We firmly believe the health settlement is not enough to stop youth smoking. There are no easy answers to youth smoking; local expertise is particularly

important.”⁷⁴² Bernie Foster, the event’s host and the founder and publisher of *The Skanner*, said he had selected a Philip Morris attorney as the keynote speaker “to explain what powers local communities have in tapping some of the [MSA funds]” because both the Governor’s Office and “state health officials have been unresponsive to his inquiries on the tobacco settlement issue.”⁷⁴²

Foster has a long-standing relationship with the industry.⁷⁴⁵⁻⁷⁵² For example, in a 1986 letter to George Knox, a vice president at Philip Morris, Foster wrote, “I am looking forward to a long and prosperous business relationship with you.”⁷⁵³ This relationship was clearly alive and well in 2001, when Edna Moore, the director of Government Affairs Policy & Outreach at Philip Morris, wrote in an email to the Oregon government affairs team: “[Foster] extends an invitation for you to reach out to him for help in our efforts to work with notables in Oregon. He knows a lot of the players, and would be willing to broker whatever opportunities you need.”⁷⁵⁴ This episode appears to be an example of how Philip Morris (and other tobacco companies) have used relationships in the African American community to neutralize opinion leaders as the tobacco industry targets African Americans in its marketing.⁷⁵⁵

INCREASING TOBACCO TAXES TO MEET A BUDGET SHORTFALL

The latter half of the 2001-2003 biennium was devastating for TPEP. The program expected an operating biennial budget of \$20 million,¹⁵⁴ which included \$18 million from Measure 44 tobacco tax revenues, and a one-time allotment of \$2 million from a 60-cent cigarette tax increase approved by voters in November 2002.⁷⁵⁶ However, with only four months left in the biennium, legislators responded to increasing deficits by removing what was left of TPEP’s budget to fill holes in the state’s general fund.

Oregon’s Economy in 2002

By January 2002, or mid-biennium, Oregon was feeling the effects of a statewide recession.⁷⁵⁷ According to the Oregon Index of Leading Economic Indicators, an analysis included in the Oregon Economic and Revenue Forecast report, “the Oregon economy experienced two downturns... one occurred from mid-2001 to mid-2002, and the second occurred in late 2002 and continued through the end of August [2004].”⁷⁵⁸ Oregon’s Legislative Revenue Office cited a 6.5 % unemployment rate in Oregon in October 2001, although they forecasted growth in the economy during 2002.⁷⁵⁷ The Office also attributed a reduction in General Fund resources to lower than expected revenues from personal and corporate income taxes, which Oregon relies heavily on in the absence of a well-balanced tax structure (Table 71).^{759,760}

As early as December 2001, legislators were faced with a projected deficit of \$623.7 million in the Legislatively Adopted Budget, which originally predicted an ending balance of \$96 million.⁷⁵⁷ Three months later, the deficit was still growing. The Department of Administrative Services and the Office of Economic Analysis concluded in March that Oregon would face an \$864 million deficit in the budget by the end of the biennium.⁷⁶² State law required that policy-makers present a balanced budget when the biennium ended on June 30, 2002.^{763,764}

Fiscal Year	Personal Income Tax	Corporate Income Tax	Other Revenues	Total GF	% Change from previous FY
1997-99	7125.8	589.1	612.5	8327.4	7.7%
1999-01	8737.0	754.9	629.9	10121.8	21.5%
2001-03	7699.5	420.1	1246.4	9366.0	-7.5%
2003-05	8991.6	640.8	805.8	10438.2	11.4%
2005-07	10355.7	586.2	712.2	11654.0	11.6%
2007-09	11377.7	566.2	711.6	12655.5	8.6%

Source: Oregon Office of Economic Analysis Revenue Forecast⁷⁶¹

Rebalancing the Budget

The dismal revenue forecasts prompted legislators to begin rebalancing the budget during the 2002 interim (the period of time between regular sessions, which convene in January of even-numbered years). The Oregon Constitution also allows the Governor to call special sessions of the legislature to address a specific issue, which Governor Kulongoski (D) did five times during 2002 to find revenue that would pay for the state budget as fiscal forecasts continued to worsen with time (Table 72).

Special Session I	February 8 - February 11
Special Session II	February 25 - March 2
Special Session III	June 12 - June 30
Special Session IV	August 16 - August 20
Special Session V	September 1 - September 18

Source: Oregon State Legislature

Between regular legislative sessions, which occur during odd numbered years, a committee of senators and representatives convene as the Emergency Board⁶⁷³ to address fiscal and budgetary issues. The 2001-03 Emergency Board was chaired by Senate President Gene Derfler (R-Salem) and House Speaker Mark Simmons (R-Elgin) (Table 67).⁷⁶⁵ Both Emergency Board Chairs were among the recipients of the top ten highest tobacco industry campaign contributions in the 2000 election (Table 73). In fact, six out of these ten legislators, who were all Republicans, were members of the Emergency Board. Besides Simmons and Derfler, Rep. Ben Westlund and Sens. Roger Beyer, Ken Messerle, and John Minnis were among the largest benefactors from the tobacco industry.

Legislator	Won/ Lost	Position during 2001 Regular Session	Tobacco contributions in 2000	Lifetime contributions as of 2000
Rep. Mark Simmons (R-Elgin)	W	House Speaker, Emergency Board Co-Chair	\$6,000	\$6,640
Sen. Eileen Qutub (R-Beaverton)	L	Not reelected	\$5,600	\$6,600
Sen. David Nelson (R-Pendleton)	W	Senate Majority Leader	\$5,100	\$5,100
Sen. Roger Beyer (R-Molalla)	W	Committee Chair, Emergency Board member	\$5,000	\$6,390
Sen. Ken Messerle (R-Coos Bay)	W	Committee Chair, Emergency Board member	\$4,750	\$5,890
Sen. John Minnis (R-Wood Village)	W	Committee Chair, Emergency Board member	\$4,500	\$8,200
Sen. Ted Ferrioli (R-John Day)	W	Committee Chair	\$4,400	\$4,400
Sen. Steve Harper (R-Klamath Falls)	W	Committee Chair	\$4,000	\$5,140
Rep. Ben Westlund (R-Bend)	W	Co-Chair, Joint Ways & Means, Emergency Board member	\$3,950	\$7,090
Sen. Gene Derfler (R-Salem)	W	Senate President, Emergency Board Co-Chair	\$3,600	\$17,800

Source: Oregon Secretary of State, Elections Division¹⁴

When the last special session ended in September 2002, legislators had rebalanced the budget. However, the economic outlook continued to worsen, and the Office of Economic Analysis, within the Department of Administrative Services, forecasted even greater deficits when the regular legislative session began in 2003. According to one editorial in *The Statesman Journal*, legislators were faced with “a desperate budgetary crisis. Oregonians had just rejected an income-tax surcharge, and a further revenue shortfall widened the financial gap still further.”⁷⁶⁶ Jill Thompson, TPEP’s Community and Policy liaison, agreed, “The state was in financial crisis, and the economic forecasts were just coming in lower and lower. When that March [1, 2003] forecast came out and it showed that the state would be operating at a huge deficit, they started scrambling for dollars.”⁷⁶⁷ Although the legislature usually focuses on issues for the upcoming biennium during the regular session, legislators temporarily turned their focus back to rebalancing the 2001-03 budget in what was nicknamed the “sixth special session” in February 2003.

TPEP Loses New Fund Sources

In order to increase funding for TPEP, Governor Kulongoski’s recommended budget for the 2001-2003 biennium had allocated \$7 million in MSA funds to TPEP. While the Ways and Means Committee suggested allocating no MSA money at all to the program,⁶⁸⁷ the legislature finally compromised by appropriating \$5 million in MSA funds to TPEP, as well as \$20 million in Measure 44 funds, in the final version of the budget.⁷²⁴ As discussed above, the \$5 million in Master Settlement Agreement (MSA) funds, first allocated to TPEP in the legislatively approved

budget (which reflects changes made to the original legislatively adopted budget), was ultimately redirected to the state's General Fund to help pay for the Oregon Health Plan in the third special session of 2002.^{726,768}

TPEP was also supposed to receive higher than expected tobacco tax revenues from the previous 1999-2001 biennium.⁷⁶⁸ This revenue was to be carried forward and deposited into TURA. However, in February, the Emergency Board diverted \$2.8 million in new tobacco prevention funding to OHP.⁷⁶⁸

Tobacco Tax Increase to Generate Revenue

As mentioned above, the deficit grew as the months progressed. Beginning with the first Special Session in February 2002, several different plans were proposed to increase the tobacco tax as a solution to help fill the budget deficit. During the first special session, Kari McCullough, the past chair of the Deschutes County Tobacco Free Alliance at the time, had recommended a \$0.50 cigarette tax increase to the Senate Revenue Options Committee.⁷⁵⁷ The Oregon Legislative Revenue Office estimated that a \$0.50 increase would generate \$104.8 million in new revenues, about 17% of the then-estimated deficit.⁷⁵⁷

Another proposal to increase the cigarette tax by \$0.58 came in the form of HB 4040, a bill authored by the House Special Session Committee on Taxation during the second Special Session. Russ Walker, the Oregon director from Washington, D.C.-based Citizens for a Sound Economy, testified against HB 4040,⁷⁶⁹ arguing that a cigarette tax increase was regressive. CSE has longstanding ties to the tobacco industry,^{57,770} including funding to support the industry's "tort reform" campaign⁷⁷¹ and as part of Philip Morris' 1996 "Firestorm Contingency Plan,"⁷⁷² which was part of a larger image improvement campaign.⁷⁷³⁻⁷⁷⁶

However, with House Speaker Mark Simmons (R-Elgin) predicting that the 32-28 Republican majority in the House would not be amendable to Governor Kitzhaber's suggestion⁷⁷⁷ to increase taxes on cigarettes, beer, or wine,⁷⁷⁸ these proposed bills did not gain any traction in the first two special sessions. The Eugene *Register-Guard* reported, "the Republican-controlled legislature refused to even hold hearings on [Kitzhaber's] proposals to raise the cigarette tax."⁴⁴³ According to Simmons, "Tax increases just aren't necessary at this point."⁷⁷⁹ In the 2000 election, Simmons had received \$6,000 in campaign contributions from tobacco companies, the most money given to a legislator that year.¹⁴ Although he denied any influence from his campaign contributions, the *Register-Guard* pointed to Simmons' appointment calendar, noting that Simmons had met with Mike McCallum, president and CEO of the Oregon Restaurant Association, and RJ Reynolds lobbyist Mark Nelson for an hour-long meeting on January 28, which appeared to be unusual when the majority of his scheduled meetings only lasted 15 minutes.⁴⁴³

While Kitzhaber initially proposed to increase the cigarette tax by \$0.30 in order to generate \$67 million, the Democrats agreed with McCullough and wanted to raise the cigarette tax by \$0.50 cents, which Kitzhaber later supported as well.⁷⁷⁹ Polling from Davis, Hibbitts & McCaig Inc. in January found that out of 500 individuals likely to vote, 68% strongly favored or

somewhat favored a \$0.30 cigarette tax increase if money was dedicated to the Oregon Health Plan, a move that was also supported by 58% of Republicans.⁷⁷⁹

By the third special session in June, the economic and revenue forecast was \$545 million lower than the last March forecast, bringing the anticipated budget deficit to \$1.4 billion.⁷²⁸ This economic situation prompted the Republican leadership to change their minds about a cigarette tax increase. The bill that ultimately passed in the third special session was HB 4051, which raised the cigarette tax by \$0.60 for a total of \$1.28. As introduced, HB 4051 proposed a \$0.75 cigarette tax increase. In a state legislative summary from June 2002, RJ Reynolds, who was monitoring these discussions, believed that the bill was “very likely to pass at 75-cents.”⁷⁸⁰ However, the increase was incrementally whittled down to \$0.65, and finally \$0.60, in the Senate Special Committee on Budget after HB 4051 was passed by the House.^{781,782} As the bill required a 3/5 majority in both the House and Senate due to its revenue-raising content, the final 36-23 vote in the House and 18-12 vote in the Senate were just enough to pass HB 4051.

Authored by the House Special Session Committee on Budget Reconciliation, which was chaired by Rep. Ben Westlund (R-Bend), the 60-cent tax increase in HB 4051 would generate an extra \$67.3 million for Health Plan in 2002-2003, and \$112 million in every following year.⁷⁸³ While most of the revenues would go into the Oregon Health Plan Fund, a newly established fund, the remaining 2.1% of the funds was allocated to cities, counties, senior and disabled transit, and TPEP,⁷⁸⁴ the programs that already received cigarette tax revenue, in order to offset the fiscal effects of the decrease in cigarette consumption following the tax increase.⁷⁸⁵ TPEP expected \$750,000 per year from its share of the tax increase, and cities, counties, and senior and disabled transportation each anticipated an annual revenue stream of \$500,000.⁷⁸³ Unlike Measure 44 (1996), HB 4051 did not dedicate a percentage of the new cigarette tax increase to tobacco prevention efforts. TPEP, which was funded through the Tobacco Use Reduction Account (TURA), would only receive a one-time transfer of \$2 million from the Oregon Health Plan Fund to TURA.

Even though HB 4051 did not allocate any permanent funds to tobacco prevention and education, tobacco control advocates supported the bill. Using peer-reviewed studies and internal tobacco industry documents, Maura Roche, the lobbyist for the Tobacco Free Coalition of Oregon (TOFCO), testified in the Senate Special Revenue Committee on June 15 that the increase would deter children from smoking, create an incentive to quit, provide much-needed revenue for the state, and save 2,400 lives and \$600 million for Oregon’s future.⁷⁸⁶ At the same time, Roche also lobbied committee members to consider allocating 10% of the cigarette tax increase to tobacco prevention and education. The Oregon Medical Association, represented by Scott Gallant, said they would support an amendment to the bill that would provide a long-term allocation to tobacco cessation.⁷⁸⁶

Lobbyists from the tobacco industry and some legislators, such as Sen. Gary George (R-Newberg; tobacco control policy score of 1.5) testified in opposition to the cigarette tax increase. Richard Kosesan, who represented the Oregon Neighborhood Store Association, Brown & Williamson Tobacco Company, and Lorillard Tobacco Company, cited a Price Waterhouse Coopers analysis his clients had commissioned that estimated retail stores would lose \$42 million in gross profits and 750 retail and wholesale jobs.⁷⁸⁷ Mark Nelson, the lobbyist for R.J. Reynolds

and 7-Eleven, suggested that existing tobacco tax revenues should be used for bond proposals rather than raising the tobacco tax.⁷⁸⁸ The lobbyist for the National Federation of Independent Business, which has opposed tobacco control legislation in other states,⁷⁸⁹ supported Nelson's suggestion.⁷⁸⁸ Nelson also argued, "You are taxing the poorest of the poor."⁷⁸⁷ This "populist rhetoric" has been described as a tobacco industry tactic to incite grassroots support against singling out a particular group.⁷⁹⁰

In response to Nelson's arguments, Sen. Joan Dukes (D-Astoria), who received \$200 in the 1990 election from Philip Morris during her tenure as Senator from 1987 to 2005, said:

Do you represent a company that has provided a product that has addicted hundreds of thousands, maybe millions of Oregonians so that they're stuck paying whatever the heck the price of tobacco is now? And you're going to tell us that you're concerned that they're going to have to pay an extra 75 cents because they're poor? If you were worried about it because they were poor, you wouldn't have gotten them addicted [in the beginning]... [Smokers] use the Oregon Health Plan and Medicaid-reimbursed nursing home beds at a really good rate so that the cost shifts to other non-smoking Oregonians... If you were really concerned about them being low-income, you could reduce the corporate profits, thereby reducing the price of the product.⁷⁸⁷

Despite any sympathies that tobacco industry campaign contributions may have elicited in Sen. Ferrioli (R-John Day; tobacco control policy score of 1.5), the Senate Special Revenue Committee chair who received \$4,400 from the tobacco in the 2000 election,¹⁴ the industry's arguments did not persuade his Committee to abandon the proposed cigarette tax increase, especially with the urgent need to rebalance the budget.

When HB 4051 was subsequently referred to the Senate Special Committee on Budget, chaired by Sen. Lenn Hannon (R-Ashland), illegal lobbying claims against TPEP again surfaced during these hearings, despite the budget note that addressed this issue in the 2001-03 DHS budget.¹³ These concerns resulted in an amendment to HB 4051 that said that the \$2 million transfer to TURA⁷⁸⁸ "may not be used to fund programs administered by a city, county or other local government."⁷⁸⁴

Measure 20 Increases the Cigarette Tax by 60-Cents

The final version of HB 4051⁷⁹¹ increased the cigarette tax by \$0.60 per pack. This bill was referred to voters by the Legislature through HB 4065 and HB 4059 as Measure 20 in a September 17, 2002 Special Election. If the measure passed, the permanent cigarette tax would total \$1.18, and the total cigarette tax on a pack of 20 cigarettes would be \$1.28, which included the \$0.10 temporary tax that had funded the Oregon Health Plan (OHP) since 1993¹ (sunset dates on this tax were extended four times⁷⁹²⁻⁷⁹⁵ until the sunset date went into effect in 2004 [see "Oregon's Cigarette Tax Decreases"]). The new 60-cent tax was expected to generate \$67 million in new revenues,⁷⁹⁶ and would be dedicated to the Oregon Health Plan (OHP). For the 2001-03 biennium only, OHP would only receive \$65 million due to the one-time allotment of \$2 million to TPEP.⁷²⁸ Future collections in the 2003-2005 biennium from the 60-cent tax increase were expected to total \$207 million.⁷⁹⁶

Tobacco control advocates supported cigarette tax increases, and TOFCO received \$364,000 from the voluntaries, state coalition partners, and the Campaign for Tobacco Free Kids to campaign for the 60-cent increase.⁵⁸⁶ Some of the money most likely went through the “Yes on 20” Political Action Committee (PAC), which was directed by John Chism from the American Heart Association and received \$265,555 in campaign contributions to support Measure 20 (Table 74).¹⁴

Although the health advocates outspent the opposition, the tobacco companies did contribute \$38,870 to the Oregon Neighborhood Stores Association (ONSA) to fight Measure 20 (Table 74).¹⁴ Through the ONSA PAC, the tobacco industry paid over \$22,000 to launch a phone campaign, with RJ Reynolds footing over two-thirds the cost, and nearly \$13,000 to distribute information about Measure 20.¹⁴ In addition to ONSA, other opponents included the National Federation of Independent Business and Plaid Pantry Convenience Stores, according to Salem *The Statesman Journal*.⁷⁹⁷ While campaign finance data from the Secretary of State do not show that these groups contributed monetary donations to the campaign against Measure 20, Citizens for a Sound Economy PAC was registered in opposition to the measure, and spent nearly \$11,000 of the \$15,500 it received in campaign contributions to the PAC (Table 74).¹⁴

When voters went to the polls in the September Special Election, Measure 20 passed by a 64-36% margin.⁷⁹⁸ The approval of Measure 20 brought the cigarette tax to \$1.28 for a pack of 20 cigarettes (Table 75). The tax increase went into effect on November 1, 2002.⁷⁹⁶

Table 74. Campaign Finance Data for PACs Supporting and Opposing Measure 20		
PACs with registered position on Measure 20	Contributions in support	Contributions in opposition
Nurses United PAC	\$16,787	
Oregon Public Employees Union PAC	\$0	
Yes on 20	\$265,555	
Citizens for a Sound Economy		\$15,434
Oregon Neighborhood Store Association		
<i>RJ Reynolds Tobacco Co.</i>		\$20,437
<i>Philip Morris USA</i>		\$8,105
<i>Brown & Williamson</i>		\$6,255
<i>Lorillard Tobacco Co.</i>		\$4,073
<i>Other</i>		\$7,227
Total		\$46,097
Parents Education Association PAC		\$3,400
Source: Oregon Secretary of State, Elections Division ¹⁴		

Year	Action	Total Tax
1965	First state-imposed cigarette tax of \$0.04	\$0.28
1993	Legislators approve a temporary \$0.10 cigarette tax to pay for the Oregon Health Plan. This temporary tax was set to sunset two years later, but subsequent legislatures extended the sunset date every session.	\$0.38
1996	Passage of Measure 44 increases the cigarette tax by \$0.30. The initiative also increased the “other tobacco products” tax from 35% to 65% of wholesale price.	\$0.68
2001	Other tobacco products tax is capped at \$0.50 for cigars, a legislative compromise for another two-year extension on the OHP temporary \$0.10 cigarette tax.	\$0.68
2002	Passage of Measure 20 increases the cigarette tax by \$0.60.	\$1.28
2004	Defeat of Measure 30, which raised income, property, and corporate taxes to generate revenue for the state’s budget deficit and dire economic situation, included the sunset extension of the \$0.10 temporary cigarette tax that funded OHP. The cigarette tax in Oregon decreased.	\$1.18

Source: The Oregonian,⁷⁹⁹ Oregon Legislative Revenue Office⁷⁶⁴

Other Attempts to Use Tobacco Tax Revenues

Another 2002 revenue bill, HB 4056, authored by the House Special Session Committee on Budget Reconciliation, allowed the State Treasurer to issue a \$50 million bond, backed by future cigarette tax revenue, for the State School Fund, and an additional \$175 million in cigarette tax-backed bonds if the General Fund deficit exceeded \$50 million.⁷⁹⁶ According to the Legislative Revenue Office, “future cigarette tax revenue would be obligated to pay the debt service regardless of the voters’ decisions on the cigarette tax increase.”⁷⁹⁶ In other words, if Measure 20 had not passed, bonds backed by cigarette taxes would still have to be paid with the existing tax, which totaled 68-cents prior to the passage of Measure 20. The Office did not issue a revenue impact statement for this situation.⁸⁰⁰

Originally, State School Fund bonds had been backed by MSA dollars before the Senate Special Committee on Budget (the same committee that heard HB 4051) amended HB 4056 to use tobacco tax revenue.⁸⁰¹ The chairman of the Senate Budget committee was Sen. Lenn Hannon (R-Ashland), who had received a total of \$7,700 in tobacco industry campaign contributions by the time he left the legislature after the 2003 regular session.^{14,737}

Despite the state’s revenue shortage, Governor Kitzhaber vetoed this bond proposal to use cigarette tax revenues for bonds.⁸⁰² In his veto message, Gov. Kitzhaber wrote, “HB 4056 directs us to educate our children today by borrowing from their schools tomorrow.”⁸⁰³ The Governor disapproved of the “accounting maneuvers” and the use of one-time revenue sources that many legislators had proposed in order to balance the budget.⁸⁰⁴

Oregon's Cigarette Tax Decreases

In the 2003 legislative session, the state's economic situation had not improved. Legislators planned to fill the expected holes in the 2003-05 budget as much as possible with HB 2152, a revenue package that included a variety of tax increases generating more than \$800 million in revenue. Besides increasing personal income and corporate minimum taxes, HB 2152 generated revenue by extending the sunset date on the temporary 10-cent cigarette tax from January 1, 2004 to January 1, 2006 (the temporary tax, initially passed in 1993 and planned to end in 1995, was dedicated entirely to OHP.¹) This extension was estimated to bolster tobacco tax revenues by roughly \$23.4 million.⁸⁰⁵

As a revenue-raising measure, HB 2152 was enacted into law by a three-fifths majority in both the House and Senate. However, in December 2003, a referendum organized and led by the Tax Payers Association of Oregon, the Republican Party, and the Washington, D.C.-based Citizens for a Sound Economy, received enough signatures to appear as Measure 30 in the February 3, 2004 Special Election.⁸⁰⁶ If the people of Oregon voted against the referendum, legislators would need to make large programmatic cuts to find the necessary revenue for the 2003-05 budget.

The anti-tax group Citizens for a Sound Economy (CSE), which had tobacco industry ties^{57,770,771} and was directed by Russ Walker, led the campaign against Measure 30.⁸⁰⁷ Other anti-tax groups, the libertarians, and the National Federation of Independent Business also opposed the measure. CSE, as well as the tobacco industry, had unsuccessfully opposed the \$0.60 cigarette tax increase in Measure 20 in 2002,⁷⁸⁸ but most likely found themselves in an easier position in 2004, when the extension of the temporary cigarette tax was included in a major tax increase package. The likelihood of Oregonians defeating Measure 30 at the ballot was high; Oregonians were disenchanted with how legislators had handled the fiscal crisis, and they certainly did not want increases in personal income taxes in the midst of a depressed economy.⁸⁰⁸⁻⁸¹⁰ According to the Secretary of State, \$13,138 was contributed to the CSE PAC to oppose Measure 30.¹⁴ Russ Walker was also the director of another PAC, the "Taxpayer Defense Fund," which received \$282,755 in campaign contributions to oppose Measure 30, but reported \$319,711 in expenditures.¹⁴

The main campaign in support of Measure 30 was "Yes on Measure 30: For Our Oregon." Supporters of Measure 30 included the American Cancer Society, the American Heart Association, AARP, educators, the Oregon Association of Hospitals and Health Systems, the League of Women Voters, business associations, some religious groups, and labor unions.⁸¹¹ According to the Secretary of State, the "Yes on Measure 30" campaign received \$935,549 in campaign contributions.¹⁴

Measure 30 was overwhelmingly defeated at the polls by 41-59%.⁸¹²

With the defeat of Measure 30, the sunset date of the 10-cent temporary cigarette was not extended to 2006. As a result, the cigarette tax fell to \$1.18. Jean Thorne, a former Director of DHS, believed that "most people who voted against Measure 30 probably didn't realize they were voting to actually decrease cigarette taxes."⁸¹³ After all, voters had approved cigarette taxes much

higher in the past (Measure 44 in 1996 and Measure 20 in 2002). Oregon was the only state to lower their cigarette tax since 1993.⁸¹⁴ Restoration of the \$0.10 cigarette tax has been a DHS priority in subsequent budget proposals. In a DHS budget draft for the 2005-07 biennial budget, DHS estimated a \$27.8 million savings in General and Lottery funds by restoring the 10-cent tax.⁸¹⁵

TPEP IS SHUT DOWN

Preventative Services are Cut

In the last special session of 2002, legislators were still struggling to make cuts to balance the budget. Many human services and programs had already experienced cutbacks or eliminations.⁷⁶⁸ Testimony about the DHS budget before the House Special Session Committee on Budget Restoration, chaired by Rep. Ben Westlund (R-Bend; tobacco control policy score of 5.0), indicated that some of the effects of DHS budget cuts included the loss federal matching funds, a backlog in jails due to cuts in the mental health budget, the elimination of services and programs for people with developmental disabilities, and severe reductions in senior services.⁸¹⁶ Bobby Mink, the Director of the Department of Human Services (DHS), identified several areas of the DHS budget that would have to be cut to meet the Governor's request of \$12.8 in reductions.⁸¹⁶ According to Mink, the proposed cuts were made proportionally across the board, and consequently focused on the three largest components of the budget, including the Oregon Health Plan (25%), senior services (25%), and mental health services (16%). "The fact of the matter is," Mink said in his testimony, "That the preventative programs that used to be in the Department of Human Services have long since been cut, and there aren't very many of those. The Oregon Children's Plan is one example of some of the things we tried to put back. The tobacco program is another example of an effort to keep people healthier longer so they don't need our care, but for the most part, preventative services aren't here anymore."⁸¹⁶

With few preventative services still in place, TPEP's budget was spared in the 2002 special sessions. However, when the regular session commenced in January 2003, the state again faced a budget deficit. The General Fund was expected to be \$244.5 million below the previous December 2002 forecast, lottery revenues were down by \$3 million, and cigarette tax revenue was slightly lower.⁸¹⁷

In the "sixth special session," legislators dealt with the state's dire financial situation by cutting many more programs and services from state government. While legislators searched for new sources of revenue to fill the budget gap, *The Register-Guard* reported in February 2003 that "the state still has hundred of millions – perhaps billions – of dollars in dedicated reserves and accounts. But legal and political considerations would make those pots of money more difficult to break into...[because they are] legally or constitutionally dedicated to specific uses."⁸¹⁸ Revenues in the Tobacco Use Reduction Account (TURA), which were dedicated to TPEP, were only statutorily—not constitutionally--protected by Measure 44, a voter approved initiative in 1996. Rep. Phil Barnhart (D-Eugene; tobacco control policy score of 8.3) believed that the possibility of raiding the state's dedicated reserves and accounts in order to rectify the deficit was "just nonsense."⁸¹⁸ Given the small amount of money in TURA, which came from tobacco tax revenue rather than the general fund, the lobbyists for Heart, Lung, and Cancer also thought that TPEP's

funds would be safe from such a raid.¹⁶⁸ However, nothing in the Oregon Constitution prevented legislators from overriding the intent of the voter-approved initiative, and the legislature was legally allowed to redirect TURA funds to purposes other than tobacco prevention and education.

Although Rep. Barnhart appeared to be skeptical that his fellow legislators would raid accounts such as TURA, Jill Thompson, TPEP's Community and Policy liaison, recalled, "We were asked [by DHS] in February of 2003 how much could be returned to the General Fund if we shut the program down. We quickly provided those calculations... [That question was] a good indicator to us that we were being examined as a possible source."⁷⁶⁷ At the end of February, TURA contained \$4,038,000.⁸¹⁹

Even though Jean Thorne, who replaced Mink as the Director of DHS in January 2003, said that DHS leadership had opposed transferring the TURA balance to the General Fund, and that this budget reduction was not a recommendation that DHS had submitted to the legislature,⁸¹³ Thompson felt underwhelmed by DHS' support for TPEP. "I didn't really notice DHS going out on a limb," said Thompson, "But I'm not sure I would say there was an overall lack of support either."⁷⁶⁷ Mel Kohn, the State Epidemiologist, also felt that "the department was, at that time, run by folks whose heart was really in the human services side of things. Their willingness to really go to the bat for the tobacco [prevention] dollars was not as strong as I hoped."⁵⁴ Tobacco prevention was not a top priority for Governor Kulongoski (D) when he first stepped into office in 2003; in the midst of a state budget shortfall, Kulongoski had four priorities: economic development, government accountability, a "pay as you go" philosophy to government spending, and services that enabled children to be "healthy, well-adjusted and educated."⁸²⁰

On February 28, 2003, the Joint Committee on Ways and Means introduced amendments to Senate Bill 859 to transfer the remaining balance of TURA to the General Fund (Table 76).⁸²¹ According to Thorne, "the Human Services Subcommittee of the Way and Means [Committee] had proposed to take [TPEP's budget] and use it in the Oregon Health Plan, rather than some of the cuts we had on the table... They didn't like what we had laid out as potential cuts."⁸¹³

The full Committee was chaired by Sen. Kurt Schrader (D-Canby; tobacco control policy score of 4.0) and Rep. Randy Miller (R-West Linn), who had both received a combined \$7,240 in tobacco industry campaign contributions by 2003 (Table 77). Several other members of the committee had also received large contributions from the tobacco industry, including Sen. Steve Harper (R-Klamath Falls) and Sen. Jackie Winters (R-Salem; tobacco control policy score of 1.0), who was the chair of the Human Services Subcommittee. Two of the Joint Ways and Means Committee members, Sen. Winters and Rep. Tootie Smith (R-Molalla) were among the top ten recipients of tobacco industry campaign contributions in the 2002 election (Table 78). As the top recipient, Sen. Winters held several important positions in the areas of budget and health care during the 2003 regular session. Besides serving as chair of the Human Services Subcommittee in Joint Ways and Means, she was a member of the Senate Special Committee on Budget, the co-chair of the Senate Special Committee on the Oregon Health Plan, and a member of both the full Joint Ways and Means Committee and Subcommittee on General Government.

Table 76. Senate Bill 859 Reallocations (Signed into law on March 4, 2003 and effective immediately)			
Original Source	Transfer Amount	Receiving Account	Purpose
Trust for Cultural Development Account (ORS 359.405)	\$3,338,538	General Fund	Not specified
Department of Transportation Operating Fund	\$7,371,543	General Fund	Not specified
Housing Development and Guarantee Account	\$15,500,000	General Fund	Not specified
Supplemental Employment Department Administration Fund	\$14,843,238	General Fund	Not specified
Counties (ORS 461.547)	\$1,900,000	Administrative Services Economic Development Fund	Not specified
Tobacco Use Reduction Account	\$4,038,000	General Fund	General governmental purposes
Waste Tire Recycling Account	\$625,000	General Fund	Not specified
Source: Oregon State Legislature ⁶¹⁸			

Upon learning of the amendment to SB 859, advocates around the state wrote opinion editorials and letters to newspaper editors protesting the proposal to eliminate TPEP’s funding. Dr. Donald Austin, the chairman of TOFCO, testified in the legislature against the cut, arguing that it would “put more lives at risk and drive up health-care costs for the state over the long run.”⁸²² *The East Oregonian* urged its readers to take action and ask “legislative representatives not to save a little money now at the expense of a lot of money—and lives—later.”⁸²³ Many other tobacco control professionals and advocates either testified in Salem or wrote editorials not only about the long term costs and effects of tobacco use, but also about TPEP’s successes and national recognition.⁸²⁴⁻⁸²⁶

In an editorial published in *The Oregonian*, Warden Minor, then President and CEO of the American Lung Association of Oregon, proposed that the state should use some of its MSA funds to pay for TPEP, especially since tobacco cost Oregon \$1.8 billion per year.⁴⁸⁹ He wrote:

I am quite aware of Oregon’s dire budget woes. And, like many Oregonians, I am concerned about the state’s ability to provide for vulnerable citizens and children. Yet their future—and Oregon’s—will become worse if we are blind to the economic benefits of investing in prevention... Despite our budget challenges, Oregonians should not settle for decreased tobacco prevention funding.⁸²⁷

The advocates warned legislators that the consequences of decreased tobacco prevention funding would extend into future biennia. However, these long-term arguments did not have the same impact on legislators as the immediate needs of Oregonians. As *The Register-Guard* wrote, “Legislators had to choose between anti-tobacco programs that would help reduce health costs in

Legislator	Tobacco Industry Contributions	
	2002 Election	Career total as of 2002
Sen. Kurt Schrader (D-Canby), co-chair	\$0	\$1,890
Rep. Randy Miller (R-West Linn), co-chair	\$250	\$5,350
Sen. Steve Harper (R-Klamath Falls), vice chair	Not up for reelection	\$5,140
Rep. Alan Bates (D-Eagle Point)	\$0	\$0
Rep. Tom Butler (R-Ontario)	\$0	\$0
Rep. Gary Hansen (D-Portland)	\$0	\$1,140
Rep. Betsy Johnson (D-Scappoose)	\$1,000	\$1,000
Rep. Wayne Krieger (R-Gold Beach)	\$1,500	\$3,250
Rep. Susan Morgan (R-Myrtle Creek)	\$1,000	\$4,890
Rep. Rob Patridge (R-Medford)	\$0	\$3,140
Rep. Greg Smith (R-Heppner)	\$250	\$1,250
Rep. Tootie Smith (R-Molalla)	\$3,000	\$5,250
Sen. Margaret Carter (D-Portland)	Not up for reelection	\$2,750
Sen. Richard Devlin (D-Tualatin)	\$0	\$0
Sen. Joan Dukes (D-Astoria)	\$0	\$200
Sen. Gary George (R-Newberg)	Not up for reelection	\$1,500
Sen. Avel Gordly (D-Portland)	Not up for reelection	\$0
Sen. Ken Messerle (R-Coos Bay)	Not up for reelection	\$5,890
Sen. Frank Morse (R-Albany)	\$0	\$0
Sen. Jackie Winters (R-Salem)	\$9,500	\$12,740
Total	\$16,500	\$57,382

Source: Oregon Secretary of State, Elections Division¹⁴

the future year, or programs that help keep Oregonians alive right now.”⁷⁶⁶ Maura Roche, the contract lobbyist for the American Cancer Society, explained, “We [had] people on the Oregon Health Plan who were Oregon transplant recipients who no longer got the medications that were keeping their organs from being rejected by their body. [The legislature] felt [defunding TPEP] was necessary.”³¹¹ In a 2006 interview, Thorne recalled:

There were thousands of people who were in nursing homes and assisted living who were going to lose their coverage completely. We were eliminating coverage for Oregon Health Plan clients completely, plus services were reduced for mental health and addiction. We had cutbacks in foster

care payments. [I had a] list of everything that was going to be cut during the six month period of time. It was thirteen pages long.⁸¹³

Although Thorne had heard speculation that some legislators may have been influenced by the tobacco lobby to raid TPEP’s budget, she admitted, “Frankly, that wasn’t the kind of discussion I was going to get into. You don’t suggest that a legislator may be suggesting this cut because it’s an ‘easy’ one and the tobacco lobby would like you to take this cut rather than another one—we were just in the middle of too many things to get into that kind of supposition and accusation.”⁸¹³

Despite any allegiances that legislators may have felt toward tobacco industry lobbyists, the tobacco industry denied any involvement in the legislature’s decision to defund TPEP. Mark Nelson, the lobbyist for RJR, said, “We really haven’t had anything to do with those budget issues.”⁸²⁸ However, Mel Kohn, the State Epidemiologist, believed that the industry and its lobbyists were at least indirectly involved: “They don’t even have to overtly say ‘Defund TPEP.’ All they have to say is ‘All our schools are really hurting,’ and ‘Look at this pot of money – how can we afford to do prevention when we are sending grandma out on the ice flow because we are cutting back on our state Medicaid program?’”⁵⁴

Legislator	Won/ Lost	Position during 2003 Regular Session	2002 Tobacco Contributions	Lifetime Contributions as of 2002
Rep. Karen Minnis (R-Wood Village)	W	House Speaker	\$12,500	\$15,790
Sen. Jackie Winters (R-Salem)	W	Chair, Joint Ways & Means subcommittee; Committee co-chair	\$9,500	\$12,740
Rep. Deborah Kafoury (D-Portland)	W	House Minority Leader; Committee Vice-Chair	\$6,500	\$7,250
Sen. Kate Brown (D-Portland)	W	Senate Majority Leader	\$6,000	\$7,500
Sen. Bruce Starr (R-Aloha)	W	Committee Vice-Chair	\$5,000	\$7,890
Rep. Tim Knopp (R-Bend)	W	House Majority Leader; Committee Chair	\$4,500	\$8,668
Rep. Betsy Close (R-Albany)	W	Committee Chair	\$4,000	\$6,300
Rep. Cliff Zauner (R-Woodburn)	W	Committee Vice-Chair	\$3,750	\$5,400
Rep. Tootie Smith (R-Molalla)	W	Committee member	\$3,000	\$5,250
Rep. Jeff Kropf (R-Sublimity)	W	Committee Chair, Vice-Chair	\$3,000	\$4,750

Source: Oregon Secretary of State, Elections Division¹⁴

TPEP Shuts Down

On March 3, the Senate passed SB 859. After only one day in the House, the bill was approved by both chambers, and the governor signed HB 859 into law on March 4, 2003 (Table 79) with almost no debate.⁸²⁹ Still, Rep. Diane Rosenbaum (D-Portland; tobacco control policy score of 8.3), who voted against the bill and has been a supporter of tobacco control efforts, believed that the TURA balance “was such a small amount of money relative to an overall budget that many [legislators], including me, felt it was just a really ridiculous cut to be making. That money was saving lives by keeping people from starting to smoke in the first place or helping people quit, and it was a really foolish cut.”⁴³⁷

	Senate	House
Yay	24 - 11 Democrats, 13 Republicans	48 - 16 Democrats, 32 Republicans
Nay	6 - Rick Metsger (D), Bill Morrisette (D), David Nelson (R), Charlie Ringo (D), Bruce Starr (R), Vicki Walker (D)	11 - Robert Ackerman (D), Phil Barnhart (D), Tom Butler (R), Jackie Dingfelder (D), Jerry Krummel (R), Jeff Merkley (D), Donna Nelson (R), Mary Nolan (D), Diane Rosenbaum (D), Carolyn Tomei (D), Kelley Wirth (D)
Excused		Floyd Prozanski (D)

Source: Oregon State Legislature

The bill became effective immediately, and TURA’s remaining balance of \$4,038,000 was transferred into the General Fund. The other programs to be completely defunded included the state’s advocacy commissions representing women, African Americans, Hispanics, and Asian American.⁸³⁰ Significant reductions to the Public Health Division, and especially to TPEP, prompted Kohn to observe in a 2006 interview, “There is no doubt that tobacco was hit disproportionately.”⁵⁴ The cuts to the public health budget, along with widespread consensus among tobacco control professionals, suggested that TPEP was disproportionately defunded (Table 80). Jean Thorne pointed out that although many other programs that were considered national leaders, such as the Oregon Health Plan and services for seniors and the disabled, also lost their status after cuts were made to their budgets, she admitted that TPEP “certainly took a deeper hit than some other programs.”⁸¹³ The justification for completely shutting down TPEP was unclear. Rosenbaum recalled, “I didn’t really see a public face of people saying, ‘This is a program that is wasting money and we should cut it.’”⁴³⁷ In fact, according to Stephanie Young-Peterson, the Lane County tobacco prevention coordinator:

One of my supervisors gave me a printout of how hard different programs were hurt. We were completely shut down... I think there were maybe one or two other things that were closed, but they were much smaller. They weren’t a core public health [program].¹⁶⁸

Without any money left in TURA, almost all programmatic components of TPEP were forced to shut down in April 2003⁸³² for the remainder of the biennium, which, by definition, ended on June 30. Even though the new biennial budget should have begun on July 1, lawmakers did not approve the state budget, including TPEP’s budget, until the session ended in late August.

Until legislators reached an agreement about TPEP’s 2003-05 biennial budget in August 2003, Oregon had no funding for the tobacco control program for nearly five months—from April to August 2003.⁸³³ After the budget was finally approved and the re-hiring process was completed, the program, including the Quit Line, was reinstated in December 2003 at the state level only.⁸³⁴ Local TPEPs were subsequently reinstated at dramatically reduced funding levels (see “Crafting the 2003-05 Budget,” below) between February and May 2004.^{168,835}

	Budget	Total 2002 Special Session Reductions	March 2003 Add-backs/Reductions		Total Changes (01-03)	Reductions As % of Budget
Medical Assistance Programs	\$913,675,783	(\$99,285,270)	\$6,371,609	GF	(\$89,163,661)	10%
			\$950,000	OF		
			\$2,800,000	MSA		
Public Health Programs (includes TPEP)	\$31,024,953	(\$2,914,945)	(\$4,038,000)	OF	(\$6,952,945)	22%
Mental Health Services	\$327,835,690	(\$16,332,967)	\$535,624	GF	(\$15,797,343)	5%

Source: Oregon Legislative Fiscal Office^{725,728}; Oregon State Legislature⁸³¹

The remaining federal funds from the Centers for Disease Control were used to continue surveillance efforts and retain two staff people at the state level. Jill Thompson, the Community and Policy liaison, and Craig Mosbaek, the Research Analyst, stayed with the program and were responsible for not only providing legislators with information that would support TPEP’s reinstatement in the 2003-05 biennium, but also for shutting down services and local and community programs.⁷⁶⁷ According to Kohn, “There was a lot of pressure to dismantle the county coalitions because that was where all this controversy [of illegal lobbying] was focused.”⁵⁴ Novick, a former lobbyist for Heart, Lung, and Cancer, had a practical explanation for the legislature’s decision to defund TPEP:

When you have tough budget times, making decisions as to what to cut is always difficult. I think [Governor Kulongoski], who made a lot of those cuts, made political calculations: Where will people scream the loudest? The constituency who supports the tobacco control program, while it is a great program, is not the same as, lets say, seniors who care about Oregon Project Independence. I was surprised to see the Governor almost zero out the program. You can cut a program and hobble it, but then at least rebuilt it up. It’s tougher to cut it to \$0, and start again.⁴³⁹

Element by element, the program was dismantled. Besides Thompson and Mosbaek, more than 80 people at the local and state levels lost their jobs.^{828,832} The Quit Line shut down on April 6, 2003 and billboards and other advertisements were stopped by the end of the month.^{828,836} The paid media campaign ended on April 30.⁸³²

Some people continued to work in tobacco control as researchers while others went on to different careers. With no assurance that the program would be re-funded in the 2003-2005 biennium, many county coordinators found other jobs. “The wealth of experience and

understanding of the issues that was lost when that happened,” said Kohn in a 2006 interview, “was an enormous blow to the program.”⁵⁴ One of the advocates’ main concerns, which became a reality, was that TPEP would lose its infrastructure.³⁴⁸ For example, Stephanie Anderson Stroup, who was the tobacco prevention and education coordinator in Deschutes County, said that there was “a very strong coalition in Deschutes County, and we tried to stay together. But without funding, it just kind of dwindled.”⁸³⁶ Erik Vidstrand, from the Multnomah County Tobacco Prevention program, reiterated this point when he said, “I don’t think the Legislature understood what it takes to build capacity. It’s not like we were sitting here mailing out brochures. It takes time to build relationships with communities, particularly minority communities.”⁸³⁶

According to Thompson, TOFCO and the voluntary health organizations undertook “a fairly active lobbying effort” during the 2003 session to get the program reinstated.⁷⁶⁷ The advocates were also able to hire another grassroots lobbyist with \$220,000 in funding secured from the American Cancer Society and the Campaign for Tobacco-Free Kids.⁷⁶⁷ Kohn, in contrast, had a different perspective about the strength of the advocates: “Our advocacy partners were not as well coordinated and savvy as they had been in the past.”⁵⁴ Kohn pointed out that the American Cancer Society, which used to have a strong Oregon chapter, had regionalized and moved their offices up to Seattle, effectively reducing the urgency of issues in Oregon.⁵⁴ Both Kohn and Thompson believed that DHS itself was not a strong advocate for TPEP.^{54,767}

Another concern was the long-term effect on the health of Oregonians in the absence of a tobacco prevention and education program. *The Register Guard* chided the legislature for eliminating a program that reduced health care costs, estimating that every dollar spent in tobacco control equaled \$19 in savings for health care costs.⁷⁶⁶ Before the March budget cut, TPEP had estimated that “\$540 million is saved in Oregon’s future” each year the program maintained its effectiveness.⁷⁵⁶ *The East Oregonian* reported that TPEP had saved “\$10 million in Oregon Health Plan costs.”⁸³⁷

TPEP’s Budget is Never Fully Restored

In the 2003-2005 and 2005-2007 bienniums, TPEP’s funding was not reinstated to Measure 44 levels. These funding cuts drastically limited tobacco prevention and education efforts throughout the state. The Technical Evaluation Advisory Committee, a group formed by DHS in 1997 that was responsible for evaluating TPEP,⁵ expressed “concern about the future of this proven, effective program,”¹⁵⁹ especially given the experience in California, where funding cuts reduced the program’s effectiveness.⁸³⁸

Crafting the 2003-05 Budget

The 2003-05 biennium began in July 2003, but TPEP’s budget was not approved until August⁸³³ because the 2003 legislative session turned out to be the longest one in Oregon’s history as legislators dealt simultaneously with balancing the 2001-03 budget and formulating the 2003-05 budget in the midst of declining revenue forecasts.⁸³⁹ The Department of Administrative Services’ Office of Economic Analysis forecasted in May 2003 that the Tobacco Use Reduction Account (TURA) would receive a total of \$15.8 million in tobacco tax revenues during the 2003-05 biennium.⁸⁴⁰ As a testament to TPEP’s effectiveness and success in reducing tobacco use in

Oregon while the program was fully funded from 1997 to 2003,¹⁵⁹ the expected 2003-05 distribution to TURA was slightly lower than the \$17.4 million TURA received in the previous 2001-03 biennium. According to Measure 44 guidelines, Governor Kulongoski (D) proposed to allocate all TURA funds, or the full \$15.8 million, to TPEP in his recommended budget for the 2003-05 biennium.

However, Rep. Alan Bates (D-Eagle Point; tobacco control policy score of 5.5), a supporter of the program, expressed doubt that the legislature would approve the Governor's plan, saying, "The legislature sees it as easy money."⁸²⁸ Sure enough, the Senate Special Committee on Budget recommended using \$10 million from TURA to fund Oregon's Medicaid program, the Oregon Medical Assistance Program (OMAP), in HB 2148.⁸⁴¹ This proposed reduction to TURA left TPEP with only a \$5.8 million biennial budget. Meanwhile, the House Special Committee on Budget proposed to transfer the entire expected TURA balance of \$15.8 million to OMAP in HB 3665.⁸⁴² Ultimately, HB 3665 died in committee, and HB 2148 was the vehicle legislators used to again raid TURA.

Rep. Kurt Schrader (D-Canby; tobacco control policy score of 4.0), the chairman of the Senate Special Committee on Budget, said, "If we do go into the other funds, [we should do it] in a manner that does not harm any agency's ability to perform its statutory functions."⁸⁴³ On the other hand, *The Daily Astorian* reported that Rep. Betsy Johnson (D-Scappoose; tobacco control policy score of 3.7) "[could not] support restoring full funding if it means a mentally ill person won't get their medications or a senior citizen is evicted from a nursing home."⁸⁴⁴ Besides TPEP, HB 2148 suspended other agencies, including the Capital Planning Commissions, the Black Affairs Commission, the Asian Affairs Commission, and the Hispanic Affairs Commission.

After the Senate proposed to divert \$10 million from TURA, the House failed by a 24-34 vote to pass HB 2148 with the Senate's amendments. Rep. Floyd Prozanski (D-Eugene; tobacco control policy score of 8.5), who voted against the Senate amendments, believed, "If we shift funding from TURA and programs that are proven to reduce smoking, the state will simply wind up paying more money in future health costs."⁶⁷⁸ However, many legislators offered their support for the bill because they had promised to "do what was necessary in order to balance these budgets, and [they] gave [the chair their] commitment."⁸⁴³ While the bill may have been the "bipartisan budget/revenue compromise,"⁶⁷⁸ that Rep. Dave Hunt (D-Gladstone) described it as, the decision to include the TURA transfer to OMAP in HB 2148 was made by a committee that had received a total of \$30,110 in tobacco industry campaign contributions, which may have caused some Senators to see the TURA funds as "easy money" (Table 81). Notably, Sen. Jackie Winters (R-Salem; tobacco control policy score of 1.0) had accepted \$9,500 from Philip Morris, R.J. Reynolds, and Brown & Williamson tobacco companies during the 2002 election.⁷³⁷

HB 2148 was signed into law by Governor Kulongoski on August 29, 2003, authorizing the removal of \$10 million from TURA to be used by OMAP. In November 2003, OMAP also received \$12.2 million in higher-than-anticipated tobacco tax revenues when the state closed out the books for the 2001-03.^{845,846} TPEP received an extra \$1.1 million from the 2001-03 closeout, increasing the program's biennial budget from \$5.8 to \$6.9 million.⁸⁴⁷ John Valley, the AHA's State Government Affairs director, recalled that the advocates tried their best to protect TPEP's funds, but ultimately failed to mobilize support in the Republican-controlled House.³³³

Senator	Tobacco Industry Contributions	
	Career total through 2002 election	Career total through 2006 election
Sen. Kurt Schrader (D-Canby), Chair	\$1,890	\$4,890
Sen. Steve Harper (R-Klamath Falls), Vice chair	\$6,140	\$10,640
Sen. Margaret Carter (D-Portland)	\$1,750	\$3,750
Sen. Richard Devlin (D-Tualatin)	\$0	\$0
Sen. Joan Dukes (D-Astoria)	\$200	\$200
Sen. Gary George (R-Newberg)	\$1,500	\$6,000
Sen. Avel Gordly (D-Portland)	\$0	\$0
Sen. Ken Messerle (R-Coos Bay)	\$5,890	\$8,390
Sen. Frank Morse (R-Albany)	\$0	\$0
Sen. Jackie Winters (R-Salem)	\$12,740	\$16,240
Total	\$30,110	\$50,110

Source: Oregon Secretary of State,¹⁴ Follow the Money⁷³⁷

In contrast to TPEP’s \$20 million budget in 2001-03, the program was forced to survive on \$6.9 for the 2003-05 biennium, or 17% of the CDC’s recommended minimum for state tobacco control programs (Table 16).¹⁵ Not surprisingly, the American Lung Association’s 2004 annual report, *State of Tobacco Control*, gave Oregon an “F” grade in Tobacco Prevention and Control Spending.⁸⁴⁸ Despite the drastic reduction to TPEP’s budget, the overall biennial budget for the Office of Disease Prevention and Epidemiology, which housed TPEP, was increased in order to accommodate bioterrorism grant funds.⁸⁴⁹

Forced to operate on minimal funds, the program still attempted to adhere to its comprehensive model approach to tobacco prevention and education. In October 2003, the Health Division and TPEP issued a status report to determine how the reduced funds would be allocated.⁵⁸⁶ When TPEP found out that the program’s budget was \$6.9 million over two years, only a handful of tobacco control advocates and professionals were able to resume their positions. Most people returned as half-time, rather than full-time, employees. However, instead of focusing on tobacco prevention and control, the loss of momentum, experience, and people power forced TPEP to spend more time and resources on administrative work than desirable.⁸⁵⁰

With limited funds, TPEP issued a Request for Proposals in January 2004,⁸⁵¹ and local coalitions and community-based programs had to compete against each other for funds that were originally intended to serve every county.⁵⁶⁰ The 2003-2005 program report stated that TPEP could not fund comprehensive school-based prevention programs.¹⁵⁹ In addition, many local coalitions were not funded, and those that did receive funding faced budgets that were dramatically slashed, often by more than 50% (Table 82). According to Mel Kohn, the State

Epidemiologist, “We made the decision that it didn’t pay to give every county a little bit of money. Instead, we were going to fund just a handful of coalitions.”⁵⁴

Table 82. Comparison of County Funding Before and After Budget Cuts		
Grantee	2001-2003	2003-2005
Benton	\$169,200	\$73,107
Coos	\$154,700	\$89,700
Crook	\$115,500	\$37,000
Deschutes	\$208,300	\$89,939
Gilliam	\$34,200	\$3,436
Hood River	\$116,200	\$37,252
Jackson	\$297,700	\$89,978
Lane	\$425,900	\$90,000
Multnomah	\$767,600	\$126,884
Umatilla	\$161,900	\$90,000
Wasco-Sherman	\$121,200	\$47,108
Yamhill	\$176,000	\$86,437
Others (23)	\$3,751,600	\$0
Total	\$6,500,000	\$860,841
Out of 36 total counties, nine counties and one county consortium received funding for community-based tobacco prevention and education. The Columbia Gorge consortium included Gilliam, Hood River, Wasco, and Sherman counties, and the Wasco-Sherman Health Department was the fiscal agent for the consortium. ⁸⁴⁷ Source: TPEP ^{756,852}		

Crafting the 2005-07 Budget

Two years later, the 2005 legislature again decided to remove TURA funds to pay for the Oregon Health Plan. The Joint Committee on Ways and Means, co-chaired by Sen. Kurt Schrader (D-Canby) and Rep. Wayne Scott (R-Canby; tobacco control policy score of 0.0), sponsored SB 1101, which proposed to remove \$7,518,057 from TURA, among other transfers. The funding cuts in this bill were actually less than the \$9.9 million in redirected TPEP funds to OHP proposed in the Governor’s Recommended Budget,⁸⁵³ and SB 1101 was easily passed by both the House and Senate and signed by the Governor on September 2, 2005. TPEP was again forced to operate on a biennial budget of \$6.9 million. The political support for TPEP and its funds was so low that the advocates considered the *one-time* allocation an accomplishment.³³³

HB 3496, a bill sponsored by the House Democrats, attempted to secure at least \$15 million for TPEP in the 2005-07 biennium. House Speaker Karen Minnis (R-Wood Bridge; tobacco control policy score of 1.3) referred this bill to the House Committee on Budget, which was chaired by Rep. Scott. HB 3496 never received a public hearing or work session, and died in committee upon adjournment. Rep. Scott had received \$2,850 in tobacco industry campaign contributions in 2004, but Philip Morris, R.J. Reynolds, and US Smokeless Tobacco must have liked his work in the 2005 legislative session because they gave him \$13,500 in 2006.¹⁴ House Speaker Minnis had received \$15,000 in contributions from the tobacco industry in 2004, and accepted another \$5,500 in the 2006 election year for a lifetime total of \$36,290 in campaign contributions from the tobacco industry.^{14,737} With this industry influence, HB 3496 never really had a chance in the hands of Reps. Minnis and Scott.*

These legislative actions, and the resulting budget cut to TPEP, are not surprising when full funding for TPEP was not a DHS priority. In their 2005-07 agency request budget, DHS ranked 45 policy option packages that totaled \$609 million in total funds.⁸⁵⁵ Ranked 26th was the request to replace the \$10 million taken out of TURA for OHP in the previous 2003-05 biennium by requesting “authority for Public Health to expend the Tobacco Use Reduction Act Funding available in 2005-07 as provided by law.” The higher ranked policy option packages that proposed restored funding for programs cut or reduced in the 2001-03 and 2003-05 bienniums included Outpatient Alcohol and Drug Treatment and Gambling Addiction treatment (Table 83).

Rank	POP	Cost (millions)
6	Restores outpatient alcohol and drug treatment funding	\$3.2
8	Restore funding of Gambling [Addition] Treatment program to full 1% of dedicated Lottery funds.	\$2.3
9	Restores funding for support of domestic violence, sexual assault crisis, and Emergency Medical System and Trauma program areas for revenue shortfall in criminal fines and assessments.	\$0.9
22	Improves identification of child and adolescent health risk factors by expanding access to care in school-based centers, fatality evaluations and conducting a related survey (package includes restoration of state capacity for child fatality evaluation and consultation).	\$1.6
26	Expends Tobacco Use Reduction Act Funds for Tobacco Prevention and Education Programs (TPEP).	\$10.0

Source: Oregon Department of Human Services⁸⁵⁵

* In the same 2005 legislative session, Rep. Minnis denied a hearing for a bill on fire safe cigarettes. *The Oregonian* wrote, “[The bill] was killed by then-House Speaker Karen Minnis [R-Wood Village; tobacco control policy score of 1.3] who had close ties to tobacco lobbyists and said she would not allow a hearing.”⁸⁵⁴ The same bill passed in the 2007 legislative session, when the Democrats regained control of the House.

Effects of Budget Cuts

Like the Technical Evaluation Advisory Committee, DHS was concerned that the reductions to TPEP's budget would not enable them to meet the State's Performance Measures. DHS warned that TPEP's drastic budget reduction would have negative effects on two important performance measures. They predicted that the number of cigarette packs sold per capita, and tobacco use among youth, adults, and pregnant women, would inevitably increase.⁸⁵⁶ TPEP's 2003-05 program report stated that "in 2003-2004, cigarette consumption fell less than half as quickly as it did when TPEP received the full funding mandated by Ballot Measure 44. This may be an early warning sign that TPEP's past success in decreasing cigarette consumption is not sustainable at the current reduced funding level" (Figure 1).¹⁵⁹ In January 2007, when DHS presented its 2007-09 budget recommendations to the Joint Ways and Means committee, it reported that the two performance measures relating to tobacco use and smoking were failing to meet their goals; smoking rates for 8th graders slightly increased, tobacco use among pregnant women was still higher than the target rate, and the number of cigarette packs sold per capita slightly increased in 2004-05.⁸⁵³ DHS noted that "Oregon's per capita pack sales in 2005 were nearly double those of Washington and California, both of which have continued to dedicate significant resources to tobacco prevention activities."⁸⁵⁷

Controversy over the Size and Nature of the Media Campaign

Right before TPEP was defunded in March, the media campaign had become very cautious—focusing on cessation rather than more effective messages on secondhand smoke or industry denormalization. The Quit Line was frequently advertised in television spots.⁷⁶⁷ Following TPEP's defunding, the program made the decision to discontinue the media contract with Pac/West, just as it had to terminate other existing contracts with community partners, tribes, schools, and local coalitions. According to Thompson, "the contracts had been originally constructed so that, should we be without funds, we would no longer be obligated, and we could shut down the contracts in a certain period of time."⁷⁶⁷ In any case, continuing to air the cessation ads when the Quit Line was nonexistent did not make any sense. Furthermore, TPEP, as advised by the CDC, believed that paid media was not as effective with the limited funds available to the program.⁷⁶⁷ In fact, the CDC had recommended that TPEP turn to a more community and grassroots-based model, which focused more on earned media than paid media, by adopting principles from the American Stop Smoking Intervention (ASSIST) program, which was a joint effort of the National Cancer Institute and the American Cancer Society that had been employed in 17 other states with relatively small budgets.⁸⁵⁸

The process of constructing TPEP's 2003-05 budget was most likely controversial, especially given the CDC's recommendations for program changes. Even though TPEP expected less than half of their fully-funded budget from the previous biennium, Stephanie Young-Peterson, the Lane County tobacco prevention coordinator, recalled that Pac/West "[was] having meetings with the state, saying, 'You have to give this much money to the media portion [of the comprehensive tobacco prevention and education program.]'"¹⁶⁸ The final 2003-05 budget dedicated 45% of the total budget to the public awareness and education campaign (Table 16). In comparison with the previous biennium, the public awareness and education campaign had been reduced by 50%, but other program components suffered much greater losses (Table 84).

Program	2001-2003		2003-2005		% Change from 01-03 to 03-05
	Budget	%Total	Budget	%Total	
Local Coalitions	\$6.9	34%	\$0.85	12%	-88%
Public Awareness & Education	\$6.0	30%	\$3.1	45%	-48%
School Programs	\$2.1	11%	\$0.2	3%	-90%
Quit Line	\$2.1	11%	\$1.7	25%	-19%
Statewide Leadership & Coordination	\$1.1	5%	\$0.4	6%	-64%
Evaluation	\$1.0	5%	\$0.5	7%	-50%
Training & Materials	\$0.8	4%	\$0.16	2%	-80%
Total	\$20		\$6.9		-66%

Source: TPEP¹⁵⁴

In discussions for the 2005-07 TPEP budget that involved DHS, the Tobacco Reduction Advisory Committee (TRAC), the Tobacco Evaluation Advisory Committee (TEAC), and the Public Health Advisory Board (PHAB), the tension between the program and Pac/West were more public. The minutes from a September 2005 meeting of the Public Health Advisory Board revealed that some members did not agree on the budget's reflection of a comprehensive tobacco prevention program. Bill Perry, the Director of Government Affairs at the Oregon Restaurant Association, was one member who apparently did not agree with the proposed TPEP funding structure. According to the minutes, "Bill Perry stated that he felt funding for community-based programs was used to lobby local governments and that more money should be spent on the public education and Quit Line components, which are statewide."⁸⁵⁹ *The Willamette Week*, the Portland-based weekly, became interested in the story, reporting that "one of the more interesting current battles pits county health departments against former state Sen. Paul Phillips' advertising firm, Pac/West Communications, over who gets \$6.9 million in anti-smoking money from the state."⁸⁶⁰ According to the article, Perry "strongly denies wanting to steer the money to Pac/West to oversee the state's ad campaign."⁸⁶⁰ Perry later said, "A lot of the ways I see them spend that money ... it just doesn't seem like it's being effective."³⁷¹ The weekly also pointed out that Perry's wife was a lobbyist for Pac/West.

Despite Perry's objections, the fraction of available money dedicated to the media campaign in the 2005-07 budget was more similar to past budgets. Rather than receiving 45% of the budget, Pac/West received \$1.9 million to run the public awareness and education campaign during the 2005-07 biennium (Table 85).

Biennium	Budget (millions)	% Total
1997-1999	\$4.6	27%
1999-2001	\$2.84	16%
2001-2003	\$6.0	30%
2003-2005	\$3.1	45%
2005-2007	\$1.9	28%

Source: TPEP¹⁵⁴

A NEW CHAPTER IN TOBACCO CONTROL

No Excuses

Tobacco control advocates in Oregon had no excuses for not ensuring that TPEP was fully funded in the 2007-09 biennium, especially because the economic outlook had improved greatly from 2003. Senator Doug Whitsett (R-Klamath Falls), who was appointed to the Committee on Ways and Means in the 2007 legislative session, told his constituency that “Oregon’s projected General Fund and Lottery revenue is enough to provide for essential service budgeting plus \$820 million for potential government growth and savings for harder times.”⁸⁶¹ Kohn agreed, saying “The state’s budget situation is also completely different. We have quite a bit more money than we had a few years ago.”⁵⁴ Along with improvements in Oregon’s financial situation, the 2006 Surgeon General’s report on secondhand smoke⁸⁶² should also have provided more than enough reason for legislators to approve the advocates’ tobacco control agenda, which included strengthening the Clean Indoor Air Act, removing preemption, increasing the tobacco tax, and restoring full funding to TPEP as mandated by Measure 44 in 1996. Erinn Kelley-Siel, the Governor’s Health and Human Services senior policy advisor, expressed Governor Kulongowski’s interest in passing this tobacco control agenda in 2007,⁸⁶³ especially since the state and individual businesses would gain millions of dollars in productivity⁸⁶⁴⁻⁸⁶⁸ and health care costs⁸⁶⁹⁻⁸⁷¹ if fewer people smoked. Kulongoski pledged his support for tobacco prevention and for TPEP in a cover letter for TPEP’s 2005-07 program report.⁸⁷²

The tobacco control community in Oregon already had built a broad network of supporters and advocates (Table 86). Coordination and mobilization of these groups continued to be an important factor in the success of tobacco control in Oregon, although TPEP had lost its contingent of advocates at the local level, mostly due to budget cuts and partially due to the preemptive 2001 Indoor Clean Air Act that prevented local governments from enacting clean indoor air policies stricter than state law.

At the same time, the Oregon Restaurant Association maintained its ties with the tobacco industry. In 2007, the annual “Taste Oregon” event, an opportunity provided by the ORA and the Oregon Lodging Association for members to meet with legislators “to talk..., network, and showcase the industry to key policymakers,”⁸⁷⁵ was sponsored by Kraft Foods, then owned by Altria (named Philip Morris Companies Inc. until January 27, 2003). In 2006, the ORA Open Golf

Tournament⁸⁷⁶ benefitted from a \$2,000 R.J. Reynolds Tobacco Company sponsorship, and Altria and Kraft were both major sponsors for the ORA and Oregon Lodging Association Leadership Conference.⁸⁷⁷ With legislation passed in the 2007 legislative session that strengthened the Indoor Clean Air Act by removing exemptions for bars and bar areas of restaurants, whose interests are both represented by the ORA, it will be interesting to see if tobacco industry sponsorship of ORA events and interests will continue after January 1, 2009, when smoking will not be an issue for the restaurant industry.

Table 86. Oregon Tobacco Control Network in 2007	
TOFCO (2007)	
Partners	Board of Directors
American Heart Association American Cancer Society American Lung Association of Oregon Campaign for Tobacco-Free Kids Oregon Association of Health Underwriters Oregon Association of Hospitals and Health System Oregon Coalition of Health Care Purchasers Oregon Public Health Department, TPEP Providence Health Systems	Chuck Tauman, JD, President, <i>Attorney, Tobacco Litigation</i> Tony Biglan, Ph.D., <i>Senior Scientist, Oregon Research Institute</i> Susan Armstrong, MPH, RN, Board Secretary Bob Becker, Ph.D., <i>Professor Emeritus, Oregon State University</i> Grant Moore, <i>Aldrich, Kilbride & Tatone, LLC</i> Don Austin, MD, MPH, <i>Oregon Health & Sciences University</i> John Handy, MD, <i>Co-Director, Providence Thoracic Oncology Program, Director of Thoracic Surgery, The Oregon Clinic</i>
TPEP Grantees: Comprehensive school-based tobacco prevention programs (2005-2007)	
Amity School District Corvallis High School/Corvallis School District Culver School District Crook County School District Franklin School/Corvallis School District	Eugene 4J School District Hoover School/Corvallis School District Portland Public Schools Rainier School District
TPEP Grantees: Multicultural and Tribal contractors (2005-2007)	
Asian Family Center/Asian&Pacific Islander Tobacco Prevention Network Burns Paiute Tribe Cascadia Behavioral Healthcare, Inc./LGBTQ Tob Prev Network Community Health Department Coquille Tribe Confederated Tribes of Coos, Lower Umpqua & Siuslaw Indians Confederated Tribes of Grand Ronde Confederated Tribes of Siletz Indians of Oregon Confederated Tribes of the Umatilla Indian Reservation	Confederated Tribes of Warm Springs Reservation of Oregon Coquille Tribe/Community Health Department Cow Creek Band of Umpqua Indians Klamath Tribal Health & Family Services Lower Umpqua & Siuslaw Indians Native American Rehabilitation Association of the Northwest/Urban Indian Tobacco Prevention Network OR Human Development Corp Latino Tobacco Prevention Network SMYRC/Cascadia Behavioral Healthcare Inc
TPEP Grantees: County Health Departments (2005-2007)	
Benton County Health Department Clatsop Health & Human Services Columbia County Public Health Coos County Public Health Crook County Health Department Deschutes County Health Department Jefferson County Health Department	Jackson County Health & Human Services Klamath County Department of Public Health Lane County Department of Health & Human Services Multnomah County Health Department Umatilla County Public Health Wasco-Sherman Public Health Department Yamhill County Public Health
Source: TPEP ^{873,874}	

The Governor's Plan to Increase Cigarette Tax

The 2007 session began with Governor Kulongoski (D) proposing to increase tobacco taxes to fund his Healthy Kids program that provided health insurance coverage for children and “enhanced”⁷³⁹ the tobacco prevention and cessation programs. Along with an increase in the tobacco products tax from 65% to 95% of wholesale price (with the tax on cigars capped at \$0.50), the 84.5-cent cigarette tax increase would bring Oregon’s cigarette tax to \$2.025, equal to the tax in neighboring Washington State, and generate between \$153-182 million in the 2007-09 biennium to pay for Healthy Kids, the Oregon Health Plan Standard Population program, TPEP, school-based health centers, teen tobacco use surveys, administrative tobacco tax enforcement costs, and early assessment and support programs.⁷³⁸ In total, total tobacco tax revenues were approximated at \$592.8 million for the 2007-09 biennium—an increase from the \$380.2 million estimated for the 2005-07 biennium.⁷³⁹ Although the Governor appeared to be committed in his proposed budget to increasing funding for TPEP, TOFCO was concerned that early drafts of his plan did not specify the amount allocated to TPEP or other recipients.⁵⁹⁰

Tobacco control advocates hoped to secure 10% of the tax for TURA, which would provide \$17.4 million in revenue for TURA in the 2007-9 biennium.⁸⁷⁸ Because Measure 44 had dedicated 10% of the 30-cent cigarette tax increase to TPEP, advocates were fixated on the notion that tobacco prevention efforts should only get 10% of any funding source. This belief persisted despite the fact that “a lot of voters say they actually think 100% of tobacco revenue should go to tobacco prevention education,”³¹¹ according to Maura Roche, the contract lobbyist from the American Cancer Society, which supported the Governor’s plan along with TOFCO and the Heart and Lung Associations.⁵⁹⁰ Roche predicted that while enough political will existed to pass the 84.5 cent cigarette tax increase, the advocates would have to fight for the 10% allocation.³¹¹ Ironically, Roche envisioned pro-tobacco supporters using the fact that the legislature had raided TURA – something that benefitted the tobacco industry – as a convincing argument that Oregonians should not allow the cigarette tax increase because the legislature could not be trusted to leave TURA intact.

A number of bills carried the Healthy Kids and cigarette tax increase legislation. According to Roche, several bills were killed on the House floor due to lack of votes.⁵⁹⁵ As a revenue-raising bill, three-fifths of the House, or 36 votes, were needed to pass the Healthy Kids bill. Roche recalled that House Republicans “kept lying to the Speaker [Rep. Jeff Merkley (D-Portland; tobacco control policy score of 9.0)] and so [Merkley] would bring the bill to the floor because [the Republicans] would promise him five votes, and then they wouldn’t deliver.”⁵⁹⁵

The first bill that carried the Healthy Kids Plan was HB 2201, which made it through the Subcommittee on Human Services in the Joint Committee on Ways and Means. In Ways and Means, a percentage of the total revenues from the 84.5 cent tax was dedicated to backfill programs which were funded with tobacco taxes as specified by Measure 20 (\$0.60 cigarette tax increase in 2002) and Measure 44 (\$0.30 cigarette tax increase in 1996), and would experience slight decreases in revenue due to the tax increase’s effect on cigarette consumption. After these distributions were made, the remaining balance was then divided between four programs, including TURA (Table 87). The percentage dedicated to TPEP was reduced to 5.173% from the 10% originally proposed in the House Committee on Revenue, chaired by Phil Barnhart (D-

Eugene; tobacco control policy score of 8.3), who did not receive any tobacco industry campaign contributions in 2006, but had accept \$500 from tobacco companies in his lifetime as a legislator.¹⁴ The Human Services subcommittee was chaired by Sen. Margaret Carter (D-Portland; tobacco control policy score of 4.3). The Joint Ways and Means Committee was co-chaired by Sen. Kurt Schrader (D-Canby; tobacco control policy score of 4.0) and Rep. Mary Nolan (D-Portland). Sen. Carter had received a total of \$4,750 in tobacco industry campaign contributions by the previous election in 2006.¹⁴ Sen. Schrader had accepted \$3,890 through the 2006 election, while Rep. Nolan has never received tobacco industry campaign contributions.^{14,737}

	Governor's Plan	HB 2201		HB 3558	SB 3	
		House Committee on Revenue amendments	Human Services subcommittee, Ways & Means amendments	Introduced	Introduced	Passed (7/27/07) Referred as Measure 50 on Nov. 2007 ballot
Tobacco Control (TPEP)	Not specified	8%	4%	4%	4%	5% in 2007-09 10% in 2009 on
Healthy Kids Plan	Not specified	72%	73%	76%	76%	72% in 2007-09 68% in 2009 on
Rural Health Care Revolving Account	0%	0%	1%	0%	0%	1%
Healthy Kids Safety Net Fund	0%	0%	2%	0%	0%	3%
Oregon Health Plan Fund	Not specified	0%	0%	0%	0%	19% in 2007-09 18% in 2009 on
Other health programs	Not specified	20%	20%	20%	20%	0%

Source: Oregon State Legislature⁸⁸⁰

Ways and Means passed HB 2201 out of the committee, and the bill went to a vote on the House floor. However, the 32-24 vote was not enough to pass HB 2201 on to the Senate. Since Democrats occupied 31 of 60 seats in the House, HB 2201 needed at least five Republicans to support the bill. Only Rep. Vicki Berger (R-Salem) voted with all 31 Democrats. The actual vote was delayed for nearly two hours when Republicans either walked out of the House chamber or refused to vote for the tax increase.⁸⁷⁹

Other bills proposed funding mechanisms for the Healthy Kids Plan and the 84.5 cent cigarette tax increase. Notably, HB 3558 proposed to dedicate the least percentage of new tobacco tax revenue to TPEP (4.918%), which would amount to nearly \$9 million in additional funds for TPEP, which expected a fully-funded budget of \$16 million for the 2007-09 biennium.⁸⁴⁰ The funding mechanism for the tobacco tax increase proposed in HB 3558 was identical to one outlined in SB 3, which proposed to create the Healthy Kids Plan and increase the tobacco tax through a constitutional amendment. Amendments to the Oregon Constitution only requires a simple majority to pass a revenue-raising bill rather than the three-fifths, or super majority, vote required to pass a revenue-raising *statutory* law. Since SB 3 would add Section IX to the

Constitution, successful passage of the bill in the legislature would refer the proposed amendments to Oregonians in the November 2007 election.

Tobacco control advocates were involved in supporting SB 3, as well as the other bills that preceded SB 3. According to Roche, tobacco control was joined by labor and other constituency groups to lobby for the cigarette tax increase, and funded activities to support the bill's passage with at least \$80,000 in pooled contributions, about one third of which came from tobacco control groups.⁵⁹⁵ The simple majority requirement of a constitutional amendment enabled the Democrats to pass SB 3 in the House with a 33-24 vote.

With SB 3 appearing on the November 2007 ballot as Measure 50, the Healthy Kids Oregon Coalition had raised \$700,000 in campaign contributions to support the measure as of August 2007.⁸⁸¹ The Coalition was comprised of ACS, AHA, ALA, the Oregon PTA, Children First for Oregon, the Oregon Medical Association, OAHHS, labor unions, three different hospitals, and many physicians and nurses.^{595,881} According to *The Oregonian*, the Coalition embarked on an email campaign that asked at least 100,000 grassroots volunteers to support Measure 50 and post photographs of their children on the Healthy Kids website.⁸⁸¹ The campaign's manager, Carol Butler, reported that polling data "suggests Oregonians very much support health care for children and this initiative."⁸⁸¹

Meanwhile, the tobacco industry was thinking of forming a PAC to oppose the measure in August 2007. RJ Reynolds lobbyist Mark Nelson was already quoted in *The Oregonian* as objecting to the Measure's proposal to amend the Constitution.⁸⁸¹ Oregonians may be able to expect the tobacco industry to use similar tactics found in their 1996 strategy against Measure 44.⁸⁸² For the campaign against this 30-cent tax increase in 1996, Mark Nelson, the President of Public Affairs Counsel (PAC) and lobbyist for R.J. Reynolds, wanted to produce ads that were creative, positive, affirmative, and moral. This strategy was outlined in the objective "If we can't make voters like us, at least let's make them like our ads." He also believed that the tobacco companies should buy their media slots early in order to "guarantee our share of voice." In the second tactic, "Make our hat whiter, make their hat blacker," Nelson sought to confuse voters by securing the support of physicians and arguing that insurance companies, physicians, and hospitals were the true winners of the tobacco tax increase. Finally, Nelson recognized that the geographic and demographic diversity within the state of Oregon warranted "different mixes of messages—and creative materials—in Oregon's three media markets outside Portland." In Nelson's words, "Oregon isn't one state—it's two." In total, Public Affairs Counsel's comprehensive plan that included survey research, advertising, and management was projected to cost \$5,213,050.⁸⁸² Ten years later, the industry can be expected to spend much more in a campaign against the proposed cigarette tax increase.

For the successful passage of Measure 50, tobacco control advocates will have to capitalize on existing public support, utilize consistent but creative messaging, secure credible and respected spokespersons, and maintain an aggressive stance against tobacco industry rhetoric. Their capacity to realize this strategy was demonstrated previously by the successful defeat of Measures 4 and 89 in 2000. However, additional assistance from national groups including the voluntary health organizations, the Campaign for Tobacco Free Kids, and grassroots organizations such as Americans for Nonsmokers' Rights, may be required to ensure Measure 50's passage.

CONCLUSION

Oregon attracted national attention when it passed Measure 44 in 1996 and implemented the comprehensive Tobacco Prevention and Education Program (TPEP) with a strong emphasis on implementing tobacco control public policies at the local level.¹ This program reported impressive results in reducing tobacco use in Oregon during its first four years.^{2,5,170} Despite empirical evidence of successfully reducing smoking, this momentum dissipated when the Oregon Restaurant Association, a strong ally of the tobacco industry, successfully took the public lead in securing passage of state legislation that preempted local clean indoor air ordinances in 2001. This setback was followed with TPEP's closure in 2003. While state budget crises have often been blamed for defunding TPEP, the lack of power, leadership, and strong coalition support are the true reasons for the program's difficulties. Too often, the tobacco control advocates were unable to mobilize *statewide* public support for the program to pressure political leaders to maintain it. Instead, they entrusted their policy agendas to Democratic legislators and contract lobbyists who had competing interests and political allegiances. For four long years, the tobacco control movement was held hostage in the policymaking arena by the ORA and the tobacco industry. Although the tobacco control lobbying team failed to control policy decisions and the nature of legislative relationships, the evidence for potentially reversing this trend was found in the advocates' ability to mobilize support for tobacco prevention and education efforts in their defeat of Measure 4 and 89 in 2000.

In a fortunate turn of events for tobacco control advocates, the Democrats held a majority in the 2007 Legislature and the state's economic situation had improved from previous biennia. These two factors were highly influential in attaining restored funding for TPEP (four years after the first budget cuts in 2003) and a strengthened Indoor Clean Air Act effective in 2009 (eight years after the ORA helped pass a preemptive statewide smokefree workplace law riddled with exemptions). In addition, the advocates worked conscientiously and strategically in supporting tobacco control policies, and their arguments for strengthening the Act were confirmed and bolstered by the 2006 Surgeon General's Report on the health consequences of secondhand smoke,⁸⁶² which supported smokefree policies with several strong conclusions, including the finding that there is no risk free level of exposure to secondhand smoke and that ventilation does not work to protect workers from secondhand smoke exposure.⁸⁶² The successes of the 2007 legislative session should be seen as an opportunity to reinvigorate the tobacco control movement in Oregon, which needs stronger leaders who are less cautious and more willing to mobilize public support for tobacco control.

Lessons Learned

Become a Serious Political Player

From the 2001 deal that the ORA made with Governor Kitzhaber to include preemption in the statewide smokefree workplace law, to the 2007 trade that resulted in the delayed implementation date to remove the law's exemptions in 2009, tobacco control advocates have failed to become a participant in key policymaking discussions.

Their absence is perhaps a result of the backlash that TPEP experienced in a conservative policy-making environment. The views of certain legislators and local policymakers revealed that there was a double standard for tobacco control policy-making. Reflecting back on the 2001 deal, Tabitha Engle, the former executive director of TOFCO, said, "If [the advocates] had been in the room, we would have stuck with our strategy of advocating and demanding that restaurants not be exempted. But I think that the trade happened without us in the room; we weren't the people who had the power in that situation."³⁴⁸ While Maura Roche, the contract lobbyist for ACS, also wondered how the tobacco control community would have benefited "if [they] had come to the table earlier,"³¹¹ the tobacco control lobbyists acted no more aggressively six years later in the 2007 legislative session. They capitulated to allocating only 5% of the proposed 84.5-cent cigarette tax increase to tobacco control in the 2007-09 biennium, and 10% in each subsequent biennium -- a percentage that the advocates curiously perceived as a maximum allocation as set by Measure 44's precedent in 1996.

Despite the CDC's recommendation that Oregon should spend \$21.1-\$52.8 million per year on tobacco prevention, the advocates' overly cautious approach was reiterated in a 2006 interview with Roche, who said, "There is a limit because you have to be careful how fast you grow a program in one biennium, and the one thing that I really don't want to see happen is the situation where if we went after MSA [funding] as well [as 10% of the 84.5 cent cigarette tax], that either we got reduced out of the cigarette tax or we found ourselves coming into '09 with not as well planned and executed a program. Then we are up for a lot of criticism about not having spent the money well."³¹¹ This view is especially surprising because TPEP had attracted national praise for its effectiveness when the program was moving forward aggressively in its early years.^{4,538,883} In addition, Roche reported that "I have looked at so much polling; a lot of voters say that actually giving 100% of tobacco revenue should go to tobacco prevention and education."³¹¹ The empirical evidence of success could have been combined with mobilization of public support for tobacco control to advocate for a larger, more robust program.

While the advocates have been less than aggressive in their approach to securing TPEP's funding, the advocates avoided serious compromises in legislative proposals to strengthen the Indoor Clean Air Act of 2001. According to Engle, TOFCO went into every session since 2001 "prepared to advocate and get a revised clean indoor air law, and [TOFCO is] not really willing to negotiate on the different aspects of that law."³⁴⁸ However, these efforts did not result in any change until 2007. The advocates helped pass a comprehensive smokefree workplace, restaurant, and bar law in the 2007 legislative session, but had to compromise on a delayed implementation date. The new law will not go into effect until January 1, 2009.

The fact that TOFCO and, more importantly, the voluntary health organizations that formed the backbone of TOFCO relied so heavily on a contract lobbyist for not only lobbying services, but also setting TOFCO's policies and goals, exacerbated the tendency of state-level tobacco control advocates to keep their expectations low. While there is nothing in principle wrong with using contract lobbyists if the clients are clearly defining priorities and the "bottom line" in negotiations, that is not the situation in Oregon. In a 2006 interview, Julia Martin, the former tobacco prevention coordinator for Eugene, summarizes the problem:

One of the issues is that we have contract lobbyists, and they have other clients. Sometimes, the legislators they're talking to are really good friends to their other clients, but not necessarily to tobacco control. They're not going to [do anything to anger] their legislator because they've got other clients they have to protect. So that means tobacco control loses; they can't play hardball with them... We need people who are lobbying for tobacco control and tobacco control alone.¹⁴⁵

Roche's views, expressed in a 2007 interview, were consistent with this concern. In the interview, Roche said, "At some point, when it became a negotiation with the House Leadership over what could be traded for [SB 3] to get passed in the legislature by statute, that's above advocates' pay grade, right? You just can't insert yourself into those negotiations."⁵⁹⁵ Besides ACS, Roche also represented the Oregon chapter of the National Association of Social Workers, Planned Parenthood Advocates of Oregon, and Basic Rights Oregon (pro-gay rights),⁸⁸⁴ all controversial organizations when Republicans control the legislature. There is concern that tobacco control policies have been compromised by Roche's need to balance legislative relationships that also benefit her other clients' issues.

There is also the issue of a broader disconnect between the state advocates and those working at the local level, who had enjoyed many successes against the tobacco industry in passing local smokefree ordinances and other legislation. According to Martin, who helped pass the Eugene ordinance in 2000:

We always felt a little detached in Eugene from what was happening both in Salem and up in Portland, where the "hub" of the tobacco prevention and control movement was. I don't know that communication was always as good as it should have been to help us know where things [stood], what we needed to do, and who we needed to talk to... [The general feeling is that] there's a group of people in Portland, and they're making all the decisions, and they're paying lip service to including any other parts of the state. There's definitely a feeling of not being included--as if our opinion or input just doesn't really matter.¹⁴⁵

The fact that Martin voiced her opinions and criticisms of the program has been rare in the tobacco control community in Oregon. Most TPEP supporters were public health professionals who were not as experienced in policy-making.⁸⁵⁰ According to Martin, "To be successful in tobacco control, we have to be pushing policy... But the people at the state [Health Division] are very reluctant to talk about it."¹⁴⁵ One example that illustrated this "reluctance" was at TPEP's annual statewide meeting in 2006. When the discussion turned to advocacy and program support, several local coordinators asked TPEP staff to provide a list of legislators who were "friends" or "foes" of tobacco control. However, neither the staff nor coalition leaders were willing to provide that information.

While Oregon's tobacco control advocates have lacked assertiveness in the legislature and tobacco control leaders at the state level have failed to achieve statewide cohesiveness with the local coalitions, TOFCO was largely successful in strengthening the tripartite partnership between DHS, the Governor's Office, and TOFCO. In a 2006 interview, Engle acknowledged, "Our work is about people and the partnerships that we build with those people."¹⁴³ The relationships established between legislators and the health division are important factors in the success of TPEP, a program that relies every biennium on funding determined by the legislature. In addition, the partnership between the advocates and DHS greatly improved and functioned relatively well

in later years. Engle explained that she worked hard to establish strong ties between TOFCO and the Governor's Office so that health administrators at TPEP and DHS felt more comfortable in their partnership with non-governmental organizations like TOFCO.

Several signs have suggested an increased capacity to advocate for TPEP in recent years. The voluntaries, TPEP, and TOFCO started to coordinate statewide strategic planning meetings at the beginning of each legislative session and to hold monthly technical assistance conference calls for its contractors, grantees, and partners. In 2007, TOFCO adopted a practical step-by-step plan to elevate awareness of tobacco control issues at all levels of government. In a 2006 interview, Engle said, "I don't think anybody has done a good job [communicating our successes], but I don't think that we knew that [bragging] was what we should be doing, and we didn't have the partnerships in place to work together to make that happen."³⁴⁸ Mel Kohn, the State Epidemiologist, said, "I think our advocacy partners are better organized, and I think the Governor's Office has really taken a stand on this and been very supportive. Within the department we have [Dr. Bruce Goldberg, appointed Director of DHS in 2005,] who knows quite a bit about tobacco prevention—he is a physician and has worked closely with public health in the past, so he is a strong advocate for what we are after."⁵⁴

Thanks to a series of fortunate external conditions (Democrats coming to power in the Legislature and reduced opposition from the ORA) and TOFCO's attempt to build capacity and partnerships, Oregon's tobacco control program is entering a period of resurgence. More proactive steps by the voluntary health organizations and tobacco control lobbyists could have prevented or minimized some of the obstacles that effectively reversed TPEP's nationally-recognized accomplishments. In order to win Measure 50 in the November 2007 election and successfully implement the comprehensive smokefree workplace law in 2009, the advocates will need to develop greater political savvy, make improvements to their infrastructure, take advantage of the many resources that are waiting to be utilized, and take more risks. The question still remains as to whether the statewide tobacco control advocates will use this "second chance" to reorganize and begin to mobilize and assert public support for the program to prevent the kind of backsliding that occurred during the previous 10 years.

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APPENDICES

A: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 1996-2006

B: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 1996-2006

C: Tobacco Industry Campaign Contributions to Political Parties and Committees, 1996-2006

D: Tobacco Industry Political Expenditures, 1997-2006

E: Lobbyists and Their Expenditures, 1997-2006

Table A1: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 1996

Name	Party	H/S	Dist.	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Adams, Brady (President)	R	S	25	200	0	0	0	0	0	0	0	0	200	0	950
Adams, Ron	R	H	27	100	0	0	0	0	0	0	0	0	100	0	900
Alderman, Tom	R	H	39	0	0	0	0	0	0	0	0	0	0	0	0
Alevizos, Richard	S	S	7	0	0	0	0	0	0	0	0	0	0	0	0
Amato, Paul	I	H	34	0	0	0	0	0	0	0	0	0	0	0	0
Armstrong, Don	R	H	57	200	0	0	0	0	0	0	0	0	200	0	0
Axt, Jonathan	S	H	6	0	0	0	0	0	0	0	0	0	0	0	0
Baker, Ken	R	S	14	0	0	0	0	0	0	0	0	0	0	0	0
Baker, Margaret M.	S	S	11	0	0	0	0	0	0	0	0	0	0	0	0
Barnes, Jerry	R	H	52	100	0	0	0	0	0	0	0	0	100	0	0
Barrett, Kristopher	L	H	13	0	0	0	0	0	0	0	0	0	0	0	0
Barton, Bridget	R	H	27	100	0	0	0	0	0	0	0	0	100	0	0
Beck, Chris	D	H	12	0	0	0	0	0	0	0	0	0	0	0	0
Benneth, John	L	S	11	0	0	0	0	0	0	0	0	0	0	0	0
Beyer, Lee	D	H	42	200	0	0	0	0	0	0	0	0	200	0	950
Beyer, Roger	R	H	28	5,100	0	0	0	0	0	0	0	0	5,100	0	0
Biggs, Patricia N.	D	S	5	0	0	0	0	0	0	0	0	0	0	0	0
Bledsoe, Bob	I	H	9	0	0	0	0	0	0	0	0	0	0	0	0
Boehnke, George	R	H	40	0	0	0	0	0	0	0	0	0	0	0	0
Bootsma, Erik	R	H	35	0	0	0	0	0	0	0	0	0	0	0	0
Bowman, Jo Ann	D	H	19	0	0	0	0	0	0	0	0	0	0	0	0
Brecke, Brenda W.	D	S	24	0	0	0	0	0	0	0	0	0	0	0	0
Brian, Tom	R	H	9	200	0	0	0	0	0	0	100	0	300	100	400
Brink, Loren	R	H	12	0	0	0	0	0	0	0	0	0	0	0	0
Brown, Jack Alan Jr.	L	H	49	0	0	0	0	0	0	0	0	0	0	0	0
Brown, Kate	D	S	7	200	0	0	0	0	0	0	0	0	200	0	750
Bryant, Neil	R	S	27	200	0	0	0	0	0	0	0	0	200	0	550
Burdick, Ginny	D	S	6	0	0	0	0	0	0	0	0	0	0	0	0
Scott R. Bushnell	R	H	2	0	0	0	0	0	0	0	0	0	0	0	0
Callahan, John	R	H	12	100	0	0	0	0	0	0	0	0	100	0	0
Campbell, Kevin M.	D	S	28	0	0	0	0	0	0	0	0	0	0	0	0
Carpenter, Chuck	R	H	7	200	0	0	0	0	0	0	100	0	300	100	1,600
Carper, Jennifer	D	S	30	0	0	0	0	0	0	0	0	0	0	0	0
Carter, Margaret	D	H	18	0	0	0	0	0	0	0	0	0	0	0	1,250
Castillo, Susan	D	S	20	0	0	0	0	0	0	0	0	0	0	0	0
Civiletti, Tom	D	H	25	0	0	0	0	0	0	0	0	0	0	0	0
Corcoran, Tony	D	H	44	200	0	0	0	0	0	0	0	0	200	0	0

Courtney, Peter (Minority Leader)	D	H	33	100	0	0	0	0	0	0	0	0	0	100	0	200
Cromwell, David	R	H	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Crum, Gary	D	H	43	0	0	0	0	0	0	0	0	0	0	0	0	0
Davis, Andy	P	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Davis, Jim	R	S	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Deckert, Ryan	D	H	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Derfler, Gene (Majority Leader)	R	S	16	0	0	0	0	0	0	0	0	0	0	0	0	2,450
Devlin, Richard	D	H	24	0	0	0	0	0	0	0	0	0	0	0	0	0
Dole, Donald A	D	S	23	0	0	0	0	0	0	0	0	0	0	0	0	0
Dukes, Joan	D	S	1	0	0	0	0	0	0	0	0	0	0	0	0	200
Duncan, Verne A.	R	S	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Dwyer, Bill	D	S	21	0	0	0	0	0	0	0	0	0	0	0	0	2,450
Edwards, Randall	D	H	15	200	0	0	0	0	0	0	0	0	0	200	0	0
Eighmey, George	D	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Ekstrom, Bob	R	H	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Fahey, Mike	D	H	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Fauve, Bob	L	H	39	0	0	0	0	0	0	0	0	0	0	0	0	0
Ferrioli, Ted	R	S	28	0	0	0	0	0	0	0	0	0	0	0	0	0
Fisher, Bill	R	S	23	0	0	0	0	0	0	0	0	0	0	0	0	0
Fitz, Michael, A.	R	S	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Fox, Norm	R	H	41	0	0	0	0	0	0	0	0	0	0	0	0	0
Gardella, Leo	R	H	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Gardella, Patrick V.	R	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Gardner, Dan	D	H	13	0	0	0	0	0	0	0	0	0	0	0	0	0
George, Gary	R	S	2	100	0	0	0	0	0	0	0	0	0	100	0	0
Gordly, Avel	D	S	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Hall, Everett	R	S	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Hallett, John S.	D	H	50	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamby, Drannan	D	H	29	0	0	0	0	0	0	0	0	0	0	0	0	0
Hamby, Jeannette	R	S	5	0	0	0	0	0	0	0	0	0	0	0	0	2,000
Hannon, Lenn	R	S	26	0	0	0	0	0	0	0	0	0	0	0	0	2,700
Harper, Steve	R	H	53	200	0	0	0	0	0	0	0	0	0	200	0	0
Hartung, Tom	R	S	3	0	0	0	0	0	0	0	0	0	0	0	0	1,500
Hayden, Cedric	R	H	28	100	0	0	0	0	0	0	0	0	0	100	0	0
Hector, Ken	R	H	28	100	0	0	0	0	0	0	0	0	0	100	0	0
Hill, Jim	R	H	5	0	0	0	0	0	0	0	0	0	0	0	0	500
Hryciuk, John F.	S	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Hunting, Chuck	RF	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Hussey, David	R	H	32	200	0	0	0	0	0	0	0	0	0	200	0	0
Isham, Dell	D	S	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Jenson, Bob	D	H	57	0	0	0	0	0	0	0	0	0	0	0	0	0
Johnson, Eldon	R	H	51	0	0	0	0	0	0	0	0	0	0	0	0	2,450

Johnson, Victoria	D	H	5	0	0	0	0	0	0	0	0	0	0	0	0
Johnston, Bryan	D	H	31	200	0	0	0	0	0	0	0	0	200	0	250
Jones, Denny	R	H	60	200	0	0	0	0	0	0	0	0	200	0	2,150
Josi, Tim	D	H	2	200	0	0	0	0	0	0	0	0	200	0	1,000
Kane, Marc	D	H	53	0	0	0	0	0	0	0	0	0	0	0	0
Keith, Kelley	C	S	15	0	0	0	0	0	0	0	0	0	0	0	0
Kelleher, Jeff	D	H	27	0	0	0	0	0	0	0	0	0	0	0	0
Kelley, George G.	D	H	20	0	0	0	0	0	0	0	0	0	0	0	0
Kennemer, Bill	R	S	12	0	0	0	0	0	0	0	0	0	0	0	2,500
Kintigh, Bob (President Pro Tempore)	R	S	22	0	0	0	0	0	0	0	0	0	0	0	0
Klotz, Richard S.	RF	H	49	0	0	0	0	0	0	0	0	0	0	0	0
Kraxberger, Paul	R	H	23	100	0	0	0	0	0	0	0	0	100	0	0
Kruse, Jeff	R	H	45	100	0	0	0	0	0	0	0	0	100	0	0
Labadie, Judith	NL	H	24	0	0	0	0	0	0	0	0	0	0	0	0
Lackey, Ann	I	H	24	0	0	0	0	0	0	0	0	0	0	0	0
Lehman, Mike	D	H	47	0	0	0	0	0	0	0	0	0	0	0	0
Leonard, Randy	D	S	9	0	0	0	0	0	0	0	0	0	0	0	1,000
Lester, Susan	D	H	10	0	0	0	0	0	0	0	0	0	0	0	0
Lewis, Leslie	R	H	29	200	0	0	0	0	0	0	0	0	200	0	0
Lewis, Mark A.	R	H	15	0	0	0	0	0	0	0	0	0	0	0	0
Lim, John	R	S	11	1,200	750	0	0	0	0	0	0	0	1,950	750	750
Lokan, Jane	R	H	25	200	0	0	0	0	0	0	100	0	300	100	1,100
Luke, Dennis	R	H	54	200	0	0	0	0	0	0	0	0	200	0	250
Lundquist, Lynn (Speaker)	R	H	59	200	0	0	0	0	0	0	100	0	300	100	600
Markham, Bill (Speaker Pro Tempore)	R	H	46	200	0	0	0	0	0	0	0	0	200	0	3,850
McArdle, John	D	H	34	0	0	0	0	0	0	0	0	0	0	0	0
McDaniel, Dick	D	H	58	0	0	0	0	0	0	0	0	0	0	0	0
McHenry, Tim	L	H	30	0	0	0	0	0	0	0	0	0	0	0	0
Messerle, Ken	R	H	48	200	0	0	0	0	0	0	0	0	200	0	0
Miller, Randy	R	S	13	0	0	0	0	0	0	0	0	0	0	0	3,100
Milne, Patti	R	H	38	300	0	0	0	0	0	0	0	0	300	0	1,250
Minnis, John	R	H	20	200	0	0	0	0	0	0	0	0	200	0	3,700
Montgomery, Bob	R	H	56	200	0	0	0	0	0	0	0	0	200	0	1,500
Moshofsky, Bill	R	H	8	100	0	0	0	0	0	0	0	0	100	0	0
Murphy, Paul	D	H	28	100	0	0	0	0	0	0	0	0	100	0	0
Nelson, David	R	S	29	300	0	0	0	0	0	0	0	0	300	0	0
Newton, Marlee	R	H	47	0	0	0	0	0	0	0	0	0	0	0	0
Nordling, Jo Anne	D	H	9	0	0	0	0	0	0	0	0	0	0	0	0
Oakley, Carolyn	R	H	36	200	0	0	0	0	0	0	0	0	200	0	3,850
O'Connor, Tom	L	S	7	0	0	0	0	0	0	0	0	0	0	0	0
Partington, Chuck	D	H	22	0	0	0	0	0	0	0	0	0	0	0	0
Pasero, Jim	R	H	11	0	0	0	0	0	0	0	0	0	0	0	0
Paulsen, Lenore	D	H	45	0	0	0	0	0	0	0	0	0	0	0	0

Pickard, Bob	D	H	55	0	0	0	0	0	0	0	0	0	0	0	0
Piercy, Kitty	D	H	39	0	0	0	0	0	0	0	0	0	0	0	0
Prozanski, Floyd	D	H	40	0	0	0	0	0	0	0	0	0	0	0	0
Qutub, Eileen	R	S	4	200	0	0	0	0	0	0	0	0	200	0	1,000
Rasmussen, Anitra	D	H	11	0	0	0	0	0	0	0	0	0	0	0	0
Rasmussen, Stu	D	S	15	0	0	0	0	0	0	0	0	0	0	0	0
Rees, Bradford J.	R	H	19	0	0	0	0	0	0	0	0	0	0	0	0
Repine, Bob	R	H	49	200	0	0	0	0	0	0	0	0	200	0	1,650
Rillera, Roman	R	H	18	0	0	0	0	0	0	0	0	0	0	0	0
Roberts, Lonnie	D	H	21	200	0	0	0	0	0	0	0	0	200	0	3,200
Ross, Barbara	D	H	35	0	0	0	0	0	0	0	0	0	0	0	0
Schrader, Kurt	D	H	23	100	0	0	0	0	0	0	0	0	100	0	500
Shannon, Marilyn	R	S	15	200	0	0	0	0	0	0	0	0	200	0	0
Shetterly, Lane	R	H	34	100	0	0	0	0	0	0	0	0	100	0	0
Shields, Frank	D	H	16	0	0	0	0	0	0	0	0	0	0	0	500
Shook, Bob	D	H	7	0	0	0	0	0	0	0	0	0	0	0	0
Simantel, Marcus	D	H	3	0	0	0	0	0	0	0	0	0	0	0	0
Simmons, Mark	R	H	58	200	0	0	0	0	0	0	0	0	200	0	0
Smith, Pat	D	H	28	0	0	0	0	0	0	0	0	0	0	0	0
Snodgrass, Lynn (Majority Leader)	R	H	10	200	0	0	0	0	0	0	0	0	200	0	1,000
Sorenson, Peter	D	S	20	0	0	0	0	0	0	0	0	0	0	0	0
Sowa, Larry	D	H	26	100	0	0	0	0	0	0	0	0	100	0	1,000
Stallings, Bill	R	H	16	0	0	0	0	0	0	0	0	0	0	0	0
Starr, Charles	R	H	3	200	0	0	0	0	0	0	0	0	200	0	500
Stephens, Patrick	L	H	14	0	0	0	0	0	0	0	0	0	0	0	0
Story, Cecilia	P	H	44	0	0	0	0	0	0	0	0	0	0	0	0
Stratton, Karen E	D	H	6	0	0	0	0	0	0	0	0	0	0	0	0
Strobeck, Ken	R	H	6	200	0	0	0	0	0	0	0	0	200	0	0
Stull, Shirley	R	S	17	0	0	0	0	0	0	0	0	0	0	0	0
Sunseri, Ron	R	H	22	100	0	0	0	0	0	0	0	0	100	0	0
Tarno, Veral	R	S	24	300	0	0	0	0	0	0	0	0	300	0	1,000
Tarzian, Peter	D	H	36	0	0	0	0	0	0	0	0	0	0	0	0
Taylor, Jackie	D	H	1	0	0	0	0	0	0	0	0	0	0	0	0
Tennison, Barbara	R	H	44	0	0	0	0	0	0	0	0	0	0	0	0
Thompson, Terry	D	H	4	200	0	0	0	0	0	0	0	0	200	0	250
Tiernan, Bob	R	H	24	200	0	0	0	0	0	0	0	0	200	0	500
Timms, Eugene	R	S	30	200	0	0	0	0	0	0	0	0	200	0	2,000
Torrence, Tom	RF	S	2	0	0	0	0	0	0	0	0	0	0	0	0
Tracy, Oliver H	S	H	14	0	0	0	0	0	0	0	0	0	0	0	0
Trow, Cliff (Minority Leader)	D	S	18	0	0	0	0	0	0	0	0	0	0	0	200
Uherbelau, Judy	D	H	52	0	0	0	0	0	0	0	0	0	0	0	0
Valdrow, Mike	R	H	26	0	0	0	0	0	0	0	0	0	0	0	0

VanLeeuwen, Liz	R	H	37	200	0	0	0	0	0	0	0	0	200	0	250
Walters, Ralf	R	H	42	0	0	0	0	0	0	0	0	0	0	0	0
Watt, John	R	H	50	195	0	0	0	0	0	0	0	0	195	0	1,900
Webb, Darlene L	S	H	60	0	0	0	0	0	0	0	0	0	0	0	0
Webb, Rohn F.	S	S	30	0	0	0	0	0	0	0	0	0	0	0	0
Webber, Bob	D	H	51	0	0	0	0	0	0	0	0	0	0	0	0
Wells, Larry	R	H	30	200	0	0	0	0	0	0	0	0	200	0	0
Welsh, Jim	R	H	43	200	0	0	0	0	0	0	0	0	200	0	0
Westlund, Ben	R	H	55	100	0	0	0	0	0	0	0	0	100	0	0
Weaver-Britell, Martha	D	H	48	0	0	0	0	0	0	0	0	0	0	0	0
Whelan, Tom	D	H	32	0	0	0	0	0	0	0	0	0	0	0	0
Whitmore, Sandra	D	H	60	0	0	0	0	0	0	0	0	0	0	0	0
Wilde, Thomas	D	S	8	0	0	0	0	0	0	0	0	0	0	0	0
Wimmer, Laurie	D	H	12	0	0	0	0	0	0	0	0	0	0	0	0
Winters, Jackie	R	H	31	200	0	0	0	0	0	0	100	0	300	100	100
Wooten, Cynthia	D	H	41	0	0	0	0	0	0	0	0	0	0	0	250
Work, Elli	D	H	54	0	0	0	0	0	0	0	0	0	0	0	0
Yih, Mae	D	S	19	0	0	0	0	0	0	0	0	0	0	0	1,100
TOTAL				16,695	750	0	0	0	0	0	500	0	17,945	1,250	65,550

Table A2: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 1998

Name	Party	H/S	Dist.	ORA	RJR	PM	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Adams, Brady (President)	R	S	25	5,000	750	12,000	500	0	0	0	0	18,250	13,250	14,200
Ash, Stan	R	H	24	3,500	0	0	0	0	0	0	0	3,500	0	0
Atkinson, Jason A	R	H	51	1,000	0	0	0	0	0	0	0	1,000	0	0
Austin, Scott	R	S	20	0	0	0	0	0	0	0	0	0	0	0
Avakian, Brad	D	S	3	0	0	0	0	0	0	0	0	0	0	0
Axt, Jonathan	S	H	6	0	0	0	0	0	0	0	0	0	0	0
Backlund, Vic	R	H	33	11,500	0	0	0	0	0	0	0	11,500	0	0
Baker, Ken	R	S	14	1,000	0	0	0	0	0	0	0	1,000	0	0
Barnett, Marian	R	H	17	0	0	0	0	0	0	0	0	0	0	0
Bartow, Candace	D	H	49	0	0	0	0	0	0	0	0	0	0	0
Beck, Chris	D	H	12	500	0	0	0	0	0	0	0	500	0	0
Bell, George	D	H	32	0	0	0	0	0	0	0	0	0	0	0
Beyer, Lee	D	S	21	0	0	0	0	0	0	0	0	0	0	950
Beyer, Roger	R	H	28	2,695	750	390	0	0	0	0	250	4,085	1,390	1,390
Booth, Herb	L	H	18	0	0	0	0	0	0	0	0	0	0	0
Bowman, Jo Ann	D	H	19	0	0	0	0	0	0	0	0	0	0	0
Brown, Alan	R	H	4	26,523	0	0	0	0	0	0	0	26,523	0	0
Brown, Jack Alan Jr.	I	H	49	0	0	0	0	0	0	0	0	0	0	0
Brown, Kate (Minority Leader)	D	S	7	0	0	0	0	0	0	0	0	0	0	750
Bryant, Neil	R	S	27	1,000	0	1,000	0	0	0	0	0	2,000	1,000	1,550
Bunn, Jim	R	H	38	0	1,000	0	0	0	0	0	0	1,000	1,000	1,000
Burdick, Ginny	D	S	6	0	0	0	0	0	0	0	0	0	0	0
Bushnell, Scott R	R	H	2	2,500	0	0	0	0	0	0	0	2,500	0	0
Butler, R Thomas (Tom)	R	H	60	500	0	0	0	0	0	0	0	500	0	0
Cargill, Michael	R	H	21	0	0	0	0	0	0	0	0	0	0	0
Carpenter, Chuck	R	H	7	1,975	750	0	0	0	0	0	0	2,725	750	2,350
Castillo, Susan	D	S	20	0	0	0	0	0	0	0	0	0	0	0
Chambers, Dale C.	D	H	5	0	0	0	0	0	0	0	0	0	0	0
Civiletti, Tom	D	H	25	0	0	0	0	0	0	0	0	0	0	0
Close, Betsy	R	H	36	6,500	0	0	0	0	0	0	0	6,500	0	0
Collins, Loren W.	D	H	31	0	0	0	0	0	0	0	0	0	0	0
Corchero, Victor A.	D	H	46	0	0	0	0	0	0	0	0	0	0	0
Corcoran, Tony	D	S	22	0	0	0	0	0	0	0	0	0	0	0
Courtney, Peter	D	S	17	500	0	0	0	0	0	0	0	500	0	200
Deckert, Ryan	D	H	8	1,000	0	390	0	0	0	0	0	1,390	390	390
Derfler, Gene (Majority Leader)	R	S	16	11,000	1,750	8,000	500	0	0	1,000	500	22,750	11,750	14,200
Devlin, Richard	D	H	24	0	0	0	0	0	0	0	0	0	0	0
Donovan, John	D	H	36	0	0	0	0	0	0	0	0	0	0	0

Dukes, Joan	D	S	1	0	0	0	0	0	0	0	0	0	0	200
Dumdi, Cleve	R	S	22	500	1,000	0	0	0	0	0	250	1,750	1,250	1,250
Duncan, Verne A	R	S	12	1,600	0	0	0	0	0	0	0	1,600	0	0
Eaton, Win	R	S	18	500	0	0	0	0	0	0	0	500	0	0
Eckman, Kathie Wenick	R	H	54	0	1,000	0	0	0	0	0	0	1,000	1,000	1,000
Edwards, Randall	D	H	15	1,500	0	0	0	0	0	0	0	1,500	0	0
Farris, Steve	D	H	14	0	0	0	0	0	0	0	0	0	0	0
Ferrioli, Ted	R	S	28	500	0	0	0	0	0	0	0	500	0	0
Fisher, Bill	R	S	23	0	0	0	0	0	0	0	0	0	0	0
Fox, Norn	R	H	41	500	0	0	0	0	0	0	0	500	0	0
Frank, Larry	R	H	51	0	750	0	0	0	0	0	0	750	750	750
Frazier, Donna	S	H	40	0	0	0	0	0	0	0	0	0	0	0
Gardner, Dan	D	H	13	0	0	500	0	0	0	0	0	500	500	500
George, Gary	R	S	2	0	0	0	0	0	0	0	0	0	0	0
Gianella, Juley	R	H	38	11,500	0	0	0	0	0	0	0	11,500	0	0
Gil, Dave	D	H	6	0	0	0	0	0	0	0	0	0	0	0
Gillette, David W.	S	H	7	0	0	0	0	0	0	0	0	0	0	0
Gonzalez, Martin	APC	H	18	0	0	0	0	0	0	0	0	0	0	0
Gordly, Avel	D	S	10	0	0	0	0	0	0	0	0	0	0	0
Grisham, Jerry	R	S	14	12,500	1,750	1,000	0	0	0	0	0	15,250	2,750	2,750
Hain, Earl	D	H	43	0	0	0	0	0	0	0	0	0	0	0
Hamby, Jeannette	R	S	5	1,000	1,000	0	0	0	0	0	0	2,000	1,000	3,000
Hannon, Lenn L	R	S	26	1,152	1,000	1,000	0	0	0	250	0	3,402	2,250	4,950
Hansen, Gary D	D	H	17	0	0	390	0	0	0	0	0	390	390	390
Harper, Steve (Majority Leader)	R	H	53	3,719	750	390	0	0	0	0	0	4,859	1,140	1,140
Hartung, Tom	R	S	3	1,000	1,000	1,000	0	0	0	0	0	3,000	2,000	3,500
Hayden, Cedric	R	S	22	10,000	0	0	0	0	0	0	0	10,000	0	0
Heck, Thomas R.	I	H	49	0	0	0	0	0	0	0	0	0	0	0
Hill, Jim	R	H	5	1,000	0	390	0	0	0	0	250	1,640	640	1,140
Holston, Lon	D	H	51	0	0	0	0	0	0	0	0	0	0	0
Hopson, Elaine	D	H	2	500	0	0	0	0	0	0	0	500	0	0
Howes, Deborah	PG	H	17	0	0	0	0	0	0	0	0	0	0	0
Hungerford, Andrea	D	H	27	0	0	0	0	0	0	0	0	0	0	0
Hunts, Jane	R	H	52	11,750	0	0	0	0	0	0	0	11,750	0	0
Jenson, Bob	I	H	57	1,000	0	0	0	0	0	0	0	1,000	0	0
Jordan, Linc	L	S	1	0	0	0	0	0	0	0	0	0	0	0
Juett, Ellen	D	H	20	0	0	0	0	0	0	0	0	0	0	0
Kafoury, Deborah	D	H	18	800	0	0	0	0	0	0	0	800	0	0
Kahn, Stan	PG	H	14	0	0	0	0	0	0	0	0	0	0	0
Kemp, Ed	R	H	44	10,500	0	0	0	0	0	0	0	10,500	0	0
King, Al	D	H	44	1,000	0	0	0	0	0	0	0	1,000	0	0
Knopp, Tim	R	H	54	11,750	750	390	0	0	0	0	0	12,890	1,140	1,140

Kolb, Melody	D	H	50	0	0	0	0	0	0	0	0	0	0	0
Kropf, Jeff	R	H	37	5,100	0	0	0	0	0	0	0	5,100	0	0
Krummel, Jerry	R	H	27	12,000	0	0	0	0	0	0	250	12,250	250	250
Kruse, Jeff	R	H	45	1,000	0	390	0	0	0	0	0	1,390	390	390
Kube, Vern	R	H	57	0	0	0	0	0	0	0	0	0	0	0
Kumley, Lloyd	D	S	16	0	0	0	0	0	0	0	0	0	0	0
Landauer, Larry S.	D	H	3	0	0	0	0	0	0	0	0	0	0	0
Lehman, Mike	D	H	47	0	0	0	0	0	0	0	0	0	0	0
Leonard, Randy	D	H	21	1,000	0	390	0	0	0	0	0	1,390	390	1,390
Lewis, Leslie	R	H	29	500	0	390	0	0	0	0	0	890	390	390
Libbey, Kem	D	S	13	0	0	0	0	0	0	0	0	0	0	0
Lim, John	R	S	11	500	0	0	0	0	0	0	0	500	0	750
Lioio, Bill	R	S	21	0	0	0	0	0	0	0	0	0	0	0
Litty, Jon	I	H	48	0	0	0	0	0	0	0	0	0	0	0
Lokan, Jane	R	H	25	3,950	0	390	0	400	0	0	0	4,740	790	1,890
Loneragan, Frank J.	D	H	38	0	0	0	0	0	0	0	0	0	0	0
Lowe, Kathy	D	H	26	1,500	0	0	0	0	0	0	0	1,500	0	0
Lundquist, Lynn	R	H	59	3,100	3,000	1,000	500	0	0	0	250	7,850	4,750	5,350
Mannix, Kevin L	R	H	32	9,000	0	390	0	0	0	0	250	9,640	640	2,790
Mayfield, David E.	R	H	26	0	0	0	0	0	0	0	0	0	0	0
McGinnis, Michael T.	S	H	55	0	0	0	0	0	0	0	0	0	0	0
Merkley, Jeff	D	H	16	0	0	0	0	0	0	0	0	0	0	0
Messerle, Ken	R	H	48	2,000	0	390	250	0	0	0	500	3,140	1,140	1,140
Metsger, Rick	D	S	14	0	0	0	0	0	0	0	0	0	0	0
Miller, Randy (President Pro Tempore)	R	S	13	2,000	750	1,000	0	0	0	0	250	4,000	2,000	5,100
Minnis, Karen	R	H	20	13,920	0	390	0	0	0	0	0	14,310	390	390
Monnes Anderson, Laurie	D	H	22	0	0	0	0	0	0	0	0	0	0	0
Montgomery, Bob	R	H	56	0	1,000	390	250	0	0	0	500	2,140	2,140	3,640
Morgan, Susan	R	H	46	2,250	1,000	390	0	0	0	0	0	3,640	1,390	1,390
Moore, Cletus Jr.	R	H	16	0	0	0	0	0	0	0	0	0	0	0
Morrisette, Bill	D	H	42	0	0	0	0	0	0	0	0	0	0	0
Nathan, Tonie	L	S	21	0	0	0	0	0	0	0	0	0	0	0
Navari, Joseph V.	D	H	29	0	0	0	0	0	0	0	0	0	0	0
Nelson, David	R	S	29	0	0	0	0	0	0	0	0	0	0	0
Newton, Marlee	R	H	47	0	0	0	0	0	0	0	0	0	0	0
Nisbet, Andrew	R	H	14	0	0	0	0	0	0	0	0	0	0	0
Nyquist, Roger	R	H	36	6,000	1,000	0	0	0	0	0	0	7,000	1,000	1,000
Patrick, Sam	R	H	1	0	0	0	0	0	0	0	0	0	0	0
Patridge, Rob	R	H	50	1,500	0	390	0	0	0	0	0	1,890	390	390
Pearson, John M.	R	H	40	0	0	0	0	0	0	0	0	0	0	0
Piercy, Kitty (Minority Leader)	D	H	39	0	0	0	0	0	0	0	0	0	0	0
Ploeg, Danford P Vander	L	H	9	0	0	0	0	0	0	0	0	0	0	0

Poulson, Joshua R.	L	H	11	0	0	0	0	0	0	0	0	0	0	0
Prozanski, Floyd	D	H	40	0	0	0	0	0	0	0	0	0	0	0
Qutub, Eileen	R	S	4	0	0	0	0	0	0	0	0	0	0	1,000
Rao, Sharon	R	H	23	0	0	0	0	0	0	0	0	0	0	0
Rasmussen, Anitra	D	H	11	0	0	0	0	0	0	0	0	0	0	0
Rasmussen, Stu	D	H	28	0	0	0	0	0	0	0	0	0	0	0
Roberts, Lonnie	D	S	9	500	1,000	0	0	0	0	0	0	1,500	1,000	4,200
Robindottir, Jody I.	PG	H	26	0	0	0	0	0	0	0	0	0	0	0
Rosenbaum, Diane	D	H	14	0	0	0	0	0	0	0	0	0	0	0
Ross, Barbara	D	H	35	0	0	0	0	0	0	0	0	0	0	0
Schauffler, Henri	R	H	8	0	0	0	0	0	0	0	0	0	0	0
Schrader, Kurt	D	H	23	6,600	1,000	390	0	0	0	0	0	7,990	1,390	1,890
Scott, Don	R	S	17	3,500	1,000	0	0	0	0	0	0	4,500	1,000	1,000
Seaberry, Jim	R	H	39	0	0	0	0	0	0	0	0	0	0	0
Shaffer, Dotte	D	H	53	0	0	0	0	0	0	0	0	0	0	0
Shannon, Marylin	R	S	15	0	0	0	0	0	0	0	0	0	0	0
Sherman, David	D	H	34	0	0	0	0	0	0	0	0	0	0	0
Shetterly, Lane	R	H	34	0	0	390	0	0	0	0	0	390	390	390
Shields, Frank	D	S	9	500	0	0	0	0	0	0	0	500	0	500
Simmons, Mark	R	H	58	1,000	0	390	0	0	0	0	250	1,640	640	640
Smith, Della J.	S	S	16	0	0	0	0	0	0	0	0	0	0	0
Smith, Mike	D	H	10	0	0	0	0	0	0	0	0	0	0	0
Smith, Robin	D	H	9	0	0	0	0	0	0	0	0	0	0	0
Snodgrass, Lynn (Speaker)	R	H	10	2,500	0	1,000	0	0	0	0	0	3,500	1,000	2,000
Starr, Bruce	R	H	3	12,000	0	390	0	0	0	0	250	12,640	640	640
Starr, Charles	R	S	5	4,001	0	1,000	0	0	0	0	0	5,001	1,000	1,500
Strobeck, Ken (Speaker Pro Tempore)	R	H	6	1,500	0	0	0	0	0	0	0	1,500	0	0
Stucky, Rick	D	H	33	0	0	0	0	0	0	0	0	0	0	0
Stull, Barry Joe	PG	H	12	0	0	0	0	0	0	0	0	0	0	0
Sunseri, Ron	R	H	22	12,500	0	0	0	0	0	0	0	12,500	0	0
Sweetland, Monroe Mark	D	S	12	0	0	0	0	0	0	0	0	0	0	0
Tabor, H. Joe	L	H	12	0	0	0	0	0	0	0	0	0	0	0
Tarno, Veral	R	S	24	0	0	1,000	0	0	0	0	250	1,250	1,250	2,250
Taylor, Jackie	D	H	1	0	0	0	0	0	0	0	0	0	0	0
Taylor, Martin	D	H	11	0	0	0	0	0	0	0	0	0	0	0
Thomas, Ralph	L	H	55	0	0	0	0	0	0	0	0	0	0	0
Thompson, Terry	D	H	4	0	1,000	390	0	0	0	0	0	1,390	1,390	1,640
Timms, Eugene	R	S	30	0	0	0	0	0	0	0	0	0	0	2,000
Trow, Cliff	D	S	18	0	0	0	0	0	0	0	0	0	0	200
Uherbelau, Judy	D	H	52	0	0	0	0	0	0	0	0	0	0	0
Valdrow, Mike	R	H	26	0	0	0	0	150	0	0	0	150	150	150
Van Loo, Ginny	D	H	26	250	0	0	0	0	0	0	0	250	0	0

Vessell, David L.	L	H	24	0	0	0	0	0	0	0	0	0	0	0
Wagoner, Curt	L	H	54	0	0	0	0	0	0	0	0	0	0	0
Walker, Vicki L	D	H	41	0	0	0	0	0	0	0	0	0	0	0
Webb, Darlene	S	H	60	0	0	0	0	0	0	0	0	0	0	0
Weller, Adrienne	I	H	18	0	0	0	0	0	0	0	0	0	0	0
Wells, Larry	R	H	30	500	0	390	0	0	0	0	0	890	390	390
Welsh, Jim	R	H	43	1,250	0	390	0	0	0	0	250	1,890	640	640
Westlund, Ben	R	H	55	3,250	1,500	390	250	0	250	500	250	6,390	3,140	3,140
Wilde, Melinda Benson	D	H	17	0	1,000	0	0	0	0	0	0	1,000	1,000	1,000
Wilde, Thomas A.	D	S	8	0	0	0	0	0	0	0	0	0	0	0
Wilkerson, Dan	D	H	37	0	0	0	0	0	0	0	0	0	0	0
Williams, Max	R	H	9	9,500	0	0	0	0	0	0	0	9,500	0	0
Wilson, Carl	R	H	49	2,250	0	0	0	0	0	0	0	2,250	0	0
Winters, Jackie	R	H	31	14,187	0	390	0	0	0	0	250	14,827	640	740
Witt, Bill	R	H	7	1,500	0	390	0	0	0	0	0	1,890	390	390
Work, Elli	D	H	54	0	0	0	0	0	0	0	0	0	0	0
Yih, Mae	D	S	19	3,000	0	0	0	0	0	0	0	3,000	0	1,100
Zastrow, Paul	D	H	56	0	0	0	0	0	0	0	0	0	0	0
Zazu, Rosemaree	NL	H	9	0	0	0	0	0	0	0	0	0	0	0
Zimmer, Jon E.	L	H	10	0	0	0	0	0	0	0	0	0	0	0
TOTAL				306,572	27,250	39,640	2,250	550	250	1,500	5,000	383,012	76,440	112,340

Table A3: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 2000

Name	Party	H/S	Dist.	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Pendleton Mixer & Cigar	Specialty Cigars	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Ackerman, Robert L	D	H	39	500	0	0	0	0	0	0	0	0	0	500	0	0
Albright, Thomas W.	S	H	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Alexander, Christina	PG	H	47	0	0	0	0	0	0	0	0	0	0	0	0	0
Atkinson, Jason A.	R	S	25	3,000	0	0	0	0	0	0	0	0	0	3,000	0	0
Backlund, Vic	R	H	33	1,500	0	0	0	0	0	0	0	0	0	1,500	0	0
Barnhart, Phil	D	H	40	0	0	0	0	0	0	0	0	0	0	0	0	0
Barrie, J.T.	L	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Bates, Alan C.	D	H	52	0	0	0	0	0	0	0	0	0	0	0	0	0
Beck, Chris	D	H	12	500	0	0	0	0	0	0	0	0	0	500	0	0
Bell, George	D	H	32	0	0	0	0	0	0	0	0	0	0	0	0	0
Bevans, Christopher D.	R	H	39	0	0	0	0	0	0	0	0	0	0	0	0	0
Beyer, Roger	R	S	15	7,000	2,500	1,500	0	1,000	0	0	0	0	0	12,000	5,000	6,390
Bitans, Ivars	R	H	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Bowman, Jo Ann A.	D	H	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Branstiter, Sharon	D	H	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Brown, Alan	R	H	4	8,369	1,000	0	0	250	0	0	0	0	0	9,619	1,250	1,250
Brown, Kate (Minority Leader)	D	S	7	1,000	0	0	500	250	0	0	0	0	0	1,750	750	1,500
Bullis, Mike A	R	H	30	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Burdick, Ginny	D	S	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Burkett, Roy	C	S	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Butler, Thomas R	R	H	60	2,000	0	0	0	0	0	0	0	0	0	2,000	0	0
Calhoun, W. Earl	D	H	46	0	0	0	0	0	0	0	0	0	0	0	0	0
Campbell, Bruce C.	D	H	58	0	0	0	0	0	0	0	0	0	0	0	0	0
Carlson, Janet	R	H	32	10,000	0	250	0	0	0	0	0	0	0	10,250	250	250
Carter, Margaret	D	S	8	500	500	1,000	0	0	0	0	0	0	0	2,000	1,500	2,750
Clarke, Mike A.	D	H	28	0	0	0	0	0	0	0	0	0	0	0	0	0
Clarno, Bev	R	S	27	2,500	2,000	500	500	500	0	0	0	0	0	6,000	3,500	3,500
Close, Betsy L.	R	H	36	2,500	1,000	500		500	300	0	0	0	0	4,800	2,300	2,300
Cook, Vern	D	S	28	0	0	0	0	0	0	0	0	0	0	0	0	0
Cooper, Ken	D	H	54	0	0	0	0	0	0	0	0	0	0	0	0	0
Courtney, Peter	D	S	17	0	0	0	0	0	0	0	0	0	0	0	0	200
Davidson, Barbara	D	H	50	0	0	0	0	0	0	0	0	0	0	0	0	0
Deckert, Ryan	D	S	4	0	0	0	0	0	0	0	0	0	0	0	0	390
Derfler, Gene	R	S	16	250	1,000	2,600	0	0	0	0	0	0	0	3,850	3,600	17,800
Devlin, Richard	D	H	24	790	0	0	0	0	0	0	0	0	0	790	0	0
Dingfelder, Jackie	D	H	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Dodrill, Barbara	D	H	48	0	0	0	0	0	0	0	0	0	0	0	0	0
Donovan, John	D	H	36	0	0	0	0	0	0	0	0	0	0	0	0	0

Doyle, Dan	R	H	30	3,500	0	250	0	250	0	0	0	0	0	4,000	500	500
Draznin, James	D	H	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Duncan, Bill George	D	S	29	0	0	0	0	0	0	0	0	0	0	0	0	0
Dunlap, Douglas	D	H	55	0	0	0	0	0	0	0	0	0	0	0	0	0
Ekstrom, Bob	C	H	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Ferrioli, Ted	R	S	28	2,000	2,500	1,500	0	400	0	0	0	0	0	6,400	4,400	4,400
Fisher, Bill	R	S	23	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Fletcher, Irv	D	H	38	0	0	0	0	0	0	0	0	0	0	0	0	0
Frank, Larry	R	H	51	0	750	0	0	0	0	0	0	0	0	750	750	1,500
Gardner, Dan (Minority Leader)	D	H	13	1,000	1,750	1,000	0	0	0	0	0	0	0	3,750	2,750	3,250
Gardner, Joan	R	H	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Garrard, Bill	R	H	53	5,000	500	250	0	0	0	0	0	0	0	5,750	750	750
George, Gary	R	S	2	4,189	0	1,500	0	0	0	0	0	0	0	5,689	1,500	1,500
Goberman, Pavel	L	S	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Golobay, Edwin	R	H	22	7,500	1,000	0	0	0	0	0	0	0	0	8,500	1,000	1,000
Gordly, Avel	D	S	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Gorsek, Chris	D	S	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Greenlick, Mitch	D	H	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Guillebeau, Victoria P.	S	H	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Hansen, Gary D.	D	H	17	500	500	250	0	0	0	0	0	0	0	1,250	750	1,140
Harper, Steve	R	S	30	2,000	1,500	2,500	0	0	0	0	0	0	0	6,000	4,000	5,140
Harrington, Linda	D	H	59	0	0	0	0	0	0	0	0	0	0	0	0	0
Hass, Mark	D	H	8	500	0	0	0	0	0	0	0	0	0	500	0	0
Hayden, Cedric	R	H	43	2,500	0	0	0	0	0	0	0	0	0	2,500	0	0
Hill, Jim	R	H	5	2,500	0	500	0	400	0	0	0	0	0	3,400	900	2,040
Hintz, David	L	H	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Holston, Lon	D	H	51	0	0	0	0	0	0	0	0	0	0	0	0	0
Hopson, Elaine M.	D	H	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Hunts, Jane	R	H	52	5,000	1,000	0	0	0	0	0	0	0	0	6,000	1,000	1,000
James, Debra M.	D	S	30	0	0	0	0	0	0	0	0	0	0	0	0	0
Jenson, Bob	R	H	57	2,000	0	250	0	0	0	0	0	0	0	2,250	250	250
Johnson, Elizabeth (Betsy)	D	H	1	500	0	0	0	0	0	0	0	0	0	500	0	0
Johnson, Francisca	D	H	43	0	0	0	0	0	0	0	0	0	0	0	0	0
Jones, Denny	R	S	30	750	1,000	0	0	0	0	0	0	0	0	1,750	1,000	3,150
Jones, Dick	R	H	25	0	0	0	0	0	0	0	0	0	0	0	0	0
Kafoury, Deborah	D	H	18	500	500	250	0	0	0	0	0	0	0	1,250	750	750
Kemp, Ed	R	H	44	10,500	0	0	0	0	0	0	0	10,500	0	21,000	10500	10500
King, Al	D	H	44	500	0	250	250	0	0	0	0	0	0	1,000	500	500
Knopp, Tim	R	H	54	2,300	1,000	750	350	450	300	0	178	0	0	5,328	3,028	4,168
Krieger, Wayne	R	H	48	7,500	1,000	250	0	500	0	0	0	0	0	9,250	1,750	1,750
Kropf, Jeff	R	H	37	2,500	1,250	0	0	500	0	0	0	0	0	4,250	1,750	1,750
Krummel, Jerry	R	H	27	4,500	1,500	750	0	1,000	0	0	0	0	0	7,750	3,250	3,500

Kruse, Jeff	R	H	45	2,000	0	500	0	500	0	0	0	0	0	3,000	1,000	1,390
Kumley, Llyod	D	H	31	0	0	0	0	0	0	0	0	0	0	0	0	0
Lamb-Mullin, Cathy	D	H	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Lee, Charles	D	H	45	0	0	0	0	0	0	0	0	0	0	0	0	0
Lee, Jan	I	H	10	1,250	0	0	0	0	0	0	0	0	0	1,250	0	0
Leonard, Randy	D	H	21	0	500	0	0	0	0	0	0	0	0	500	500	1,890
Lowe, Kathy	D	H	26	545	0	0	0	0	0	0	0	0	0	545	0	0
Lutz, Scott	R	H	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Mack, Larry	D	S	23	0	0	0	0	0	0	0	0	0	0	0	0	0
March, Steve	D	H	15	500	500	0	0	0	0	0	0	0	0	1,000	500	500
McCorkle, Roger W.	D	S	24	0	0	0	0	0	0	0	0	0	0	0	0	0
McCormick, Colby	D	H	30	0	0	0	0	0	0	0	0	0	0	0	0	0
McDaniel, Don	L	H	1	0	0	0	0	0	0	0	0	0	0	0	0	0
McEnroe, John	L	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Merkley, Jeff	D	H	16	0	0	0	0	0	0	0	0	0	0	0	0	0
Messerle, Ken	R	S	24	3,500	2,000	1,500	250	1,000	0	0	0	0	0	8,250	4,750	5,890
Michaels, Lisa	R	H	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Miller, Jeff R	R	H	41	5,000	0	0	0	0	0	0	0	0	0	5,000	0	0
Minnis, John	R	S	11	13,300	2,500	1,500	500	0	0	0	0	0	0	17,800	4,500	8,200
Minnis, Karen (Majority Leader)	R	H	20	5,050	1,750	750	400	0	0	0	0	0	0	7,950	2,900	3,290
Monnes Anderson, Laurie	D	H	22	0	0	0	0	0	0	0	0	0	0	0	0	0
Morgan, Susan	R	H	46	2,080	1,250	750	0	500	0	0	0	0	0	4,580	2,500	3,890
Morrisette, Bill	D	H	42	0	100	0	0	0	0	0	0	0	0	100	100	100
Nelson, David (Majority Leader)	R	S	29	3,088	2,000	2,000	0	1,000	0	100	0	0	0	8,188	5,100	5,100
Nelson, Donna G.	R	H	29	5,000	1,000	0	0	0	0	0	0	0	0	6,000	1,000	1,000
Nelson, Frank G.	D	H	29	0	0	0	0	0	0	0	0	0	0	0	0	0
Nims, Charley J.	S	S	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Nolan, Mary	D	H	11	500	0	0	0	0	0	0	0	0	0	500	0	0
Patridge, Rob	R	H	50	3,478	1,250	500	500	500	0	0	0	0	0	6,228	2,750	3,140
Philiben, Anne N.	D	S	27	0	0	0	0	0	0	0	0	0	0	0	0	0
Pike, Roger	D	S	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Qutub, Eileen	R	S	4	12,000	3,000	2,000	0	0	0	0	0	600	0	17,600	5,600	6,600
Ringo, Charlie	D	H	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Ringold, Debra	R	H	35	8,500	0	0	0	0	0	0	0	0	0	8,500	0	0
Ritter, Almon S.	R	H	26	0	0	0	0	0	0	0	0	0	0	0	0	0
Rosenbaum, Diane	D	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Scarborough, Arthur J.	S	S	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Schaumleffle, Kevin C.	L	H	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Schoel, Jeanne	R	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Schrader, Kurt	D	H	23	4,000	0	0	0	0	0	0	0	0	0	4,000	0	1,890
Scruggs, John	R	H	6	7,500	0	0	0	0	0	0	0	0	0	7,500	0	0
Shannon, Marilyn	R	H	38	2,000	1,550	0	0	0	0	0	0	0	0	3,550	1,550	1,550

Shetterly, Lane (Speaker Pro Tempore)	R	H	34	1,000	0	0	0	0	0	0	0	0	0	1,000	0	390
Shipman, Roger	C	H	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Simmons, Mark (Speaker)	R	H	58	8,448	3,250	2,000	0	750	0	0	0	0	0	14,448	6,000	6,640
Slizeski, Marilyn L.	D	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Smith, Greg	R	H	59	1,500	1,000	0	0	0	0	0	0	0	0	2,500	1,000	1,000
Smith, Mike	D	H	10	2,000	1,000	0	0	250	0	0	0	0	0	3,250	1,250	1,250
Smith, Patti	R	H	56	7,500	0	0	0	0	0	0	0	0	0	7,500	0	0
Smith, Tootie	R	H	28	7,650	1,750	0	0	500	0	0	0	0	0	9,900	2,250	2,250
Smith, Whitney	PG	S	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Snodgrass, Lynn	R	H	10	10,913	0	0	0	0	0	0	0	0	0	10,913	0	2,000
Snoozy, Wayne P.	D	H	53	0	0	0	0	0	0	0	0	0	0	0	0	0
Sorg, Karl G.	S	H	40	0	0	0	0	0	0	0	0	0	0	0	0	0
Starr, Bruce	R	H	3	6,000	1,250	500	0	500	0	0	0	0	0	8,250	2,250	2,890
Stull, Barry Joe	PG	H	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Tabor, Joe H	L	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Taylor, Martin	D	H	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Thompson, Terry	D	S	2	0	1,490	0	0	0	0	0	0	0	0	1,490	1,490	3,130
Thorn, Jill	D	H	27	0	0	0	0	0	0	0	0	0	0	0	0	0
Tellimans, David	PG	H	16	0	0	0	0	0	0	0	0	0	0	0	0	0
Toler, Dave	I	H	49	0	0	0	0	0	0	0	0	0	0	0	0	0
Tomei, Carolyn	D	H	25	500	0	0	0	0	0	0	0	0	0	500	0	0
Velji, Raman	D	H	9	0	0	0	0	0	0	0	0	0	0	0	0	0
Verger, Joanne	D	H	47	0	500	0	0	0	0	0	0	0	0	500	500	500
Uherbelau, Judy	D	H	52	0	0	0	0	0	0	0	0	0	0	0	0	0
Waldron, Diane	R	H	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Walker, Cherryl L.	R	H	51	1,271	0	0	0	0	0	0	0	0	0	1,271	0	0
Walker, Vicki L.	D	H	41	500	0	0	0	0	0	0	0	0	0	500	0	0
Walker, Steve	C	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Wallace, Marvin	C	H	23	0	0	0	0	0	0	0	0	0	0	0	0	0
Weatherby, Mike	D	H	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Westlund, Ben	R	H	55	1,955	2,000	500	0	750	0	0	0	700	0	5,905	3,950	7,090
Williams, Max	R	H	9	2,269	0	0	0	0	0	0	0	0	0	2,269	0	0
Wilson, Carl	R	H	49	2,000	0	0	0	0	0	0	0	0	0	2,000	0	0
Winters, Jackie	R	H	31	4,887	1,250	750	0	500	0	0	0	0	0	7,387	2,500	3,240
Wirth, Kelley	D	H	35	0	0	0	0	0	0	0	0	0	0	0	0	0
Witt, Bill	R	H	7	7,700	1,000	500	0	500	0	0	0	0	0	9,700	2,000	2,390
Workman, Lori	D	H	37	0	0	0	0	0	0	0	0	0	0	0	0	0
Yih, Mae	D	S	19	500	0	0	0	0	0	0	0	0	0	500	0	1,100
Young, William D (Bill)	R	H	40	500	0	0	0	0	0	0	0	0	0	500	0	0
Zastrow, Paul	D	H	56	0	0	0	0	0	0	0	0	0	0	0	0	0
Zauner, Cliff	R	H	38	5,000	1,000	0	400	250	0	0	0	0	0	6,650	1,650	1,650
TOTAL				261,532	56,640	30,350	3,650	13,500	600	100	178	11,800	0	378,350	116,818	164,818

Table A4: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 2002

Name	Party	H/S	Dist.	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Pendleton Mixer & Cigar	Specialty Cigars	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Ackerman, Robert	D	H	13	0	0	0	0	0	0	0	0	0	0	0	0	0
Adams, Ron	R	S	19	0	0	0	0	0	0	0	0	0	0	0	0	900
Akin, David M	L	S	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Albright, Thomas W	S	H	44	0	0	0	0	0	0	0	0	0	0	0	0	0
Alsup, David	R	S	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Ambrose, Anthony	L	H	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Anderson, Gordon	R	H	3	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Arcuine, Sarah	R	S	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Arnold, Mervin	I	H	31	0	0	0	0	0	0	0	0	0	0	0	0	0
Avakian, Brad	D	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Azadeh, Anthony	R	H	38	0	0	0	0	0	0	0	0	0	0	0	0	0
Backlund, Vic	R	H	25	500	0	0	0	0	0	0	0	0	0	500	0	0
Barker, Jeff	D	H	28	500	0	0	0	0	0	0	0	0	0	500	0	0
Barnhart, Phil	D	H	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Bates, Alan C	D	H	5	0	0	0	0	0	0	0	0	0	0	0	0	0
Baurer, Herman Joseph	C	H	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Beale, Donald	D	H	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Bella, Jonathan D	D	H	25	0	0	0	0	0	0	0	0	0	0	0	0	0
Berger, Vicki	R	H	20	2,000	0	0	0	0	0	0	0	0	0	2,000	0	0
Beyer, Elizabeth Terry	D	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Beyer, Roger (Minority Leader)	R	S	9	0	0	0	0	0	0	0	0	0	0	0	0	6,390
Bisson, Scott	R	H	16	0	0	0	0	0	0	0	0	0	0	0	0	0
Bitans, Ivars	R	H	43	0	0	0	0	0	0	0	0	0	0	0	0	0
Blake, Irv	R	H	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Bolanos, Robert M	R	H	11	0	0	0	0	0	0	0	0	0	0	0	0	0
Booth, Herb	L	H	43	0	0	0	0	0	0	0	0	0	0	0	0	0
Bowen, Jeremy	C	H	48	0	0	0	0	0	0	0	0	0	0	0	0	0
Bozievich, Jay	L	H	13	0	0	0	0	0	0	0	0	0	0	0	0	0
Brown, Alan	R	H	10	14,991	1,000	1,000	0	250	0	0	0	0	0	17,241	2,250	3,500
Brown, Kate (Majority Leader)	D	S	21	3,500	0	5,000	0	1,000	0	0	0	0	0	9,500	6,000	7,500
Brown, Ralph	R	H	29	0	0	0	0	0	0	0	0	0	0	0	0	0
Buchal, James L	R	H	18	0	0	0	0	0	0	0	0	0	0	0	0	0
Butler, R Thomas (Tom)	R	H	60	500	0	0	0	0	0	0	0	0	0	500	0	0
Carleson, Aron	D	H	30	0	0	0	0	0	0	0	0	0	0	0	0	0
Cary, Mike	R	S	7	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Close, Betsy L	R	H	15	7,000	2,000	2,000	0	0	0	0	0	0	0	11,000	4,000	6,300
Corcoran, Tony	D	S	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Countney, Peter (President)	D	S	11	200	0	0	0	0	0	0	0	0	0	200	0	200

Cowan, Katherine H	D	H	38	0	0	0	0	0	0	0	0	0	0	0	0	0
Cramblett, Larry	D	H	52	0	0	0	0	0	0	0	0	0	0	0	0	0
Cronk, Bruce	D	H	2	0	0	0	0	0	0	0	0	0	0	0	0	0
Crowley, Ken	D	S	13	0	0	0	0	0	0	0	0	0	0	0	0	0
Dalto, Billy	R	H	21	7,000	2,000	0	0	0	0	0	0	0	0	9,000	2,000	2,000
Davidson, Barbara	D	H	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Davis, Patrick	D	H	59	0	0	0	0	0	0	0	0	0	0	0	0	0
Denson, Doug	R	H	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Devlin, Richard	D	S	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Devore, Brian	R	H	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Dickman, Eric	L	H	46	0	0	0	0	0	0	0	0	0	0	0	0	0
Dingfelder, Jackie	D	H	45	500	0	0	0	0	0	0	0	0	0	500	0	0
Doyle, Dan	R	H	19	0	500	0	0	0	0	0	0	0	0	500	500	1,000
Duerfeldt, Tim	D	H	24	0	0	0	0	0	0	0	0	0	0	0	0	0
Dukes, Joan	D	S	16	0	0	0	0	0	0	0	0	0	0	0	0	200
Ekstron, Bob	C	H	31	0	0	0	0	0	0	0	0	0	0	0	0	0
Esquivel, Sal	R	H	6	0	0	0	0	0	0	0	0	0	0	0	0	0
Fahey, Pat	R	H	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Farr, Pat	R	H	14	9,500	0	0	0	0	0	0	0	0	0	9,500	0	0
Feder, Jack	R	H	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Fell, Don	R	S	16	0	0	0	0	0	0	0	0	0	0	0	0	0
Fisher, Matt	L	H	41	0	0	0	0	0	0	0	0	0	0	0	0	0
Fleischman, Fred	D	H	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Flores, Linda	R	H	51	998	500	0	0	250	0	0	0	0	0	1,748	750	750
Fox, Norn	R	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Franke, Randy	R	S	11	15,000	0	0	0	0	0	0	0	0	0	15,000	0	0
Freeman, Shirley Whitehead	R	H	43	0	0	0	0	0	0	0	0	0	0	0	0	0
Gallegos, Mary	R	H	29	11,500	1,000	1,000	0	0	0	0	0	0	0	13,500	2,000	2,000
Garrard, Bill	R	H	56	1,000	1,000	0	0	250	0	0	0	0	0	2,250	1,250	2,000
Gilbertson, Jim	D	H	59	0	0	0	0	0	0	0	0	0	0	0	0	0
Gilman, George	R	H	55	1,500	0	0	0	0	0	0	0	0	0	1,500	0	0
Gleason, Bill	D	H	37	0	0	0	0	0	0	0	0	0	0	0	0	0
Greenlick, Mitch	D	H	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Hannon, Lenn (President Pro Tempore)	R	S	3	0	0	0	0	0	0	0	0	0	0	0	0	4,950
Hansen, Gary D	D	H	44	0	0	0	0	0	0	0	0	0	0	0	0	1,140
Hartung, Erik T	R	H	33	1,000	0	0	0	0	0	0	0	0	0	1,000	0	3,500
Hass, Mark	D	H	27	250	0	0	0	0	0	0	0	0	0	250	0	0
Hawkins, Araminta	D	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Hayden, Cedric Lee	R	H	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Hayes, Cylvia	D	H	53	0	0	0	0	0	0	0	0	0	0	0	0	0
Henson, Rick	D	H	12	0	0	0	0	0	0	0	0	0	0	0	0	0
Hodgin, Ernest J	R	H	50	0	0	0	0	0	0	0	0	0	0	0	0	0

Holloway, Valorie K	L	H	9	0	0	0	0	0	0	0	0	0	0	0	0	0
Hopson, Elaine M	D	H	32	0	0	0	0	0	0	0	0	0	0	0	0	0
Humphrey, Tom	C	S	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Hunt, Dave	D	H	40	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Jenson, Bob	R	H	58	1,000	0	0	0	250	0	0	0	0	0	1,250	250	500
Johnson, Elizabeth (Betsy)	D	H	31	500	1,000	0	0	0	0	0	0	0	0	1,500	1,000	1,000
Johnson, Larry	D	H	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Johnston, Bryan M	D	S	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Jones, Dick	R	H	40	0	0	0	0	0	0	0	0	0	0	0	0	0
Kafoury, Deborah (Minority Leader)	D	H	43	1,000	1,000	5,000	0	500	0	0	0	0	0	7,500	6,500	7,250
Kennedy, Martin M	C	H	44	0	0	0	0	0	0	0	0	0	0	0	0	0
Kepler, Patricia	R	H	28	0	0	0	0	0	0	0	0	0	0	0	0	0
King, Al	D	H	11	500	0	0	0	0	0	0	0	0	0	500	0	500
Kitts, Derrick	R	H	30	14,000	500	0	0	0	0	0	0	0	0	14,500	500	500
Knopp, Tim (Majority Leader)	R	H	54	2,400	2,000	2,000	0	500	0	0	0	0	0	6,900	4,500	8,668
Komp, Betty	D	H	22	0	0	0	0	0	0	0	0	0	0	0	0	0
Krieger, Wayne	R	H	1	1,000	500	1,000	0	0	0	0	0	0	0	2,500	1,500	3,250
Kropf, Jeff	R	H	17	1,000	500	2,000	0	500	0	0	0	0	0	4,000	3,000	4,750
Krummel, Jerry	R	H	26	500	0	1,000	0	500	0	0	0	0	0	2,000	1,500	5,000
Kruse, Jeff	R	H	7	1,000	1,000	1,000	0	250	0	0	0	0	0	3,250	2,250	3,640
Kumley, Lloyd	D	H	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Lambert, Les	D	H	54	0	0	0	0	0	0	0	0	0	0	0	0	0
Lee, Jan	D	H	51	1,171	0	0	0	0	0	0	0	0	0	1,171	0	0
Lemon, Virginia C	D	S	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Leonard, Randy	D	H	48	0	0	0	0	0	0	0	0	0	0	0	0	1,890
Leung, Peter	D	H	23	0	0	0	0	0	0	0	0	0	0	0	0	0
Lott, Jesse	R	S	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Lowe, Kathy	D	S	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Mabrey, John	R	H	59	1,988	1,000	0	0	250	0	0	0	0	0	3,238	1,250	1,250
Macpherson, Greg	D	H	38	952	0	0	0	0	0	0	0	0	0	952	0	0
March, Steve	D	H	46	0	0	0	0	0	0	0	0	0	0	0	0	500
Matthews, Dale	PG	H	3	0	0	0	0	0	0	0	0	0	0	0	0	0
Maxwell, Shayne	D	H	4	0	0	0	0	0	0	0	0	0	0	0	0	0
McCartney, John	L	H	30	0	0	0	0	0	0	0	0	0	0	0	0	0
McCarty, Ron	D	S	24	0	0	0	0	0	0	0	0	0	0	0	0	0
McDaniel, Helen	L	S	16	0	0	0	0	0	0	0	0	0	0	0	0	0
McNeill, Greg	R	H	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Merkley, Jeff	D	H	47	0	0	0	0	0	0	0	0	0	0	0	0	0
Metsger, Rick	D	S	26	0	0	0	0	0	0	0	0	0	0	0	0	0
Meyer, Joe	R	H	32	0	0	0	0	0	0	0	0	0	0	0	0	0
Miller, Randy	R	H	37	1,000	0	0	0	250	0	0	0	0	0	1,250	250	5,350
Minnis, Karen (Speaker)	R	H	49	1,000	2,000	10,000	0	500	0	0	0	0	0	13,500	12,500	15,790

Monnes Anderson, Laurie	D	H	50	750	0	0	0	0	0	0	0	0	0	750	0	0
Montgomery, Bob	R	S	26	0	1,000	0	0	0	0	0	0	0	0	1,000	1,000	4,640
Moore JR, Cletus	R	S	24	0	0	0	0	0	0	0	0	0	0	0	0	0
Morgan, Susan	R	H	2	1,000	1,000	0	0	0	0	0	0	0	0	2,000	1,000	4,890
Morrisette, Bill	D	S	6	0	0	0	0	0	0	0	0	0	0	0	0	100
Morse, Frank	R	S	8	15,000	0	0	0	0	0	0	0	0	0	15,000	0	0
Nelson, Donna G	R	H	24	2,480	0	1,000	0	0	0	0	0	0	0	3,480	1,000	2,000
Nims, Charley	S	H	42	0	0	0	0	0	0	0	0	0	0	0	0	0
Nolan, Mary	D	H	36	0	0	0	0	0	0	0	0	0	0	0	0	0
Nordin, Donald	D	H	7	0	0	0	0	0	0	0	0	0	0	0	0	0
Novak, Joseph	D	H	15	500	0	0	0	0	0	0	0	0	0	500	0	0
Obrist, Roger	D	H	51	0	0	0	0	0	0	0	0	0	0	0	0	0
Parker, Keith	R	H	28	16,000	0	0	0	0	0	0	0	0	0	16,000	0	0
Patridge, Rob	R	H	6	1,000	0	0	0	0	0	0	0	0	0	1,000	0	3,140
Phillips, Dawn	R	H	30	0	0	0	0	0	0	0	0	0	0	0	0	0
Prozanski, Floyd	D	H	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Reed, Theresa A	L	H	42	0	0	0	0	0	0	0	0	0	0	0	0	0
Richardson, Dennis	R	H	4	2,000	0	0	0	250	0	0	0	0	0	2,250	250	250
Riley, Chuck	D	H	29	0	0	0	0	0	0	0	0	0	0	0	0	0
Ringo, Charlie	D	S	17	0	0	0	0	0	0	0	0	0	0	0	0	0
Robinson, Carol	D	H	33	0	0	0	0	0	0	0	0	0	0	0	0	0
Rohde, Karl	R	S	19	0	0	0	0	0	0	0	0	0	0	0	0	0
Rosenbaum, Diane	D	H	42	0	0	0	0	0	0	0	0	0	0	0	0	0
Ross, Barbara	D	S	8	0	0	0	0	0	0	0	0	0	0	0	0	0
Ross, Rick	D	H	26	0	0	0	0	0	0	0	0	0	0	0	0	0
Scarborough, Arthur L (Art)	S	H	45	0	0	0	0	0	0	0	0	0	0	0	0	0
Schauffler, Mike	D	H	48	0	0	0	0	0	0	0	0	0	0	0	0	0
Schaumleffle, Kevin C	L	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Scheeler, Elizabeth	D	H	57	0	0	0	0	0	0	0	0	0	0	0	0	0
Schrader, Kurt	D	S	20	14,577	0	0	0	0	0	0	0	0	0	14,577	0	1,890
Schrader, Martha	D	H	39	1,500	0	0	0	0	0	0	0	0	0	1,500	0	0
Scott, Sheila A Pryor	D	H	44	0	0	0	0	0	0	0	0	0	0	0	0	0
Scott, Wayne	R	H	39	0	0	0	0	0	0	0	0	0	0	0	0	0
Scruggs, John	R	H	34	9,500	0	0	0	0	0	0	0	0	0	9,500	0	0
Shetterly, Lane (Speaker Pro Tempore)	R	H	23	0	0	0	0	0	0	0	0	0	0	0	0	390
Shields, Frank	D	S	24	0	0	0	0	0	0	0	0	0	0	0	0	500
Shults, Carla	L	H	35	0	0	0	0	0	0	0	0	0	0	0	0	0
Sinclair, Geoff	D	H	35	0	0	0	0	0	0	0	0	0	0	0	0	0
Smith, Greg	R	H	57	2,000	250	0	0	0	0	0	0	0	0	2,250	250	1,250
Smith, Patti	R	H	52	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Smith, Tootie	R	H	18	1,189	2,000	1,000	0	0	0	0	0	0	0	4,189	3,000	5,250
Spradling, Pamela	D	H	49	0	0	0	0	0	0	0	0	0	0	0	0	0

Starr, Bruce	R	S	15	1,000	1,000	3,500	0	500	0	0	0	0	0	6,000	5,000	7,890
Starr, Charles	R	S	13	1,384	0	2,500	0	0	0	0	0	0	0	3,884	2,500	4,000
Steringer, Bob	R	H	34	0	0	0	0	0	0	0	0	0	0	0	0	0
Stockton Karole S	D	H	55	0	0	0	0	0	0	0	0	0	0	0	0	0
Swaine, Mike	D	H	21	0	0	0	0	0	0	0	0	0	0	0	0	0
Swann, Roxanna	D	H	60	0	0	0	0	0	0	0	0	0	0	0	0	0
Thompson, Marcia L	D	H	10	0	0	0	0	0	0	0	0	0	0	0	0	0
Tiernan, Bob	R	S	19	29,970	3,000	0	0	0	0	0	0	0	0	32,970	3,000	3,500
Tilton, Dave	D	H	1	0	0	0	0	0	0	0	0	0	0	0	0	0
Todd, Ermine	D	S	15	0	0	0	0	0	0	0	0	0	0	0	0	0
Tomei, Carolyn	D	H	41	0	0	0	0	0	0	0	0	0	0	0	0	0
Tompkins, Joe	D	H	46	0	0	0	0	0	0	0	0	0	0	0	0	0
Toran, John Dean	D	H	45	0	0	0	0	0	0	0	0	0	0	0	0	0
Veliz, Anthony	D	H	22	0	0	0	0	0	0	0	0	0	0	0	0	0
Verger, Joanne	D	H	9	1,000	0	1,000	0	0	0	0	0	0	0	2,000	1,000	1,500
Vetanen, Mark	L	H	28	0	0	0	0	0	0	0	0	0	0	0	0	0
Wagner, Mick	D	H	48	0	0	0	0	0	0	0	0	0	0	0	0	0
Wagoner, Curt	L	H	53	0	0	0	0	0	0	0	0	0	0	0	0	0
Walker, Cheryl	R	H	4	0	0	0	0	0	0	0	0	0	0	0	0	0
Walker, Vicki L	D	S	7	1,543	0	0	0	0	0	0	0	0	0	1,543	0	0
Warnock, Greg	R	H	20	0	0	0	0	0	0	0	0	0	0	0	0	0
Westlund, Ben	R	H	53	1,970	1,000	0	0	0	0	0	0	0	0	2,970	1,000	8,090
Williams JR, John F	D	H	39	0	0	0	0	0	0	0	0	0	0	0	0	0
Williams, Max	R	H	35	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Wilson, Damon R	R	H	14	0	0	0	0	0	0	0	0	0	0	0	0	0
Winters, Jackie	R	S	10	14,728	4,000	4,500	0	1,000	0	0	0	0	0	24,228	9,500	12,740
Wirth, Kelley	D	H	16	0	0	0	0	0	0	0	0	0	0	0	0	0
Witt, Bill	R	S	17	26,000	0	0	0	0	0	0	0	0	0	26,000	0	2,390
Wrathell, Michael R	R	H	48	0	0	0	0	0	0	0	0	0	0	0	0	0
Zauner, Cliff	R	H	22	11,525	1,000	1,000	1,500	250	0	0	0	0	0	15,275	3,750	5,400
Zupancic, Jim	R	H	38	19,500	0	0	0	0	0	0	0	0	0	19,500	0	0
TOTAL				287,566	31,750	45,500	1,500	7,250	0	0	0	0	0	373,566	86,000	171,978

Table A5: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 2004

Name	Party	H/S	Dist.	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	UST	TI	Total	Tobacco Total	Grand Tobacco Total
Ackerman, Robert	D	H	13	0	0	0	0	0	0	0	0	0	0	0
Anderson, Bryce Reed	R	H	48	0	0	0	0	0	0	0	0	0	0	0
Anderson, Gordon S	R	H	3	1500	0	1350	0	0	0	0	0	2850	1350	1350
Atkinson, Jason A	R	S	2	1500	0	0	0	0	0	0	0	1500	0	0
Avakian, Brad	D	H	34	500	0	0	0	0	0	0	0	500	0	0
Backlund, Vic	R	H	25	2000	0	0	0	0	0	0	0	2000	0	0
Baker-Monaghan, Rosemary	D	H	32	0	0	0	0	0	0	0	0	0	0	0
Barker, Jeff	D	H	28	0	0	0	0	0	0	0	0	0	0	0
Barnhart, Phil	D	H	11	0	0	500	0	0	0	0	0	500	500	500
Bates, Alan C	D	S	3	0	0	0	0	0	0	0	0	0	0	0
Baurer, Herman Joseph	C	S	9	0	0	0	0	0	0	0	0	0	0	0
Berger, Vicki	R	H	20	2000	0	1350	0	0	0	0	0	3350	1350	1350
Beyer, Elizabeth Terry	D	H	12	0	0	0	0	0	0	0	0	0	0	0
Beyer, Roger	R	S	9	1000	7000	2000	0	0	0	0	0	10000	9000	15390
Blackburn, Chris	R	H	18	0	0	0	0	0	0	0	0	0	0	0
Boone, Deborah	D	H	32	500	0	0	0	0	0	0	0	500	0	0
Boquist, Brian	R	H	23	1000	0	0	0	0	0	0	0	1000	0	0
Brading, Rob	D	H	49	0	0	0	0	0	0	0	0	0	0	0
Brower, Ronald	C	H	35	0	0	0	0	0	0	0	0	0	0	0
Brown, Alan	R	H	10	7000	1000	1350	0	0	0	0	0	9350	2350	5850
Brown, Kate (Majority Leader)	D	S	21	1000	0	10000	0	500	0	0	0	11500	10500	18000
Bruun, Scott	R	H	37	3000	500	850	0	0	0	0	0	4350	1350	1350
Buchal, James L	R	H	18	0	0	0	0	0	0	0	0	0	0	0
Buck, Jim	D	H	50	686	0	0	0	0	0	0	0	686	0	0
Buckley, Peter	D	H	5	0	0	0	0	0	0	0	0	0	0	0
Burbach, Lou	C	S	23	0	0	0	0	0	0	0	0	0	0	0
Burdick, Ginny	D	S	18	0	0	2000	0	0	0	0	0	2000	2000	2000
Burley, Chuck	R	H	54	10000	2000	0	0	0	0	0	0	12000	2000	2000
Butler, Frank A	R	H	24	0	0	0	0	0	0	0	0	0	0	0
Butler, R Thomas (Tom)	R	H	60	1500	0	0	0	0	0	0	0	1500	0	0
Carins, Shirley A	D	H	7	0	0	0	0	0	0	0	0	0	0	0
Calvert, James	D	H	56	0	0	0	0	0	0	0	0	0	0	0
Carroll, Ross	D	S	28	0	0	0	0	0	0	0	0	0	0	0
Carter, Margaret (President Pro Tempore)	D	S	22	1000	0	2000	0	0	0	0	0	3000	2000	4750
Chambers, Dale C	D	H	51	0	0	0	0	0	0	0	0	0	0	0
Cleys, Frank	R	H	47	0	0	0	0	0	0	0	0	0	0	0
Close, Betsy L	R	H	15	1000	0	0	0	0	0	0	0	1000	0	6300
Colbath, Marlene Mitzi	D	H	8	0	0	0	0	0	0	0	0	0	0	6300

Cook, Vernon	D	S	25	0	0	0	0	0	0	0	0	0	0	0
Cornett, William (Bill) C	R	H	46	0	0	0	0	0	0	0	0	0	0	0
Courtney, Peter (President)	D	S	11	1250	0	0	0	0	0	0	0	1250	0	200
Cowan, Jean	D	H	10	0	0	0	0	0	0	0	0	0	0	0
Cox, Tom	L	H	29	0	0	0	0	0	0	0	0	0	0	0
Cronk, Bruce W	D	S	1	0	0	0	0	0	0	0	0	0	0	0
Dallum, John H	R	H	59	2000	1000	850	0	0	0	0	0	3850	1850	1850
Dalto, Billy	R	H	21	7000	1000	1350	0	0	0	0	0	9350	2350	4350
Deane, Jeanne E	D	H	20	0	0	0	0	0	0	0	0	0	0	0
Deckert, Ryan	D	S	14	0	0	1000	0	0	0	0	0	1000	1000	1390
Delaney, Paul	L	H	23	0	0	0	0	0	0	0	0	0	0	0
Delphine, Marc L	L	H	37	0	0	0	0	0	0	0	0	0	0	0
Deparrie, Paul	C	S	21	0	0	0	0	0	0	0	0	0	0	0
Detlefsen, Susan	L	H	42	0	0	0	0	0	0	0	0	0	0	0
Devlin, Richard	D	S	19	0	0	0	0	0	0	0	0	0	0	0
Dickman, Eric	L	H	46	0	0	0	0	0	0	0	0	0	0	0
Dingfelder, Jackie	D	H	45	500	0	0	0	0	0	0	0	500	0	0
Dodge, Julie	L	H	24	0	0	0	0	0	0	0	0	0	0	0
Doty, John	D	H	6	0	0	0	0	0	0	0	0	0	0	0
Doyle, Dan	R	H	19	3000	0	1350	0	750	0	0	0	5100	2100	3100
Duerfeldt, Tim	D	H	24	0	0	0	0	0	0	0	0	0	0	0
Dukes, Joan	D	S	16	0	0	0	0	0	0	0	0	0	0	200
Ellefson, Jared	L	H	16	0	0	0	0	0	0	0	0	0	0	0
Esquivel, Sal	R	H	6	2000	250	0	0	0	0	0	0	2250	250	250
Fall, Charles P	PG	H	42	0	0	0	0	0	0	0	0	0	0	0
Farr, Debi	R	H	14	8000	0	0	0	0	0	0	0	8000	0	0
Feldewerth, Christi	L	H	27	0	0	0	0	0	0	0	0	0	0	0
Ferrioli, Ted (Minority Leader)	R	S	30	3000	2500	2000	0	0	0	0	0	7500	4500	8900
Ficek, Bev	D	H	14	0	0	0	0	0	0	0	0	0	0	0
Firestone, Kathryn	D	H	51	0	0	0	0	0	0	0	0	0	0	0
Fisher, Bill	R	S	1	0	0	0	0	0	0	0	0	0	0	0
Flores, Linda	R	H	51	10875	1000	1350	0	0	0	0	0	13225	2350	3100
France, Mitch Lee	R	H	43	0	0	0	0	0	0	0	0	0	0	0
Francis, Mark M	C	H	53	0	0	0	0	0	0	0	0	0	0	0
Franzoni, Hank	D	S	12	0	0	0	0	0	0	0	0	0	0	0
Freeman, Shirley (Whitehead)	R	H	43	0	0	0	0	0	0	0	0	0	0	0
Fudge, Brad	R	H	35	0	0	0	0	0	0	0	0	0	0	0
Galizio, Larry	D	H	35	250	0	0	0	0	0	0	0	250	0	0
Gallagher, Suzanne	R	H	35	10000	2000	850	0	0	0	0	0	12850	2850	2850
Gallegos, Mary	R	H	29	8000	2000	1350	0	0	0	0	0	11350	3350	5350
Garcia, Roger F	L	S	18	0	0	0	0	0	0	0	0	0	0	0
Garrard, Bill	R	H	56	1000	1000	1350	0	0	0	0	0	3350	2350	4350

Geiger, Steve	PG	H	28	0	0	0	0	0	0	0	0	0	0	0
Gelser, Sara A	D	H	16	1000	0	0	0	0	0	0	0	1000	0	0
George, Gary	R	S	12	2000	0	2000	0	0	0	0	0	4000	2000	3500
Gilbert, Jim	D	H	18	0	0	0	0	0	0	0	0	0	0	0
Gilman, George	R	H	55	1000	0	1350	0	0	0	0	0	2350	1350	1350
Gist, Don	R	H	16	0	0	0	0	0	0	0	0	0	0	0
Gordly, Avel Louise	D	S	23	0	0	0	0	0	0	0	0	0	0	0
Greenhalgh-Johnson, Mark	R	H	18	0	0	0	0	0	0	0	0	0	0	0
Greenlick, Mitch	D	H	33	0	0	0	0	0	0	0	0	0	0	0
Grisham, Brian	D	H	19	0	0	0	0	0	0	0	0	0	0	0
Hahn Jr, Edgar	D	H	15	0	0	0	0	0	0	0	0	0	0	0
Hall, Tom	R	H	1	0	0	0	0	0	0	0	0	0	0	0
Hanna, Bruce L	R	H	7	2000	500	850	0	0	0	0	0	3350	1350	1350
Hansen, Gary D	D	H	44	0	0	0	0	0	0	0	0	0	0	1140
Harper, Steve	R	S	28	0	0	0	0	0	0	0	0	0	0	5140
Hass, Mark	D	H	27	2000	0	0	0	0	0	1000	0	3000	1000	1000
Haven, Greg	D	H	42	0	0	0	0	0	0	0	0	0	0	0
Hillesland, Gordon	D	H	42	0	0	0	0	0	0	0	0	0	0	0
Hochberg, Charles	D	H	1	0	0	0	0	0	0	0	0	0	0	0
Holvey, Paul R	D	H	8	0	0	0	0	0	0	0	0	0	0	0
Howells, Claudia L	D	H	21	0	0	0	0	0	0	0	0	0	0	0
Huddart, Aaron L	R	H	44	0	0	0	0	0	0	0	0	0	0	0
Humphrey Jr, Thomas E	C	H	33	0	0	0	0	0	0	0	0	0	0	0
Hunt, Dave	D	H	40	1467	0	0	0	0	0	0	0	1467	0	0
Jellum, John	R	H	33	0	0	0	0	0	0	0	0	0	0	0
Jenson, Bob	R	H	58	1500	0	1350	0	0	0	0	0	2850	1350	1850
Johnson, Elizabeth (Betsy)	D	H	31	500	0	1350	0	0	0	0	0	1850	1350	2350
Kitts, Derrick	R	H	30	1730	500	0	0	0	0	0	0	2230	500	1000
Komp, Betty E	D	H	22	0	0	0	0	0	0	0	0	0	0	0
Koopmans, Richard	D	H	4	0	0	0	0	0	0	0	0	0	0	0
Kotek, Tina	D	H	43	0	0	0	0	0	0	0	0	0	0	0
Krieger, Wayne	R	H	1	1000	0	1350	0	0	0	0	0	2350	1350	4600
Kropf, Jeff	R	H	17	500	0	1350	0	0	0	0	0	1850	1350	6100
Krummel, Jerry	R	H	26	2000	0	1350	0	0	0	0	0	3350	1350	6350
Kruse, Jeff	R	S	1	2000	0	1850	0	0	0	0	0	3850	1850	5490
Kuechler, Wayne	D	H	52	0	0	0	0	0	0	0	0	0	0	0
Lawson, Jackie	R	H	23	0	0	0	0	0	0	0	0	0	0	0
Lentsch, Cheryl	R	H	23	0	0	0	0	0	0	0	0	0	0	0
Lim, John	R	H	50	1000	1000	850	0	0	0	0	0	2850	1850	2600
Lofaso, Joanna	R	H	5	0	0	0	0	0	0	0	0	0	0	0
Long, David E	L	H	33	0	0	0	0	0	0	0	0	0	0	0
Lorts, Jack E	D	H	59	0	0	0	0	0	0	0	0	0	0	0

Loyd, Don	C	S	27	0	0	0	0	0	0	0	0	0	0	0
Lynn, Rita	C	H	41	0	0	0	0	0	0	0	0	0	0	0
Macpherson, Greg	D	H	38	0	0	0	0	0	0	0	0	0	0	0
Malmay, Carol	R	H	2	0	0	0	0	0	0	0	0	0	0	0
Mandaville, Diane	I	H	35	0	0	0	0	0	0	0	0	0	0	0
March, Steve	D	H	46	500	0	0	0	0	0	0	0	500	0	500
Marr, Kevin P	D	H	3	0	0	0	0	0	0	0	0	0	0	0
Massey, Susan	R	H	9	0	0	0	0	0	0	0	0	0	0	0
Mettern, Cody	L	H	35	0	0	0	0	0	0	0	0	0	0	0
McKenna, Arn	R	H	16	0	0	0	0	0	0	0	0	0	0	0
Merkley, Jeff (Minority Leader)	D	H	47	2000	0	0	0	0	0	0	0	2000	0	0
Messerle, Ken	R	S	5	0	0	0	0	0	0	0	0	0	0	5890
Metsger, Rick	D	S	26	0	0	0	0	0	0	0	0	0	0	0
Michael, Timothy	D	H	27	0	0	0	0	0	0	0	0	0	0	0
Minnis, Karen (Speaker)	R	H	49	3000	5000	10000	0	0	0	0	0	18000	15000	30790
Mitchell II, Charles P	R	H	24	0	0	0	0	0	0	0	0	0	0	0
Mongkeya, Linda	D	H	2	0	0	0	0	0	0	0	0	0	0	0
Monnes-Anderson, Laurie	D	S	25	7500	0	0	0	0	0	0	0	7500	0	0
Morgan, Doug	R	H	18	0	0	0	0	0	0	0	0	0	0	0
Morgan, Ronald L (Ron)	S	H	42	0	0	0	0	0	0	0	0	0	0	0
Morgan, Susan	R	H	2	1000	1000	1350	0	0	0	0	0	3350	2350	7240
Morrisette, Bill	D	S	6	0	0	0	0	0	0	0	0	0	0	100
Morse, Frank	R	S	8	0	0	0	0	0	0	0	0	0	0	0
Morton, Jim	D	H	37	0	0	0	0	0	0	0	0	0	0	0
Morton, Robert	C	H	44	0	0	0	0	0	0	0	0	0	0	0
Mowry, Dave	R	H	48	0	0	0	0	0	100	0	0	100	100	100
Neeley, Doug	D	H	39	0	0	0	0	0	0	0	0	0	0	0
Nelson, David	R	S	29	2500	0	2000	0	0	0	0	0	4500	2000	7100
Nelson, Donna G	R	H	24	0	0	0	0	0	0	0	0	0	0	2000
Nolan, Mary	D	H	36	0	0	0	0	0	0	0	0	0	0	0
Novy-Arcune, Sarah Helen	R	H	17		0	0	0	0	0	0	0	0	0	0
Nyhart, Brenda	C	H	24		0	0	0	0	0	0	0	0	0	0
OBrist, Roger S	D	H	51		0	0	0	0	0	0	0	0	0	0
Olson, Andy	R	H	15	6000	0	0	0	0	0	0	0	6000	0	0
Olson, Douglas S	R	H	32	23000	2000	850	0	0	0	0	0	25850	2850	2850
Olson, Vicki	R	H	50	0	0	0	0	0	0	0	0	0	0	0
Omdahl, Jay	R	S	14	0	0	0	0	0	0	0	0	0	0	0
Page, Allan	C	H	50	0	0	0	0	0	0	0	0	0	0	0
Park, Rod	D	S	25	0	0	0	0	0	0	0	0	0	0	0
Parks, Del	R	H	56	0	0	0	0	0	0	0	0	0	0	0
Patridge, Rob	R	H	6	0	0	850	0	0	0	0	0	850	850	3990
Peam, Al	R	S	5	26000	0	0	0	0	0	0	0	26000	0	0

Penicook, David	R	S	28	0	0	0	0	0	0	0	0	0	0	0
Pierpoint, Gary	R	H	13	0	0	0	0	0	0	0	0	0	0	0
Pike, Roger	D	H	25	0	0	0	0	0	0	0	0	0	0	0
Price, Wesley B	D	H	15	0	0	0	0	0	0	0	0	0	0	0
Prock, Robert L	C	H	17	0	0	0	0	0	0	0	0	0	0	0
Prozanski, Floyd	D	S	4	0	0	0	0	0	0	0	0	0	0	0
Radley, Charles Frank	L	H	26	0	0	0	0	0	0	0	0	0	0	0
Reed, Theresa (Darklady)	L	S	21	0	0	0	0	0	0	0	0	0	0	0
Reisfar, Tristan	L	H	54	0	0	0	0	0	0	0	0	0	0	0
Reynolds, Dick	D	H	23	0	0	0	0	0	0	0	0	0	0	0
Richardson, Dennis (Speaker Pro Tempore)	R	H	4	1500	0	0	0	0	0	0	0	1500	0	250
Richardson, Ernest C	C	H	38	0	0	0	0	0	0	0	0	0	0	0
Richter, Christopher	L	H	38	0	0	0	0	0	0	0	0	0	0	0
Riley, Chuck	D	H	29	0	0	0	0	0	0	0	0	0	0	0
Ringo, Charlie	D	S	17	0	0	0	0	0	0	0	0	0	0	0
Ritter, Jeff	R	S	28	0	0	0	0	0	0	0	0	0	0	0
Roblan, Arnie	D	H	9	1000	0	0	0	0	0	0	0	1000	0	0
Rosenbaum, Diane	D	H	42	0	0	0	0	0	0	0	0	0	0	0
Rosenthal, Gerritt	D	H	37	0	0	0	0	0	0	0	0	0	0	0
Ross, Rick	D	H	26	0	0	0	0	0	0	0	0	0	0	0
Ross, Ron	C	H	31	0	0	0	0	0	0	0	0	0	0	0
Rowe, Steven D	R	H	41	0	0	0	0	0	0	0	0	0	0	0
Sander, Miklosch (Mik)	D	H	30	0	0	0	0	0	0	0	0	0	0	0
Sanders, David	R	H	40	0	0	0	0	0	0	0	0	0	0	0
Sardo, Jordana	S	H	45	0	0	0	0	0	0	0	0	0	0	0
Savoie, Shane	L	H	3	0	0	0	0	0	0	0	0	0	0	0
Saxton, Frank W	D	H	33	0	0	0	0	0	0	0	0	0	0	0
Schauffler, Mike	D	H	48	1000	1000	500	0	0	0	0	0	2500	1500	1500
Schomus, Gabe	R	H	27	0	0	0	0	0	0	0	0	0	0	0
Schrader, Kurt	D	S	20	0	0	0	0	0	0	0	0	0	0	1890
Schwend, Adam	R	H	32	0	0	0	0	0	0	0	0	0	0	0
Scott, Wayne (Majority Leader)	R	H	39	4541	1000	1350	0	500	0	0	0	7391	2850	2850
Semrau, Scott	C	H	30		0	0	0	0	0	0	0	0	0	0
Shannon, Al	R	H	22	10000	2000	850	0	0	0	0	0	12850	2850	2850
Shields, Chip	D	H	43	0	0	0	0	0	0	0	0	0	0	0
Shields, Frank	D	S	24	0	0	0	0	0	0	0	0	0	0	500
Shindler, Lee R	R	H	15	0	0	0	0	0	0	0	0	0	0	0
Smith, Greg	R	H	57	1500	250	1350	0	0	0	0	0	3100	1600	2850
Smith, Patti	R	H	52	8000	0	0	0	0	0	0	0	8000	0	0
Snodgrass, Ben	C	H	32	0	0	0	0	0	0	0	0	0	0	0
Soehrman, W Martin	L	H	18	0	0	0	0	0	0	0	0	0	0	0
Sommer, Curtis	PG	H	37	0	0	0	0	0	0	0	0	0	0	0

Sonnen, Chael	R	H	22	0	0	0	0	0	0	0	0	0	0	0
Spasaro, Michael P	R	H	11	10000	2000	0	0	0	0	0	0	12000	2000	2000
Starr, Bruce	R	S	15	0	0	0	0	0	0	0	0	0	0	7890
Starr, Charles	R	S	13	0	0	0	0	0	0	0	0	0	0	4000
Stiegler, Judy	D	H	54	0	0	0	0	0	0	0	0	0	0	0
Sumner, Mac	R	H	18	1500	1000	850	0	0	0	0	0	3350	1850	1850
Sunseri, Ron	R	S	25	15000	0	0	0	0	0	0	0	15000	0	0
Tabor, H Joe	L	H	36	0	0	0	0	0	0	0	0	0	0	0
Thatcher, Kim	R	H	25	1000	0	850	0	0	0	0	0	1850	850	850
Thomas, Norm	R	S	4	1000	0	0	0	0	0	0	0	1000	0	0
Thompson, Jim	R	H	23	0	1000	0	0	0	0	0	0	1000	1000	1000
Thorne, Greg	D	H	7	0	0	0	0	0	0	0	0	0	0	0
Tomei, Carolyn	D	H	41	0	0	0	0	0	0	0	0	0	0	0
Uherbelau, Judith H	D	H	5	0	0	0	0	0	0	0	0	0	0	0
Uhing, Elena	D	H	29	0	0	0	0	0	0	0	0	0	0	0
Van Valkenburgh, M D	R	H	59	0	0	0	0	0	0	0	0	0	0	0
Verger, Joanne	D	S	5	0	1000	1850	0	0	0	0	0	2850	2850	4350
Wagner, Wes	L	H	39	0	0	0	0	0	0	0	0	0	0	0
Walker, Vicki	D	S	7	1063	0	0	0	0	0	0	0	1063	0	0
Welsh, Jim	R	H	23	0	0	0	0	0	0	0	0	0	0	640
Westlund, Ben	R	S	27	2000	0	2000	0	0	0	0	0	4000	2000	10090
Whisnant, Gene	R	H	53	1000	1000	0	0	0	0	1000	0	3000	2000	2000
Whitsett, Doug	R	S	28	2000	1000	1000	0	0	0	0	0	4000	2000	2000
Wight, John	R	S	18	0	0	0	0	0	0	0	0	0	0	0
Williams, Hart	D	H	8	0	0	0	0	0	0	0	0	0	0	0
Williams, Wayne R	L	H	13	0	0	0	0	0	0	0	0	0	0	0
Winters, Jackie	R	S	10	0	0	1000	0	0	0	0	0	1000	1000	13740
Wirth, Kelley	D	H	16	0	0	0	0	0	0	0	0	0	0	0
Wright, Jim	R	S	3	25000	5000	0	0	0	0	0	0	30000	5000	5000
Young, Bill	R	H	8	0	0	0	0	0	0	0	0	0	0	0
Yount, Phil	R	H	35	0	0	0	0	0	0	0	0	0	0	0
Zauner, Cliff	R	H	22	0	0	850	0	0	0	0	0	850	850	6250
TOTAL				270362	47500	74000	0	1750	100	2000	0	395712	125350	279760

Table A6: Tobacco Industry Campaign Contributions to Legislators and Legislative Candidates, 2006

Name	Party	H/S	Dist.	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	UST	TI	Total	Tobacco Total	Grand Tobacco Total	Policy Score
Ackerman, Robert	D	H	13	0	0	0	0	0	0	0	0	0	0	0	6
Aiello, Lynn	D	S	3	0	0	0	0	0	0	0	0	0	0	0	
Akin, David M.	L	H	37	0	0	0	0	0	0	0	0	0	0	0	
Anderson, Gordon	R	H	3	0	0	0	0	0	0	0	0	0	0	1,350	3
Atkinson, Jason	R	S	2	5000	0	0	0	0	200	0	0	5,200	200	200	3
Avakian, Brad	D	H	34	2,000	0	0	0	0	0	0	0	2,000	0	0	
Backa, Bev	D	H	37	0	0	0	0	0	0	0	0	0	0	0	
Barker, Jeff	D	H	28	1,000	0	0	0	0	0	0	0	1,000	0	0	
Barnhart, Phil	D	H	11	0	0	0	0	0	0	0	0	0	0	500	8.25
Bates, Alan	D	S	3	0	0	0	0	0	0	0	0	0	0	0	5.5
Berger, Vicki	R	H	20	0	0	1,000	0	0	0	0	0	1,000	1,000	2,350	
Beyer, Elizabeth Terry	D	H	12	0	0	0	0	0	0	0	0	0	0	0	6
Beyer, Roger	R	S	9	0	500	1,000	0	0	0	0	0	1,500	1,500	16,890	3
Biggi, Domonic	R	H	27	9,000	0	0	0	0	0	0	0	9,000	0	0	
Bonamici, Suzanne	D	H	34	0	0	0	0	0	0	0	0	0	0	0	
Boone, Deborah	D	H	32	1,617	0	0	0	0	0	0	0	1,617	0	0	5
Boquist, Brian	R	H	23	1,599	1,000	1,000	0	0	0	0	0	3,599	2,000	2,000	
Botkin, Mary	D	H	46	1,000	0	0	0	0	0	0	0	1,000	0	0	
Brading, Rob	D	H	49	0	0	0	0	0	0	0	0	0	0	0	
Bremner, Fred	R	H	38	0	0	0	0	0	0	0	0	0	0	0	
Brown, Alan	R	H	10	12,000	5,000	0	0	0	0	0	0	17,000	5,000	10,850	3
Brown, Jason	D	H	23	0	0	0	0	0	0	0	0	0	0	0	
Brown, Kate (Majority Leader)	D	S	21	2,296	1,000	0	0	0	0	0	0	3,296	1,000	19,000	5.3
Brown, Robin M.	R	H	16	0	0	0	0	0	0	0	0	0	0	0	
Bruun, Scott	R	H	37	1,000	500	500	0	0	0	0	0	2,000	1,000	2,350	
Buckley, Peter	D	H	5	0	0	0	0	0	0	0	0	0	0	0	10
Burdick, Ginny	D	S	18	0	0	0	0	0	0	0	0	0	0	2,000	7.25
Burley, Chuck	R	H	54	3,000	1,500	0	0	0	0	0	0	4,500	1,500	3,500	
Butler, R. Tom	R	H	60	1,000	0	0	0	0	0	0	0	1,000	0	0	4
Clavert, James	D	H	56	0	0	0	0	0	0	0	0	0	0	0	
Cameron, Kevin	R	H	19	11,020	1,000	0	0	0	0	0	0	12,020	1,000	1,000	0
Cannon, Ben	D	H	46	0	0	0	0	0	0	0	0	0	0	0	
Carter, Margaret (President Pro Tempore)	D	S	22	0	0	0	0	0	0	0	0	0	0	4,750	4.3
Caudle, Mike	D	H	39	0	0	0	0	0	0	0	0	0	0	0	
Clem, Brian	D	H	21	0	0	0	0	0	0	0	0	0	0	0	
Coleman, Lee	D	H	26	0	0	0	0	0	0	0	0	0	0	0	
Cornett, William C.	R	H	46	0	0	0	0	0	0	0	0	0	0	0	
Courtney, Peter (President)	D	S	11	2,090	0	0	0	0	0	0	0	2,090	0	200	7

Cowan, Jean	D	H	10	0	0	0	0	0	0	0	0	0	0	0	0	
Cropp, Jeff	PG	H	42	0	0	0	0	0	0	0	0	0	0	0	0	
Cunningham, Ken	C	H	30	0	0	0	0	0	0	0	0	0	0	0	0	
Curry, Everett	R	H	30	10,500	0	0	0	0	0	0	0	10,500	0	0	0	
Dallum, John	R	H	59	2,000	0	1,000	0	0	0	0	0	3,000	1,000	2,850		
Dalto, Billy	R	H	21	12,000	0	0	0	0	0	0	0	12,000	0	4,350		3.5
Dane, Frank	L	H	36	0	0	0	0	0	0	0	0	0	0	0	0	
Deckert, Ryan	D	S	14	0	0	0	0	0	0	0	0	0	0	1,390		5.3
Delaney, Paul	L	H	23	0	0	0	0	0	0	0	0	0	0	0	0	
Delphine, Marc	L	S	19	0	0	0	0	0	0	0	0	0	0	0	0	
Derville-Teer, Eldon	R	H	28	0	0	0	0	0	0	0	0	0	0	0	0	
Devlin, Richard	D	S	19	753	0	0	0	0	0	0	0	753	0	0	0	3
Dingfelder, Jackie	D	H	45	0	0	0	0	0	0	0	0	0	0	0	0	10
Doyle, Dan	R	H	19	0	0	0	0	0	0	0	0	0	0	3,100		
Draper, Joan	R	H	34	3,500	0	0	0	0	0	0	0	3,500	0	0	0	
Dukes, Joan	D	S	16	0	0	0	0	0	0	0	0	0	0	200		
Eddie, Bill	R	S	4	0	0	0	0	0	0	0	0	0	0	0	0	
Edwards, Chris	D	H	14	0	0	0	0	0	0	0	0	0	0	0	0	
Edwards, David	D	H	30	0	0	0	0	0	0	0	0	0	0	0	0	
Eggleton, Mark	R	H	33	0	0	0	0	0	0	0	0	0	0	0	0	
Ekstrom, Bob	C	H	31	0	0	0	0	0	0	0	0	0	0	0	0	
Esquivel, Sal	R	H	6	1,000	750	500	0	0	0	0	0	2,250	1,250	1,500		
Evans, Paul	D	S	10	0	0	0	0	0	0	0	0	0	0	0	0	
Farr, Debi	R	H	14	9,742	0	0	0	0	0	0	0	9,742	0	0	0	4
Fell, Don	R	S	16	0	0	0	0	0	0	0	0	0	0	0	0	
Ferrioli, Ted (Minority Leader)	R	S	30	2,000	0	2,000	0	0	0	0	0	4,000	2,000	10,900		1.5
Flores, Linda	R	H	51	3,991	1,500	1,000	0	0	0	0	0	6,491	2,500	5,600	0	
Galizio, Larry	D	H	35	950	0	0	0	0	0	0	0	950	0	0	0	10
Garcia, Connie	D	H	20	0	0	0	0	0	0	0	0	0	0	0	0	
Garrard, Bill	R	H	56	1,000	1,000	500	0	0	0	0	0	2,500	1,500	5,850		1.5
Gelser, Sara A	D	H	16	2,000	0	0	0	0	0	0	0	2,000	0	0	0	
George, Gary	R	S	12	0	0	0	0	0	0	0	0	0	0	3,500		1.5
George, Larry	R	S	13	0	0	0	0	0	0	0	0	0	0	0	0	
Gilbert, Jim	D	H	18	0	0	0	0	0	0	0	0	0	0	0	0	
Gilbertson, Jim	D	H	59	0	0	0	0	0	0	0	0	0	0	0	0	
Gilliam, Vic	R	H	18	0	0	0	0	0	0	0	0	0	0	0	0	
Gilman, George	R	H	55	1,000	0	0	0	0	0	0	0	1,000	0	1,350		3
Girod, Fred	R	H	17	1,000	500	0	0	0	0	0	0	1,500	500	500		
Gordly, Avel	I	S	23	0	0	0	0	0	0	0	0	0	0	0	0	10
Greenlick, Mitch	D	H	33	0	0	0	0	0	0	0	0	0	0	0	0	8.3
Grisham, Brian	D	H	19	0	0	0	0	0	0	0	0	0	0	0	0	
Hall, Peter	D	H	60	0	0	0	0	0	0	0	0	0	0	0	0	

Hanna, Bruce	R	H	7	3,000	0	1,000	0	0	0	0	0	4,000	1,000	2,350	
Hansen, Gary	D	H	44	0	0	0	0	0	0	0	0	0	0	1,140	3
Harwood, Scott	L	H	29	0	0	0	0	0	0	0	0	0	0	0	
Hass, Mark	D	H	27	0	0	0	0	0	0	0	0	0	0	1,000	5.5
Hill, Andrew	R	H	8	0	0	0	0	0	0	0	0	0	0	0	
Holvey, Paul	D	H	8	0	0	0	0	0	0	0	0	0	0	0	8.5
Humphrey Keith	C	S	11	0	0	0	0	0	0	0	0	0	0	0	
Hunt, Dave	D	H	40	3,100	0	0	0	0	0	0	0	3,100	0	0	
Lindsey, Renee	R	S	6	0	0	0	0	0	0	0	0	0	0	0	
Jenson, Bob	R	H	58	0	0	0	0	0	0	0	0	0	0	1,850	3
Johnson, Elizabeth (Betsy)	D	S	16	1,000	0	2,000	0	0	0	0	0	3,000	2,000	4,350	3.7
Johnson, Monica	R	H	13	0	0	0	0	0	0	0	0	0	0	0	
Kitts, Derrick	R	H	30	250	500	500	0	0	0	0	0	1,250	1,000	2,000	
Kocher, Mike	R	H	31	0	0	0	0	0	0	0	0	0	0	0	
Komp, Betty	D	H	22	2,500	0	0	0	0	0	0	0	2,500	0	0	
Koopmans, Richard	D	H	4	0	0	0	0	0	0	0	0	0	0	0	
Kotek, Tina	D	H	44	0	0	0	0	0	0	0	0	0	0	0	
Krieger, Wayne	R	H	1	1,000	1,000	500	0	0	0	0	0	2,500	1,500	6,100	2
Kropf, Jeff	R	H	17	500	500	0	0	0	0	0	0	1,000	500	6,600	3
Krummel, Jerry	R	H	26	0	500	1,000	0	0	0	0	0	1,500	1,500	7,850	3
Kruse, Jeff	R	S	1	0	0	0	0	0	0	0	0	0	0	5,490	2
Kuklinski, Piotr	R	S	17	0	0	0	0	0	0	0	0	0	0	0	
Kushner, Jay	R	H	44	0	0	0	0	0	0	0	0	0	0	0	
Lee, Charles E.	D	H	25	0	0	0	0	0	0	0	0	0	0	0	
Lioio, Bill	R	H	12	0	0	0	0	0	0	0	0	0	0	0	
Lim, John	R	H	50	2,000	1,000	1,000	0	0	0	0	0	4,000	2,000	4,600	
Loney, Paul	PG	H	46	0	0	0	0	0	0	0	0	0	0	0	
Long, David E.	L	H	33	0	0	0	0	0	0	0	0	0	0	0	
Lowery, Brian D.	L	H	50	0	0	0	0	0	0	0	0	0	0	0	
Macpherson, Greg	D	H	38	1,100	0	0	0	0	0	0	0	1,100	0	0	
Magana, Mario E.	D	S	8	0	0	0	0	0	0	0	0	0	0	0	
March, Steve	D	H	46	0	0	0	0	0	0	0	0	0	0	500	8
Marsh, Michael	C	H	22	0	0	0	0	0	0	0	0	0	0	0	
Maurer, Ron	R	H	3	1,000	500	0	0	0	0	0	0	1,500	500	500	
McCain, Bruce	R	H	47	0	0	0	0	0	0	0	0	0	0	0	
McCarty, Ron	NA	S	24	0	0	0	0	0	0	0	0	0	0	0	
Merkley, Jeff (Minority Leader)	D	H	47	1,200	0	0	0	0	0	0	0	1,200	0	0	9
Metsger, Rick	D	S	26	2,050	0	0	0	0	0	0	0	2,050	0	0	3
Minnis, Karen (Speaker)	R	H	49	12,602	5,000	500	0	0	0	0	0	18,102	5,500	36,290	1.3
Monnes Anderson, Laurie	D	S	25	2,000	0	0	0	0	0	0	0	2,000	0	0	7
Monroe, Rod	D	S	24	0	0	0	0	0	0	0	0	0	0	0	
Moran, Mike	D	H	6	0	0	0	0	0	0	0	0	0	0	0	

Morgan, Susan	R	H	2	1,000	0	1,000	0	0	0	0	0	2,000	1,000	8,240	3
Morrisette, Bill	D	S	6	0	0	0	0	0	0	0	0	0	0	100	8.75
Morse, Frank	R	S	8	5,000	0	0	0	0	0	0	0	5,000	0	0	7
Myers, Norm	R	H	32	0	0	0	0	0	0	0	0	0	0	0	
Napolitano, John	D	S	15	0	0	0	0	0	0	0	0	0	0	0	
Nathanson, Nancy	D	H	13	0	0	0	0	0	0	0	0	0	0	0	
Nelson, David	R	S	29	1,500	500	0	0	0	0	0	0	2,000	500	7,600	3
Nelson, Donna G.	R	H	24	0	0	0	0	0	0	0	0	0	0	2,000	3
Newell, David	R	S	19	0	0	0	0	0	0	0	0	0	0	0	
Nolan, Mary	D	H	36	0	0	0	0	0	0	0	0	0	0	0	
Oakley, Jim	R	H	11	0	0	0	0	0	0	0	0	0	0	0	
Olds, Ryan A.	D	H	51	0	0	0	0	0	0	0	0	0	0	0	
Olson, Andy	R	H	15	2,000	0	0	0	0	0	0	0	2,000	0	0	4
Osborne, Dick	R	H	45	0	0	0	0	0	0	0	0	0	0	0	
Owens, Howard	D	H	3	0	0	0	0	0	0	0	0	0	0	0	
Parsons, Shirley	R	H	35	21,000	2,000	0	0	0	0	0	0	23,000	2,000	2,000	
Pearn, Al	R	H	9	0	0	0	0	0	0	0	0	0	0	0	
Peralta, Sal	D	H	24	0	0	0	0	0	0	0	0	0	0	0	
Philiben, Phil	D	H	54	0	0	0	0	0	0	0	0	0	0	0	
Pivarnik, John R.	C	S	17	0	0	0	0	0	0	0	0	0	0	0	
Prozanski, Floyd	D	S	4	492	0	0	0	0	0	0	0	492	0	0	8.5
Radley, Charles F.	L	H	26	0	0	0	0	0	0	0	0	0	0	0	
Read, Tobias	D	H	27	0	0	0	0	0	0	0	0	0	0	0	
Reilly, T.J.	R	S	24	0	0	0	0	0	0	0	0	0	0	0	
Richardson, Dennis (Speaker Pro Tempore)	R	H	4	1,000	0	0	0	0	0	0	0	1,000	0	250	3.5
Riley, Chuck	D	H	29	0	0	0	0	0	0	0	0	0	0	0	
Rilling, Terry	R	H	29	15,000	1,000	0	0	0	0	0	0	16,000	1,000	1,000	
Ringo, Charlie	D	S	17	0	0	0	0	0	0	0	0	0	0	0	8
Roblan, Arnie	D	H	9	1,547	0	0	0	0	0	0	0	1,547	0	0	
Rohde, Gregory F.	L	H	34	0	0	0	0	0	0	0	0	0	0	0	
Rosenbaum, Diane	D	H	42	0	0	0	0	0	0	0	0	0	0	0	8.3
Ross, Rick	D	S	13	0	0	0	0	0	0	0	0	0	0	0	
Sappington, Sam H.W.	D	H	15	0	0	0	0	0	0	0	0	0	0	0	
Schaufler, Mike	D	H	48	1,500	1,000	1,000	0	0	0	0	0	3,500	2,000	3,500	3
Schrader, Kurt	D	S	20	4,621	0	2,000	0	0	0	0	0	6,621	2,000	3,890	4
Scott, Wayne (Majority Leader)	R	H	39	15,300	8,000	2,000	0	0	0	3,500	0	28,800	13,500	16,350	0
Selman-Ringer, Jill	D	H	50	0	0	0	0	0	0	0	0	0	0	0	
Shields, Chip	D	H	43	0	0	0	0	0	0	0	0	0	0	0	10
Shields, Frank	D	S	24	0	0	0	0	0	0	0	0	0	0	500	8.5
Shipman, Roger	C	H	18	0	0	0	0	0	0	0	0	0	0	0	
Simmering, Robert J.	C	S	16	0	0	0	0	0	0	0	0	0	0	0	
Smith, Bill A	D	H	53	0	0	0	0	0	0	0	0	0	0	0	

Smith, Greg	R	H	57	1,000	0	0	0	0	0	0	0	1,000	0	2,850	3
Smith, Patti	R	H	52	2,000	0	0	0	0	0	0	0	2,000	0	0	3
St. Germain, Tonia P.	D	H	57	0	0	0	0	0	0	0	0	0	0	0	
Stallings, N.W. (Bill)	C	H	48	0	0	0	0	0	0	0	0	0	0	0	
Starr, Bruce	R	S	15	4,000	1,000	1,000	0	0	0	0	0	6,000	2,000	9,890	3
Starr, Charles	R	S	13	2,000	2,000	0	0	0	0	0	0	4,000	2,000	6,000	3
Sumner, Mac	R	H	18	4,325	1,000	1,000	0	0	0	0	0	6,325	2,000	3,850	
Talley, Ben	D	H	58	0	0	0	0	0	0	0	0	0	0	0	
Taylor, Robert	L	H	1	0	0	0	0	0	0	0	0	0	0	0	
Terry, David	L	H	24	0	0	0	0	0	0	0	0	0	0	0	
Thackaberry, Dan	D	H	17	0	0	0	0	0	0	0	0	0	0	0	
Thatcher, Jared	R	S	11	0	0	0	0	0	0	0	0	0	0	0	
Thatcher, Kim	R	H	25	2,000	1,000	1,000	0	0	0	0	0	4,000	2,000	2,850	
Tomei, Carolyn	D	H	41	0	0	0	0	0	0	0	0	0	0	0	7
Torrey, Jim	R	S	7	23,260	0	0	0	0	0	0	0	23,260	0	0	
VanOrman, Suzanne	D	H	52	0	0	0	0	0	0	0	0	0	0	0	
Verger, Joanne	D	S	5	0	500	0	0	0	0	0	0	500	500	4,850	3
Wagner, Wes	L	H	39	0	0	0	0	0	0	0	0	0	0	0	
Walker, Vicki	D	S	7	532	0	0	0	0	0	0	0	532	0	0	7.5
Westlund, Ben	R	S	27	1,000	0	1,000	0	0	0	0	0	2,000	1,000	11,090	5
Whisnant, Gene	R	H	53	2,300	1,500	0	0	0	0	0	0	3,800	1,500	3,500	
Whitehead, Richard	L	S	17	0	0	0	0	0	0	0	0	0	0	0	
Whitsett, Doug	R	S	28	0	500	0	0	0	0	0	0	500	500	2,500	
Wieneke, Carl	R	H	22	0	0	0	0	0	0	0	0	0	0	0	
Winters, Jackie	R	S	10	17,250	500	1,000	0	0	0	0	0	18,750	1,500	15,240	1
Wirth, Kelley	D	H	16	0	0	0	0	0	0	0	0	0	0	0	
Witt, Brad	D	H	31	0	0	0	0	0	0	0	0	0	0	0	0
York, Carol	R	S	26	0	0	0	0	0	0	0	0	0	0	0	
TOTAL				267,987	43,750	26,000	0	0	200	3,500	0	341,437	73,450	296,700	

Table B1: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 1996

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total	
Mannix, Kevin L	D	Attorney General	500	0	0	0	0	0	0	0	0	0	500	0	0
Clarno, Beverly	R	Treasurer	1,000	0	0	0	0	0	0	0	0	0	1,000	0	0
Hill, Jim	D	Treasurer	100	0	0	0	0	0	0	0	0	0	100	0	2,000
Myers, Hardy	D	Attorney General	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL			1,600	0	0	0	0	0	0	0	0	0	1,600	0	2,000

Table B2: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 1998

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total	
Kitzhaber, John	D	Governor	2,000	0	0	0	0	0	0	0	0	0	2,000	0	5,250
Roberts, Jack	NP	Labor Commissioner	10,000	0	0	0	0	0	0	0	0	0	10,000	0	0
TOTAL			12,000	0	0	0	0	0	0	0	0	0	12,000	0	5,250

Table B3: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 2000

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total	
Bradbury, Bill	D	Secretary of State	575	0	0	0	0	0	0	0	0	0	575	0	1,500
Bruebaker, Gary	D	Treasurer	0	0	0	0	0	0	0	0	0	0	0	0	0
Edwards, Randall	D	Treasurer	2,000	0	0	0	500	0	0	0	0	0	2,500	500	500
Mannix, Kevin	R	Attorney General	5,000	0	1,000	0	0	0	0	0	0	0	6,000	1,000	3,790
Snodgrass, Lynn	R	Secretary of State	11,479	0	0	0	0	0	0	0	0	0	11,479	0	2,000
TOTAL			19,054	0	1,000	0	500	0	0	0	0	0	20,554	1,500	7,790

Table B4: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 2002

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total	
Alevizos, Richard	I	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Allen, William Peter	D	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Bunn, Stan	NP	Super of Public Instruction	0	0	0	0	0	0	0	0	0	0	0	3,000	
Burns, Caleb	D	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Castillo, Susan	NP	Super of Public Instruction	0	0	0	0	0	0	0	0	0	0	0	0	
Cortes, Juan Carlos	R	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Cox, Tom	LIB	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Curtright, W Ames	R	Governor	0	0	0	0	0	0	0	0	0	0	0	0	
Frazier, Don	NP	Labor Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	
Gardner, Dan	NP	Labor Commissioner	0	0	500	0	250	0	0	0	0	0	750	750	4,000
Goberman, Pavel	NP	Labor Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	

Hill, Jim	D	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	3,540
Hoffer, Victor	NP	Labor Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kremer, Rob	NP	Super of Public Instruction	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Kulongoski, Ted	D	Governor	9,600	0	0	0	0	0	0	0	0	0	0	0	0	1,000
Mannix, Kevin L	R	Governor	10,000	0	0	0	0	0	0	0	0	0	10,000	0	0	0
Roberts Jack	R	Governor	28,960	2,500	0	0	0	0	0	0	0	0	63,415	2,500	2,500	0
Saxton, Ron	R	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Shindler, Lee R	R	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sorenson, Peter	NP	Labor Commissioner	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Spanovich, Gary Alan	I	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Stein, Bev	D	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Weidner, Roger	R	Governor	0	0	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL			48,560	2,500	500	0	250	0	0	0	0	0	74,165	3,250	14,040	0

Table B5: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 2004

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Bradbury, Bill	D	Secretary of State	0	0	0	0	0	0	0	0	0	0	0	1,500
Castillo, Susan	NP	Super of Public Instruction	0	0	0	0	0	0	0	0	0	0	0	0
Caton, Jeff	R	Treasurer	0	0	0	0	0	0	0	0	0	0	0	0
Close, Betsy L	R	Secretary of State	1,000	0	2,500	0	0	0	0	0	0	3,500	2,500	8,800
Connolly, Paul	R	Attorney General	0	0	0	0	0	0	0	0	0	0	0	0
Edwards, Randall	D	Treasurer	1,000	0	850	0	0	0	0	0	0	1,850	850	850
Gardner, Dan	NP	Labor Commissioner	0	0	0	0	0	0	0	0	0	0	0	4,000
Granum, Fred	R	Secretary of State	0	0	0	0	0	0	0	0	0	0	0	0
Hake, Richard D	CONS	Attorney General	0	0	0	0	0	0	0	0	0	0	0	0
Kulongoski, Ted	D	Governor	10,000	0	0	0	0	0	0	2,000	0	12,000	2,000	3,000
Morley, Richard	LIB	Secretary of State	0	0	0	0	0	0	0	0	0	0	0	0
Myers, Hardy	D	Attorney General	0	0	0	0	0	0	0	0	0	0	0	0
Shults, Mitch	LIB	Treasurer	0	0	0	0	0	0	0	0	0	0	0	0
Smith Jr, Donald G	LIB	Attorney General	0	0	0	0	0	0	0	0	0	0	0	0
Wells, Paul Damian	D	Secretary of State	0	0	0	0	0	0	0	0	0	0	0	0
Winegarden, Carole D	CONS	Treasurer	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL			12,000	0	3,350	0	0	0	0	2,000	0	17,350	5,350	18,150

Table B6: Tobacco Industry Campaign Contributions to Constitutional Officers and Candidates, 2006

Name	Party	Office	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	STC	UST	TI	Total (All)	Tobacco Total	Grand Tobacco Total
Atkinson, Jason	R	Governor	5,000	0	0	0	0	200	0	0	0	5,200	200	200
Keating, Joe	PG	Governor	0	0	0	0	0	0	0	0	0	0	0	0
Kulongoski, Ted	D	Governor	0	0	0	0	0	0	0	0	0	0	0	3,000

Morley, Richard	LIB	Governor	0	0	0	0	0	0	0	0	0	0	0	
Roberts Jack	NP	Supreme Court	5,000	0	0	0	0	0	0	0	0	5,000	0	2,500
Saxton, Ron	R	Governor	50,000	0	0	0	0	0	0	0	0	75,000	0	0
Starrett, Mary	CONS	Governor	0	0	0	0	0	0	0	0	0	0	0	0
TOTAL			60,000	0	0	0	0	200	0	0	0	85,200	200	5,700

Table C1: Tobacco Industry Campaign Contributions to Political Parties and Committees, 1996

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Ballot '96 Committee	-	16,378	3,250	10,500	0	0	0	0	0	0	0	0	30,128	13,750
Critical Issues Committee	-	16,273	0	5,000	0	0	0	0	0	0	0	0	21,273	5,000
Fairness Matters to Oregonians Committee	-	0	4,750	0	0	0	0	0	0	0	0	4,696,024	4,700,774	4,700,774
TOTAL		32,652	8,000	15,500	0	0	0	0	0	0	0	4,696,024	4,752,176	4,719,524

Table C2: Tobacco Industry Campaign Contributions to Political Parties and Committees, 1998

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Associated Oregon Industries PAC	-	0	0	500	1,000	0	0	0	0	0	0	0	1,500	1,500
Future PAC, House Builders	D	0	0	10,000	0	0	0	0	0	0	0	0	10,000	10,000
Majority Of Oregon	R	44,565	1,750	10,000	0	500	0	0	0	0	0	500	57,315	12,750
Oregon House Democrats/Future PAC	D	5,971	0	10,000	0	0	0	0	0	0	0	0	15,971	10,000
Oregon Local Grocery Committee	-	0	0	0	0	0	0	3,422	0	0	0	0	3,422	3,422
Oregon Republican Party	R	1,150	0	5,000	0	0	0	0	0	0	0	0	6,150	5,000
Oregon Restaurant PAC	-	0	0	690	0	0	0	0	0	0	0	0	690	690
Oregon Victory PAC	R	0	0	10,000	0	0	0	0	0	0	0	0	10,000	10,000
Senate Democratic Leadership Fund of Oregon	D	1,500	0	0	0	0	0	0	0	0	0	0	1,500	0
Senate Republican Leadership Fund of Oregon	R	29,394	750	5,000	0	500	0	0	0	0	0	750	36,394	7,000
Speaker's PAC	R	10,651	0	5,000	0	500	0	0	0	0	0	500	16,651	6,000
TOTAL		93,231	2,500	56,190	1,000	1,500	0	3,422	0	0	0	1,750	159,593	66,362

Table C3: Tobacco Industry Campaign Contributions to Political Parties and Committees, 2000

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Future PAC, House Builders	D	4,154	350	7,000	0	0	0	0	0	0	0	0	11,504	7,350
Lodge PAC	-	420	0	2,000	0	0	0	0	0	0	0	0	2,420	2,000
Majority Of Oregon	R	31,110	2,770	20,500	2,000	1,250	0	0	0	0	0	0	57,630	26,520
No Taxpayer Handouts for Politicians Committee	-	13,000	6,000	5,000	0	0	0	0	0	0	0	0	24,000	11,000
Oregon House Democrats/Future PAC	D	5,154	350	7,000	0	0	0	0	0	0	0	0	12,504	7,350
Oregon Neighborhood Store Association PAC	-	0	2,099	229	1,039	3,110	0	340	0	0	0	0	6,816	6,816
Oregon Republican Party	R	0	0	0	0	0	0	0	0	0	0	0	0	0
Oregon Restaurant PAC	-	0	542	0	0	0	0	0	0	0	0	0	542	542
Senate Democratic Leadership Fund of Oregon	D	2,500	0	7,000	0	0	0	0	0	0	0	0	9,500	7,000
Senate Republican Leadership Fund of Oregon	R	25,000	750	39,400	2,000	2,500	0	0	0	0	0	0	69,650	44,650
Yes on 8	-	0	0	0	0	0	200	0	0	0	0	0	200	200
TOTAL		81,338	12,860	88,129	5,039	6,860	200	340	0	0	0	0	194,766	113,428

Table C4: Tobacco Industry Campaign Contributions to Political Parties and Committees, 2002

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Associated Oregon Industries PAC	-	2,500	0	0	0	0	0	0	0	0	0	0	2,500	0
Citizens for a Sounds Economy PAC	-	4,500	0	0	0	0	0	0	0	0	0	0	4,500	0
Future PAC, House Builders	D	8,633	0	5,000	0	0	0	0	0	0	0	0	13,633	5,000
Majority Of Oregon	R	34,896	750	5,000	0	500	0	0	0	0	0	0	41,146	6,250
Oregon Democratic Party	D	1,250	0	0	0	0	0	0	0	0	0	0	1,250	0
Oregon House Democrats/Future PAC	D	8,133	0	5,000	0	0	0	0	0	0	0	0	13,133	5,000
Oregon Neighborhood Store Association PAC	-	0	21,968	100,456	9,068	11,829	0	0	0	0	538	0	143,859	143,859
Oregon Republican Party	R	2,000	15,000	5,000	0	0	0	0	0	0	0	0	22,000	20,000
Oregon Restaurant PAC	-	0	0	0	0	0	250	0	0	0	0	0	250	250
Oregonians for Initiative Integrity	-	2,500	0	0	0	0	0	0	0	0	0	0	2,500	0
Senate Democratic Leadership Fund of Oregon	D	8,000	0	5,000	0	0	0	0	0	0	0	0	13,000	5,000
Senate Republican Leadership Fund of Oregon	R	25,000	0	17,500	0	500	0	0	0	0	2,500	0	45,500	20,500
TOTAL	0	97,412	37,718	142,956	9,068	12,829	250	0	0	0	3,038	0	303,271	205,859

Table C5: Tobacco Industry Campaign Contributions to Political Parties and Committees, 2004

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Majority of Oregon	R	20,400	5,000	35,000	0	0	0	0	0	0	0	0	60,400	40,000
Oregon Democratic Party	D	250	0	0	0	0	0	0	0	0	0	0	250	0
Oregon House Democrats/Future PAC	D	3,500	0	0	0	0	0	0	0	0	0	0	3,500	0
Oregon Neighborhood Store Association PAC	-	0	0	2,464	2,464	0	0	0	0	0	0	0	4,928	4,928
Oregon Restaurant PAC	-	0	0	0	0	0	250	0	0	0	0	0	250	250
Oregonians for Accountability	-	500	0	0	0	0	0	0	0	0	0	0	500	0
Senate Democratic Leadership Fund of Oregon	D	6,940	0	0	0	0	0	0	0	0	0	0	6,940	0
Senate Republican Leadership Fund of Oregon	R	31,800	2,500	15,000	0	500	0	0	0	0	0	0	49,800	18,000
Speaker's PAC	R	2,000	0	15,000	0	500	0	0	0	0	0	0	17,500	15,500
TOTAL		65,390	7,500	67,464	2,464	1,000	250	0	0	0	0	0	144,068	78,678

Table C6: Tobacco Industry Campaign Contributions to Political Parties and Committees, 2006

Name	Party	ORA	RJR	PM	LOR	B/W	Cascade Cigar & Tobacco Co	Imperial Tobacco	STC	Single Stick, Inc.	UST	TI	Total (All)	Tobacco Total
Associated Oregon Industries PAC	-	1,000	0	0	0	0	0	0	0	0	0	0	1,000	0
If You Lose Your Voice This Time, You'll Never Get It Back	-	25,000	10,000	0	0	0	0	0	0	0	0	0	35,000	10,000
Majority of Oregon	R	0	4,000	21,000	0	0	0	0	0	0	0	0	25,000	25,000
Oregon Democratic Party	D	1,000	0	0	0	0	0	0	0	0	0	0	1,000	0
Oregonians For Voter Choice	-	20,000	0	0	0	0	0	0	0	0	0	0	20,000	0
Oregon Neighborhood Store Association PAC	-	0	1,120	1,120	0	0	0	0	0	280	0	0	2,520	2,520
Oregon Restaurant PAC	-	0	0	0	0	0	100	0	0	0	0	0	100	100

Rainy Day Amendment Committee	-	0	0	0	0	0	450	0	0	0	0	0	450	450
Senate Democratic Leadership Fund of Oregon	D	7,182	0	8,500	0	0	0	0	0	0	0	0	15,682	8,500
Senate Republican Leadership Fund of Oregon	R	10,400		25,500	0	0	0	0	0	0	0	0	35,900	25,500
Speaker's PAC	R	0	0	40,000	0	0	0	0	0	0	0	0	40,000	40,000
TOTAL		64,582	15,120	96,120	0	0	550	0	0	280	0	0	176,652	112,070

Table D1: Tobacco Industry Political Expenditures

Year	Company	Expenditures				Total
		Lobbying	Legislature	Political Parties	Constitutional Officers	
1997-98	Phillip Morris USA, Inc by Altria Corporate Services	\$180,560	\$39,640	\$56,190	\$0	\$276,390
	R.J. Reynolds Tobacco Company	\$55,202	\$27,250	\$2,500	\$0	\$84,952
	Brown & Williamson Tobacco Corp	\$0	\$2,250	\$1,500	\$0	\$3,750
	Lorillard Tobacco Co	\$0	\$0	\$1,000	\$0	\$1,000
	UST Public Affairs, Inc	\$74,100	\$1,500	\$0	\$0	\$75,600
	Tobacco Institute	\$64,104	\$5,000	\$1,750	\$0	\$70,854
	Smokeless Tobacco Council	\$30,000	\$250	\$0	\$0	\$30,250
	Total	\$403,966	\$75,890	\$62,940	\$0	\$542,796
1999-00	Phillip Morris USA, Inc by Altria Corporate Services	\$167,541	\$30,350	\$88,129	1000	\$287,020
	R.J. Reynolds Tobacco Company	\$76,733	\$56,640	\$12,860	0	\$146,233
	Brown & Williamson Tobacco Corp	\$32,813	\$13,500	\$6,860	500	\$53,673
	Lorillard Tobacco Co	\$32,815	\$3,650	\$5,039	0	\$41,504
	UST Public Affairs, Inc	\$75,000	\$11,800	\$0	0	\$86,800
	Tobacco Institute	\$0	\$0	\$0	0	\$0
	Smokeless Tobacco Council	\$0	\$0	\$0	0	\$0
	Total	\$384,902	\$115,940	\$112,888	\$1,500	\$615,230
2001-02	Phillip Morris USA, Inc by Altria Corporate Services	\$178,718	\$45,500	\$142,956	\$500	\$367,674
	R.J. Reynolds Tobacco Company	\$124,589	\$31,750	\$37,718	\$2,500	\$196,557
	Brown & Williamson Tobacco Corp	\$169,392	\$7,250	\$12,829	\$250	\$189,721
	Lorillard Tobacco Co	\$18,843	\$1,500	\$9,068	\$0	\$29,411
	UST Public Affairs, Inc	\$80,000	\$0	\$3,038	\$0	\$83,038
	Tobacco Institute	\$0.00	\$0.00	\$0	\$0	\$0
	Smokeless Tobacco Council	\$0	\$0	\$0	\$0	\$0
	Total	\$571,541	\$86,000	\$205,609	\$3,250	\$866,400
2003-04	Phillip Morris USA, Inc by Altria Corporate Services	\$186,061	\$74,000	\$67,464	\$3,350	\$330,875
	R.J. Reynolds Tobacco Company	\$64,198	\$47,500	\$7,500	\$0	\$119,198
	Brown & Williamson Tobacco Corp	\$79,167	\$1,750	\$1,000	\$0	\$81,917
	Lorillard Tobacco Co	\$0	\$0	\$2,464	\$0	\$2,464
	UST Public Affairs, Inc	\$46,196	\$2,000	\$0	\$2,000	\$50,196
	Tobacco Institute	\$0.00	\$0	\$0	\$0	\$0
	Smokeless Tobacco Council	\$0	\$0	\$0	\$0	\$0
	Single Stick	\$35,444	\$0	\$0	\$0	\$35,444
Total	\$411,066	\$125,250	\$78,428	\$5,350	\$620,094	
2005-06	Phillip Morris USA, Inc by Altria Corporate Services	\$203,394	\$26,000	\$9,500	\$0	\$238,894
	R.J. Reynolds Tobacco Company	\$64,700	\$43,750	\$10,000	\$0	\$118,450
	Brown & Williamson Tobacco Corp	\$0	\$0	\$0	\$0	\$0
	Lorillard Tobacco Co	\$0	\$0	\$0	\$0	\$0

	UST Public Affairs, Inc	\$92,000	\$3,500	\$0	\$0	\$95,500
	Tobacco Institute	\$0.00	\$0	\$0	\$0	\$0
	Smokeless Tobacco Council	\$0	\$0	\$0	\$0	\$0
	Single Stick	\$48,190	\$0	\$0	\$0	\$48,190
	Total	\$408,283	\$73,250	\$19,500	\$0	\$501,033
1997-2006	Cumulative					
	Phillip Morris USA, Inc by Altria Corporate Services	\$916,273	\$215,490	\$364,239	\$4,850	\$1,500,852
	R.J. Reynolds Tobacco Company	\$385,422	\$206,890	\$70,578	\$2,500	\$665,390
	Brown & Williamson Tobacco Corp	\$281,371	\$24,750	\$22,189	\$750	\$329,060
	Lorillard Tobacco Co	\$51,658	\$5,150	\$17,571	\$0	\$74,379
	UST Public Affairs, Inc	\$367,296	\$18,800	\$3,038	\$2,000	\$391,134
	Tobacco Institute	\$64,104	\$5,000	\$1,750	\$0	\$70,854
	Smokeless Tobacco Council	\$30,000	\$250	\$0	\$0	\$30,250
	Single Stick	\$83,634	\$0	\$0	\$0	\$83,634
		\$2,179,758	\$476,330	\$479,365	\$10,100	\$3,145,553

Source: Oregon Secretary of State, Elections Division; Oregon Government Standards and Practices Commission

Table E1: Lobbyists and their Expenditures

Lobbyist	Entity	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	Total
Brian Boe	ORA, OGA	\$640	\$710	\$1,920	\$1,041	\$1,602	\$2,360	\$0	na	\$2,757	\$325	\$11,355
William (Bill) Linden	ORA, RJR, Anheuser-Busch, 7-11/Southland	\$0	\$0	\$0	\$0	\$0	na	na	na	na	na	\$0
Karen Mainzer	ORA, RJR, Anheuser-Busch, 7-11/Southland	na	na	\$190	\$75	\$0	\$0	\$0	\$0	\$0	\$0	\$265
Michael McCallum	ORA	\$254	\$76	\$52	na	\$152	\$774	\$517	\$690	\$0	\$0	\$2,515
Mark Nelson	ORA, RJR, Anheuser-Busch, 7-11/Southland	\$20,617	\$10,126	\$22,240	\$24,742	\$38,048	na	na	na	\$0	na	\$115,773
William (Bill) Perry	ORA	\$1,333	\$610	\$1,094	na	\$925	\$653	\$3,736	\$680	\$2,627	\$331	\$11,988
Suzan Scott	ORA, RJR, Anheuser-Busch, 7-11/Southland	\$0	\$0	\$0	\$0	\$0	\$0	na	na	na	na	\$0
Charlotte Taylor	ORA, OGA	na	na	na	na	na	\$0	na	na	na	na	\$0
Joe Gilliam	OGA	\$38,149	\$14,283	\$66,446	\$98,455	\$85	na	\$4,880	\$43,433	\$75,974	\$0	\$341,705
Shawn Miller	OGA	\$0	\$12,423	\$6,835	\$12,767	\$12,458	\$14,722	\$13,536	\$4,509	\$2,309	\$379	\$79,940
James Gardner	PM	\$3,156	\$1,006	\$327	\$1,294	\$916	\$813	\$2,590	\$1,268	\$2,079	\$546	\$13,995
Lynda Gardner	PM	\$211	\$72	\$36	\$48	\$50	\$0	\$0	\$0	\$0	\$0	\$418
John Powell	Miller, Regence/BCBS	\$951	\$241	\$2,621	\$3,355	\$1,791	\$1,087	\$3,511	\$1,408	\$0	\$0	\$14,965
Marcia Keith	Kraft	na	na	na	\$227	\$1,377	na	na	na	na	na	\$1,605
Richard Kosesan	BW, Lorillard, Coors	\$575	\$312	\$695	\$245	\$364	\$528	\$1,782	\$1,172	\$3,525	\$350	\$9,548
Gary Oxley	UST, ONSA	\$4,113	\$4,987	\$1,161	\$477	\$1,081	\$2,647	\$3,370	\$4,011	\$1,418	\$661	\$23,927
Gwen Dayton	OAHHS	na	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0	\$0
Mike McCracken	OAHHS	\$295	\$20	\$0	na	\$0	na	na	na	na	na	\$315
E E Patterson	OAHHS	\$4,747	\$2,857	\$4,453	na	na	\$312	\$973	na	\$1,775	\$930	\$16,047
Joshua Alpert	ACS, ALA, TOFCO, OHLAT	na	na	na	na	\$2,341	na	na	na	na	na	\$2,341
Maura Roche	ACS, ALA, TOFCO, OHLAT, PPAO	\$2,566	\$1,220	\$2,373	\$736	\$3,086	\$254	\$486	\$177	\$710	\$217	\$11,824
Phil Donovan	AHA	na	na	\$374	\$2,067	\$843	\$0	\$845	na	na	na	\$4,128
Paul Rainey	AHA	na	na	na	na	na	na	na	na	na	na	\$0
John Valley	AHA	na	na	\$806	\$0	\$0	na	\$0	na	\$0	na	\$806

Abbreviations: ACS: American Cancer Society; AHA: American Heart Association; ALA: American Lung Association; BCBS: BlueCross BlueShield; BW: Brown & Williamson; OAHHS: Oregon Association of Hospitals and Health Systems; OGA: Oregon Grocery Association; ONSA: Oregon Neighborhood Store Association; OHLAT: Oregon Health Leadership Against Tobacco; ORA: Oregon Restaurant Association; PM: Philip Morris USA; PPAO: Planned Parenthood Affiliates of Oregon; RJR: RJ Reynolds Tobacco Co.; TOFCO: Tobacco Free Coalition of Oregon; UST: US Smokeless Tobacco Co. Source: Oregon Government Standards and Practices Commission