

allowed in this entire establishment. But it would have to be 25 employees, in this case. If one wanted a smoke-free workplace, they would have more entitlement under this bill. They would be able to demand that they have a smoke-free workplace in their particular area as long as it could be arrived at on a reasonable cost. Well, it...not necessarily cost, but they would...it would be very modest.

SENATOR ELMER: Okay. Given those answers, I still am feeling that we need to apply this to much larger businesses than this would apply to. Thank you.

PRESIDENT: Thank you. Senator Smith, please.

SENATOR SMITH: Thank you, Mr. President. Members of the body, if I had my druthers, there wouldn't be any smoking, period. I don't happen to like smoking. But we live in the real world, and the real world says that we just made a statement up there...by the way, the vote was taken on the Hefner amendment, which was exactly what he said, it wasn't do as I do, it was just do as I say. And now I dare any of you on this floor to support this bill after that amendment was rejected by the body. I don't see how any of you could have the nerve to sit here and give a green light to this bill, if you weren't willing to support saying that we'll do the same thing. The reality of it is we can't do the same thing, I don't think. And when you look at small businesses which are having financial problems surviving right now, we've been doing all these things in the state the last few years trying to help our small businesses survive, this is one more measure in which what we will be doing is placing additional burdens, additional restraints and taking away the right of a small business owner. I have a few questions I would like to ask you, Senator Wehrbein, if I might.

SENATOR WEHRBEIN: Yes.

PRESIDENT: Senator Wehrbein.

SENATOR SMITH: On page 5 and 6 of the bill, even though we've been talking about the fact that it's not going to place any burden on the employer and that there wouldn't be any financial costs involved, et cetera, the way the bill reads, looking at lines 21 through 25 on the bottom of the page, "Any employee in the place of employment shall have the right to designate his or her immediate work area as a nonsmoking area and to post the