

same with an appropriate sign or signs, the style of which may be determined by the employer." Then it says, "If due to the proximity of the smokers, size of the work area or poor ventilation, such designation does not eliminate the effects of the smoke on the employee's health, the employer shall make additional accommodation by expanding the size of the work area." Now, what if there is no other place that that person can be? And it goes on to say that he could be relocated. Well, what if you only have a small, and I mean literally a small business here, where you don't have any other place you can put this employee? Does that mean then that you have to build an extra room for this person, because where else are you going to put them, if you can't...I mean, there is no other place to relocate them. The next question I have is, down on page 6, where we're getting down to line 17 through 19, where Section C is, "In any dispute arising under the smoking policy, the health concerns of the nonsmoker shall be given preference." And I understand this is a bill aimed at, you know, for support of those kinds of folks, which I happen to be one, by the way. But I guess a question that comes to my mind is even over the wishes of the employer, let's say you have a business where you have no space that you can move anyone and you have two people that must work together, one smokes, the other does not smoke, the way the bill is written it appears that the nonsmoker takes preference, and she or he can force the employer, who may happen to prefer to smoke himself or herself, to do whatever the wishes of that person are concerned. Is that right?

SENATOR WEHRBEIN: I guess that's the way the bill would be interpreted. And I guess I would remind you that if you take that example to its ultimate, right now the smoker is exerting their rights over the nonsmoker. So I guess this simply reverses that, and I guess that's where you have to decide where you'd be.

SENATOR SMITH: Okay, I guess I'd be to the side that says I think what we're already doing is placing a lot of restrictions on employees, private people who have their own businesses, who are paying the person who may be putting them in a position of creating a dispute in the office or in the business, and yet they're the person that is paying them. The other thing that I would ask you is, could you clarify 15? And that is the way the bill reads, am I correct, that there are 15 employees or more.

SENATOR WEHRBEIN: Yes.