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## Up in smoke: Public support high for ban, but bills mired in Legislature

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A little husky in the throat and a bit weathered in the face, Tom Saxe looks and sounds every bit the part of a longtime restaurateur who's done his time in a smoky bar.

In a video funded by the state, Saxe talks about his two decades tending bar at his popular restaurant in Genesee with "20 to 30 people at a time" blowing smoke in his face. He tells how, when he showered after work, he felt like he was "rinsing an ashtray off" his head. And he explains how, after enduring 37 weeks of chemotherapy to treat cancer, he's come to believe that Wisconsin's bars and restaurants must go smoke-free.

"It's not about me," says Saxe, who owns Saxe's Dining and Banquet. "It's about others. I had my daughter and my son work their way up through college in my business. I have employees that I care very much about that I don't want exposed to a smoke environment. I have customers that I care very much about... And so you can run your business any way you want. But if you're dealing with the public, I think you owe it to the public to have a heart for the public. They're coming in and providing a living for you. Do you want them to die off?"

Saxe and eight other Wisconsin residents also tell their "smoke-free" stories in radio ads that started airing around the state this week. The videos can be seen at [www.mysmokefreestory.com](http://www.mysmokefreestory.com) but won't run on television.

The multimedia ads, part of a protracted battle over a proposed smoking ban, are hitting the airwaves at a time when momentum for a statewide ban on smoking in public places has never been greater.

Lobbying in the Capitol on the issue is reaching a fevered pitch, with many groups working furiously to get it passed before lawmakers wrap up their work in mid-March. And Gov. Jim Doyle sings the praises of a comprehensive ban every chance he gets.

In a sign of just how the tide has turned, the Wisconsin Restaurant Association is backing the measure after years of opposing smoking bans in eateries and bars.

Maureen Busalacchi of Smoke Free Wisconsin contends these changes reflect a growing public consensus in favor of a total ban. She notes that in the last 13 months, 66 papers around the state have editorialized in support and, in just the last month, 75 articles have been written about the measure.

"What else is moving so much ink?" said Busalacchi, noting a majority of Wisconsin residents have indicated in polls they support a comprehensive smoking ban.

Dave Ahrens, a researcher at the University of Wisconsin Comprehensive Cancer Center who has worked in the tobacco control area for years, said the breadth of support for a smoking ban is at a "historic" high.

He said it now includes "everyone from the restaurant association to environmental groups to public health groups and everyone in between and it's more than lip-service endorsement. These are groups that are putting real time and resources into the effort."

Yet the measure is opposed by the Wisconsin Tavern League and, largely because of that, is stalled in the state Senate. With less than six weeks of floor action left in the two-year legislative session, a soon-to-be-introduced Assembly bill also faces an uphill road to passage. With that in mind, supporters say even if the measure dies in the Legislature, it will live on as a factor in this fall's elections.

"This is not going to go away in March," vows Alison Prange, Wisconsin representative for the American Cancer Society. "People are waiting for this."

Prange noted that the American Cancer Society has an arm that can legally run issue ads and that has been involved primarily in federal races. But she said that could change this fall.

"We will look at Wisconsin very hard this time and see if there are some places we can have some impact and bring up the issues that are important to our members," she said. "It is on the table."

The Wisconsin Tavern League is rumored to have threatened to recruit primary opponents to challenge ban supporters, but Scott Stenger, lobbyist for the association, did not return phone calls for comment.

The state Department of Health and Family Services shelled out \$330,000 for the ad campaign, which covers the radio media buy and creative costs. It is just one indication of the high priority Gov. Jim Doyle places on getting the smoking ban passed. The fact that Secretary Kevin Hayden, himself, helped introduce the ad campaign at a news conference Tuesday, is another sign of just how important the issue is to the governor, who pushed for the ban in his State of the State speech earlier this month.

The governor's actions on this issue have not gone unnoticed by ban opponents.

A group calling itself "Ban the Ban Wisconsin" issued a news release Thursday announcing the launch of a public education campaign to counter the "recent surge in pressure tactics by Wisconsin Gov. Jim Doyle and activist groups to impose a state-wide smoking ban."

And Sen. Roger Breske, D-Eland, a former bar owner and Tavern League president, recently told reporters that government shouldn't be getting involved in these kind of issues.

"I think they're sticking their noses into everything," he said. "It's

seat belts, it's helmets, you name it. Why does the government have to tell people what to do all the time? I just can't believe this is what we're here for. We should be doing something decent, like helping people to try to find jobs."

Breske dismissed the potential health threat posed by second-hand smoking as "hogwash," adding, "I was born and raised in a bar since I was that high, and I was tending bar since I was that high (holding hand four feet above the ground.) And there was only one light bulb in the bar. There was no fans, and everyone smoked. It was blue in there. Come on, I'm still alive, and I'm 69 years old. It's sickening."

But Doyle was comfortable with the state's role in the ad campaign.

"That's our department of Health, the division of Public Health, so they're part of my administration and I support the smoking ban," he said. "Can you imagine if it was the department of health's responsibility to oppose the smoking ban?"

Negotiations on the Senate ban broke down last week after advocates rejected Breske's plan to delay the start-up date until 2011, a move he said is needed to give bar owners time to get out of the business.

On Tuesday, ban proponents changed tactics. Frustrated by the Senate's inaction, Rep. Steve Wieckert, R-Appleton, confirmed he would be circulating his own bill for co-sponsors. He's calling for a ban by Jan. 1, 2009, which mimics the Senate bill as amended in committee.

Wieckert said it was time to "wake up and smell the roses."

"Other states have it," Wieckert said, noting that all of Wisconsin's neighbors have either passed or have pending in their legislatures a smoking ban. "We should be a leader, not a follower."

The introduction of an Assembly bill puts Assembly Speaker Mike Huebsch, R-West Salem, in the hot seat. Huebsch has declined to take a position on the smoking ban, indicating he'd wait to see what came out of the Senate first. Now it will be up to Huebsch to assign the bill to a committee, which could determine whether, or how quickly, the bill gets a public hearing.

Wieckert said he asked Huebsch to refer the bill to the Public Health Committee. J.A. "Doc" Hines, R-Oxford, who chairs the committee, said in an interview he would give the bill a hearing.

Huebsch could also refer the bill to the Committee on Health and Health Reform, a panel chaired by Rep. Leah Vukmir, R-Wauwatosa. An aide to Vukmir said the representative opposes the smoking ban but Vukmir did not return a phone call or email asking whether she would hold a hearing on the bill if it came before her committee.

John Murray, spokesman for Huebsch, said the speaker still had no comment on where he stood on the smoking ban and hasn't decided which committee would get the bill.

Such legislative foot shuffling is growing increasingly tiresome for advocates who say lawmakers are ignoring the public on this matter.

They point to a poll of 500 registered voters, conducted in 2007 by

the Mellman Group and Public Opinion Strategies, that found that 64 percent of Wisconsin residents support a smoke-free law for all workplaces, including restaurants and bars.

The same survey also explored whether the issue might play into voters' decisions at the polls.

A majority of voters -- 57 percent -- said they would be more likely to vote for a candidate who supported a state ban in most public places, including workplaces, restaurants and bars. Thirty-two percent said they preferred a candidate who opposed such a law.

Reporter David Callender contributed to this report.

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