

Action **TAN** Request

W E Ainsworth
Mass Amal. Res

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MEMORANDUM

TO: State Activities Policy Committee
FROM: Roger L. Moz *Roz*
RE: Massachusetts Action Request
DATE: February 27, 1985

BACKGROUND

The Massachusetts Legislature is currently considering legislation to regulate the industry and its consumers in a variety of areas (Exhibit A).

For ten years, the Massachusetts Legislature (Exhibit B) has considered "Clean Indoor Air Acts" or similar legislation. In 1975 legislation regulating smoking in public elevators, supermarkets, museums, libraries, hospitals, nursing homes, and on trains, airplanes, single car public transportation vehicles, and MBTA facilities was enacted (Exhibit C). Since that time, no legislation regulating the industry or the use of the product has been passed at the state level in Massachusetts. A \$.05 tax increase was enacted in 1982.

Tobacco regulations have been passed out of the Joint Health Care Committee (Exhibit D) in each year. However, because of their fiscal impact, they have been sent to House Ways and Means (Exhibit E), where they have failed to receive consideration. This has prompted anti-tobacco activists to decry the supposed ability of the industry to tie the legislation up in Committee.

The 1984 elections, the fight for Speaker of the House, and the "rules reforms" movement have resulted in drastic leadership changes in 1985. While the new Speaker--the former Majority Leader--is generally responsive to our issues, those who supported him are generally not supportive of the tobacco industry or our perspectives on our issues. This will affect our ability to hold bills in Committee. The new House Ways and Means Committee Chairman, Representative Voke, is a former sponsor of anti-tobacco legislation. This, combined with the traditional "ought to pass" report received by anti-tobacco legislation in the Joint Health Care Committee suggests the likelihood of a floor vote in the House.

On the Senate, there has been some erosion of leadership control. The Senate Ways and Means Committee (Exhibit F), chaired by Senator Patricia McGovern of Lawrence, will not be as sympathetic a group as in past years. However, the Senate Steering and Policy Committee (Exhibit G), a new

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committee through which all legislation must pass prior to consideration, is likely to be more supportive. Again, however, there is little sympathy for our positions among the rank-and-file members of the Senate. This was clearly shown last week when the Senate voted 19-3 to ban smoking on the floor of the Senate. Historically, the industry has been successful by keeping tobacco issues off the floor. Legislative leadership changes effected in 1985 may limit our ability to keep legislation off the floor. A floor vote in either house would be, at best, a very narrow and difficult win for the industry.

PLAN OF ACTION

Direct Lobbying

Legislative counsel is currently involved in the following activities:

1. Meetings with staff and members of the Joint Health Care Committee to determine if we can be part of the process to determine what type of legislation will be passed out of the Committee--without suggesting our support for it.
2. Meetings with leaders and members of the House and Senate Ways and Means Committees to ascertain their interests, in order to prepare the proper economic and voter analyses for their consideration.
3. Meetings with the leadership of both parties in both houses to determine the interest and possible course of the anticipated legislation; and what, if any, arguments they may find persuasive.
4. Meetings with key members to locate and prepare floor leaders for our positions if the legislation comes, as anticipated, to a floor vote.
5. Meetings with all seemingly supportive members in the House, as suggested by the House Rules vote against a ban on smoking on the floor.
6. Meetings with other potential allies in both houses.
7. Meetings with lobbyists of potential coalition members to determine the possibility of support.

Legislative Support

Historically, the business community in Massachusetts has resisted involvement in our issues. This is a recognition of the Dukakis administration's public interest in the issue; and their own problems before the legislature. This office is currently engaged in an effort to develop the support of the various business associations in Boston and in the State. At present the support of the Massachusetts Restaurant Association, Massachusetts Hotel and Motel Association, Greater Boston Hotel and Motor Inn Association, Greater Boston Chamber of Commerce, and Springfield Chamber of Commerce has been secured. The help of other chambers of commerce, the Associated Industries of Massachusetts, and the labor community is being actively sought.

The education of their members and direct lobbying of legislators is the aid we seek from these groups.

ACTION REQUESTED

At this time, we request permission to ask member company TAN Activists to perform the following activities:

1. Write immediately to the Chairmen of the Joint Health Care Committee. Attached is the letter (Exhibit H) to TAN Activists and a list of suggested points that the volunteers can make in their correspondence (Exhibit I).
2. Write immediately to the Speaker of the House and the Senate President at the following addresses:

Representative George Keverian, Speaker
Massachusetts House of Representatives
116 Irving Street
Everett, MA 02149

Senator William M. Bulger, President
Massachusetts Senate
828 East Third Street
Boston, MA 02127

If, as anticipated, the legislation proceeds out of the Joint Health Care Committee:

3. Write immediately to the Chairman of the House Ways and Means Committee. The letter requesting this action would be similar to that in Number 1 above; and the suggested points would be the same.

If the legislation proceeds to the floor of the House:

4. Write to members of the Massachusetts House of Representatives. The letter requesting this action would be similar to that in Number 1 above; and the suggested points would be the same.
5. Participate in a petition drive. This activity is likely to occur during normal business hours, but will be designed not to disrupt regular business activities.
6. Participate in a telephone bank effort to encourage other TAN members and members of the business community to actively oppose the legislation. This activity will take place after normal business hours.
7. Participate in a flyer distribution program to retail outlets throughout the state. This activity is likely to occur during normal business hours, but will be designed not to disrupt regular business activities.

If the legislation proceeds to the Senate, permission to request the following action:

8. Write to members of the Senate Steering and Policy Committee. The letter requesting this action would be similar to that in Number 1 above; and the suggested points would be the same.

If the legislation is approved for consideration to the full Senate:

9. Write to members of the Senate Ways and Means Committee. The letter requesting this action would be similar to that in Number 1 above; and the suggested points would be the same.
10. Write to members of the Massachusetts Senate. The letter requesting this action would be similar to that in Number 1 above; and the suggested points would be the same.
11. Other activities similar to those utilized in the effort in the House.

In addition to the above activities, medical testimony, a voter opinion survey, and economic analysis are currently planned for this effort. Medical testimony would be used at the hearing on March 13. A voter survey and economic analysis would be used with legislative leaders, members of both Ways and Means Committees, and key legislative allies.

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If a floor fight is likely, a public relations program is planned which would include meetings with the editorial boards of the major newspapers and a full effort with the Boston and other major market radio and television talk and magazine-type shows.

We also request that you assist our legislative effort by contacting your subsidiaries, suppliers, and advertisers within the State of Massachusetts to secure their early opposition to this legislation. The efforts of such people would be immediately helpful with members of the Joint Health Care Committee and the legislative leadership. Later these contacts would be most helpful with the members of the Senate Steering and Policy Committee.

Legislative counsel and Covington and Burling have reviewed the lobbying laws of the State of Massachusetts and have determined that the actions requested herein do not require the participants to register as legislative agents/lobbyists.

Please contact Bill Cannell with your approval of the requested action and your recommendations for additional activities.

WSS
Enclosures

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