

MEASURE: HB2/10 EXHIBIT: O HOUSE REVENUE COMMITTEE DATE: 2011 PAGES: 2 SUBMITTED BY: CHRIS GURARD

convenience stores

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Cigarette Tax Testimony - House Revenue Committee: March 24, 2011

Good Morning co-Chair Berger and co-Chair Barnhart, Members of the Committee. My name is Chris Girard, and I am president and CEO of Plaid Pantries, Inc. Plaid operates 104 convenience stores, mostly in Oregon. We have about 750 employees, and we provide a full range of benefits for them, including health insurance.

About eighteen percent of Oregon's adult population uses tobacco. Tobacco products are already heavily taxed at both the Federal and State level. Two bills being considered today propose to nearly double the state tax on tobacco, and one bill would more than triple it. Yet another bill proposes relinquishing authority and control over tobacco taxation to counties and municipalities. We don't believe it is fair to single out only a fifth of Oregon's citizens with a very regressive and selective tax, and not ask all other citizens to help with the state's current budget difficulties. We also think it is very dangerous to allow a patchwork of additional tax authorities to threaten this important revenue stream going to the State's needs.

It is not a good idea to raise taxes following such a deep recession and in the very slow recovery we are experiencing. But if the Legislature finds it necessary to raise revenues, it should be in a comprehensive and coordinated package that shares the pain among all Oregonians. Tobacco users are already paying considerably more in taxes than other citizens.

Many people don't like the fact that some people use tobacco. I don't know if any of you on the committee have any friends or know people who use tobacco. We see these folks in our stores every day. About a third of our customers purchase tobacco products. These people are going through what everyone else is facing in their personal finances. They are mostly working folks, who have bills and mortgages to pay, or rent payments to make. Some of them have lost their jobs and are struggling to make ends meet while seeking new employment. They're just like everyone else, except they use tobacco. This is not a good reason to single them out as the only relatively small group of citizens being asked to pay increased taxes, especially at this point the weak economic recovery.

Oregon relies on tobacco revenue to meet its budget needs. Tobacco revenue, as you know, is a declining source of money for the State. Consumption is declining. Continual tax increases have driven much of the formerly collectible taxes underground, to gray and black-market sources, untaxed native American outlets, and the internet. There is an increasing and significant trend towards "roll-your-own" cigarettes, since bulk tobacco is taxed at a much lower rate than packaged products. Higher taxes will only drive these trends further in that direction, and the burden continues to increasingly fall only on law-abiding consumers and law-abiding retailers.

I would also like to point out that the legitimate, law-abiding businesses in Oregon that sell tobacco are not getting rich from doing so. The Federal government collects \$1.01 per pack of cigarettes. Oregon currently collects \$1.18 per pack. Using my company as an example, we average about 58 cents gross margin on the sale of a pack of cigarettes. But bottom-line, only about 4 cents is retained by the company as earnings for our shareholders.

Fifty-four of the 58 cents gross profit on a cigarette pack sale goes into Oregon economic activity, which is multiplied further as it flows through the economy. Over half of the margin dollars go to jobs, wages, and employee benefits. Nearly 40% of the margin dollars go to over 300 companies, mostly Oregon small businesses, that provide maintenance, repairs, supplies, and other services to our company. What remains, before the 4 cents net profit, goes to property taxes and income taxes.

A direct consumption tax, especially on a product without a legal substitute product or source, is a horribly blunt instrument for raising revenue. It will destroy total economic activity many times greater than the tax raised. We can't look just at the isolated retail transaction lost to the black/gray market or other tax avoidance scheme. Consider all of the trade and transportation activity, wholesale distribution value added, and jobs and commerce all along the chain, including after the retail transaction. Related companies and their employees spend and re-spend multiple times the nominal value of the single lost retail sale.

Such huge tax increases as proposed, especially in today's very soft economy, primarily hurt only two areas... the already cash-strapped consumer, and Oregon's economy itself. When faced with significant sales decreases, especially on such low-margin items as tobacco, businesses have no choice but to reduce labor costs, which costs jobs, benefits, and health insurance coverage for workers. And companies will cut back on other non-critical expenses and growth plans, which negatively impacts our supplier partners and the economy as a whole.

Now is not the time to raise taxes on anything. It is an especially bad time to raise taxes so significantly on only a small group of Oregonians who are struggling like everyone else in a very tough economy.

Thank you for hearing my testimony, I'll be glad to answer any questions.

Chris Girard

President & CEO

Plaid Pantries, Inc.

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