

Legislative Report

Tobacco Free Kansas Coalition

February 26, 2010

Provided by Tracy Russell

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House Concurs on HB 2221 Clean Indoor Air—a Win for Clean Air in Kansas

Representative Charlie Roth made the motion to concur on HB 2221, the Kansas Clean Indoor Air Act on Thursday, February 25. The legislation prohibits smoking in most indoor businesses including restaurants and bars. There was an attempt to table the legislation that failed. In addition to Representative Roth, Reps. Quigley, Benlon, Furtado, Whitham, Hill, Slattery, and Bollier spoke in favor of concurrence. Reps. Crum, Peterson, Siegfried, Schwab, Tafannelli, Gordon, Landwehr, Schroeder, Otto, and Kinzer spoke in opposition to the effort. Representative Roth characterized this vote as one of the most important to be made and called it a “legacy” vote that will impact our children and our grandchildren. After a few hours of debate, the House concurred by a 68-54-3 vote, sending the legislation to the Governor for signature. There was a strong effort to derail the legislation in the last days leading into the House vote with an attempt to keep the bill in conference committee for further negotiation. The law goes into effect July 1, 2010. Our focus will shift to ensuring a smooth implementation of the new law. A vote count is included at the end of this report.

SB 478 Taxation of Little Cigars Fails

The Senate rejected SB 478 by a vote of 18-21 vote final action. The bill was approved by the Senate in earlier debate. The legislation would change the method of taxation for little cigars from a weight measurement to an ad valorem tax like cigarettes. There may still be an opportunity to act on this issue as the legislature begins to consider revenue enhancements to close an increasing budget shortfall.

Bills of Interest (This list includes bills introduced in 2009)

SB 25 Senate Public Health and Welfare Committee	Crimes and punishments; relating to smoking and cigarette sales	In House Health and Human Services	03/04/2009 - House Scheduled Hearings: Proponents - Tuesday, 3/10/2009, 1:30 PM, Rm 784 DSOB; Opponents - Wednesday, 3/11/2009, 1:30 PM, Rm 784 DSOB
SB 81 Senate Public	Enacting the Kansas Nonsmoker Protection Act	In Senate Public Health and Welfare	01/23/2009 - Senate Referred to Public Health and Welfare

Health and Welfare Committee			
SB 106 Senate Federal and State Affairs Committee	Cigarette lighters	In Senate Federal and State Affairs	02/04/2009 - Senate Scheduled Hearing: Tuesday, 2/10/2009, 10:30 AM, Rm 136-N
SB 180 Senate Public Health and Welfare Committee	Kansas Cigarette and Tobacco Products Act; relating to certain unlawful acts; self-service displays	In Senate Public Health and Welfare	02/04/2009 - Senate Referred to Public Health and Welfare
SB 216 Senate Judiciary Committee	Kansas Cigarette and Tobacco Products Act; sale of cigarettes and tobacco products in violation of act	In Senate Judiciary	02/06/2009 - Senate Referred to Judiciary
SB 327 Senate Ways and Means Committee	Tobacco; relating to the master settlement agreement; creating the master settlement agreement compliance fund	In Senate Ways and Means	01/27/2010 - Senate Scheduled Hearing: Monday, 2/1/2010, 10:30 AM, Rm 548-S
SB 342 Oletha Faust-Goudeau, D-29th	Cigarette lighters; prohibiting the sale of novelty cigarette lighters	In House Federal and State Affairs	02/15/2010 - House Referred to Federal and State Affairs

SB 412 Senate Federal and State Affairs Committee	Taxation upon certain tobacco products; relating to little cigars	In Senate Federal and State Affairs	01/22/2010 - Senate Referred to Federal and State Affairs
SB 413 Senate Federal and State Affairs Committee	Taxation upon certain tobacco products; relating to moist snuff	In Senate Federal and State Affairs	01/22/2010 - Senate Referred to Federal and State Affairs
SB 478 Senate Assessment and Taxation Committee	Kansas Cigarette and Tobacco Products Act; violations of act	Killed in Senate	02/25/2010 - Senate Final Action: Not passed; Yeas 18, Nays 21
SB 516 Senate Assessment and Taxation Committee	Taxation; relating to tax upon cigarettes and tobacco products, rates; rate of sales taxation	In Senate Assessment and Taxation	02/18/2010 - Senate Withdrawn from Ways and Means; rereferred to Assessment and Taxation
HB 2221 House Health and Human Services Committee	Crimes and punishments; relating to smoking and cigarette sales	Pending enrollment and presentation to Governor	02/25/2010 - House Concurred; Yeas 68, Nays 54

HB 2268 House Federal and State Affairs Committee	Cigarette lighters; prohibiting the sale of novelty cigarette lighters	In House Judiciary	02/05/2009 - House Referred to Judiciary
HB 2462 House Taxation Committee	Taxation upon certain tobacco products; relating to moist snuff	In House Taxation	01/19/2010 - House Referred to Taxation
HB 2466 House Taxation Committee	Taxation upon certain tobacco products; relating to little cigars	In House Taxation	01/19/2010 - House Referred to Taxation
HB 2569 House Taxation Committee	Kansas Cigarette and Tobacco Products Act; violations of act	In House Taxation	01/29/2010 - House Referred to Taxation
HB 2642 House Health and Human Services Committee	Enacting the Kansas Nonsmoker Protection Act	In House Health and Human Services	02/15/2010 - House Withdrawn from Appropriations; rereferred to Health and Human Services

HB 2643	Taxation upon cigarettes and tobacco products; relating to rates; little cigars	In House Taxation	02/04/2010 - House Referred to Taxation
House Taxation Committee			

Vote #	Date	Bill Number	Question				Res
112	02/25/2010	HB 2221	On motion to concur in Senate amendments				Pas
			All Members	Republicans	Democrats		
	For	68	55%	24	32%	44	
	Against	54	44%	50	68%	4	
	Present	1	1%	0	0%	1	
	Not Voting	2	N/A	2	N/A	0	
Yea (68)							
Barbara Ballard, D-44th		Melany Barnes, D-95th		Lisa Benlon, D-22nd			
Barbara Bollier, R-25th		J. Robert Brookens, R-70th		Tony Brown, D-10th			
Tom Burroughs, D-33rd		Sydney Carlin, D-66th		Pat Colloton, R-28th			
Barbara Craft, R-65th		Marti Crow, D-41st		Paul T. Davis, D-46th			
Nile Dillmore, D-92nd		Gail Finney, D-84th		Geraldine Flaharty, D-98th			
Stan Frownfelter, D-31st		Dolores Furtado, D-19th		Delia Garcia, D-103rd			
Sean Gatewood, D-57th		Pat George, R-119th		Raj Goyle, D-87th			
John C. Grange, R-75th		Robert Grant, D-2nd		Tom Hawk, D-67th			
Broderick Henderson, D-35th		Jerry Henry, D-63rd		Don Hill, R-60th			

Don Hineman, R-118th	Mike Kiegerl, R-43rd	Marvin G. Kleebe, R-48th
Annie Kuether, D-55th	Harold Lane, D-58th	Bill Light, R-124th
Judith Loganbill, D-86th	Margaret E. Long, D-36th	Steve Lukert, D-62nd
Ann Mah, D-53rd	Pat Maloney, D-116th	Melanie Sanders Meier, D-40th
Julie Menghini, D-3rd	Melody McCray Miller, D-89th	Tom Moxley, R-68th
Cindy Neighbor, D-18th	Shirley Palmer, D-4th	Eber Phelps, D-111th
Jo Ann Pottorff, R-83rd	Richard Proehl, R-7th	Jill Quigley, R-17th
Gene Rardin, D-16th	Charlie Roth, R-71st	Louis E. Ruiz, D-32nd
Clark Shultz, R-73rd	Mike Slattery, D-24th	Tom Sloan, R-45th
Sheryl Spalding, R-29th	Don Svaty, D-108th	Vern Swanson, R-64th
Milack Talia, D-23rd	Annie Tietze, D-56th	Ed Trimmer, D-78th
Jim Ward, D-88th	Vincent Wetta, D-80th	Jeff Whitham, R-123rd
Jerry Williams, D-8th	Valdenia Winn, D-34th	Bill Wolf, R-112th
Kay Wolf, R-21st	Ron Worley, R-30th	

Nay (54)

Clay Aurand, R-109th	Bob Bethell, R-113th	Elaine Bowers, R-107th
Anthony R. Brown, R-38th	Steven R. Brunk, R-85th	Mike Burgess, R-51st
Richard Carlson, R-61st	David Crum, R-77th	Peter DeGraaf, R-81st
Owen Donohoe, R-39th	John Faber, R-120th	Bill Feuerborn, D-5th
Rocky Fund, R-50th	Mario Goico, R-100th	Lana Gordon, R-52nd
Gary Hayzlett, R-122nd	Phil Hermanson, R-96th	Carl Dean Holmes, R-125th
Mitch Holmes, R-114th	Deena Horst, R-69th	Steve Huebert, R-90th

Aaron Jack, R-99th	Kasha Kelley, R-79th	Dan Kerschen, R-93rd
Jeff King, R-12th	Lance Kinzer, R-14th	Forrest Knox, R-13th
Brenda K. Landwehr, R-91st	Peggy Mast, R-76th	Joe McLeland, R-94th
Ray Merrick, R-27th	Jim Morrison, R-121st	Don Myers, R-82nd
Melvin Neufeld, R-115th	Mike ONeal, R-104th	Connie OBrien, R-42nd
Robert S. (Rob) Olson, R-26th	Bill Otto, R-9th	Joe Patton, R-54th
Janice Pauls, D-102nd	Virgil Peck Jr., R-11th	Michael J. Peterson, D-37th
Larry Powell, R-117th	William R. Prescott, R-59th	Marc Rhoades, R-72nd
Don Schroeder, R-74th	Scott Schwab, R-49th	Sharon Schwartz, R-106th
Joe Seiwert, R-101st	Arlen H. Siegfried, R-15th	Gene Suellentrop, R-105th
Dale Swenson, D-97th	Lee Tafanelli, R-47th	Jene Vickrey, R-6th
Present (1)		
Doug Gatewood, D-1st		
Not voting (2)		
Dan Johnson, R-110th	Kevin Yoder, R-20th	

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