

MINUTES OF THE HOUSE COMMITTEE ON ASSESSMENT AND TAXATION

The meeting was called to order by Representative Ed Rolfs at
VICEChairperson

9:00 a.m. ~~XX~~ on January 19, 1983 in room 519-S of the Capitol.

All members were present except: Representatives Braden, Lowther, Crowell who were excused.

Committee staff present:

Wayne Morris, Research Department
Tom Severn, Research Department
Don Hayward, Revisor of Statutes' Office
Nancy Wolff, Secretary to the Committee

Conferees appearing before the committee:

Bill Edds, Department of Revenue
Richard Davis, Osage County Treasurer
Rod Bieker, Attorney General
Steve Wiechman, Kansas Association of Counties

The Vice-Chairman called the meeting to order and introduced HB 2047 which would change tax situs on motor vehicles when the owner has moved from one taxing district to another.

Bill Edds, of the Department of Revenue appeared to inform the committee of some problems which would be imposed on the Department should this bill be enacted in its present form. His department has reviewed the bill with the County Treasurer's Association and they concur on changes in the form of the bill as proposed by the County Treasurer's Association.

Richard Davis, Osage County Treasurer, appeared in support of this legislation. They would recommend a number of changes in the current form of the bill as outlined in their presentation. (Attachment I)

Rod Bieker of the Attorney General's Office appeared to give information on correspondence his office has received from individuals who have moved from one taxing jurisdiction to another. His office is of the opinion that legislation should be enacted to more equitably handle this problem.

One member of the committee questioned what the penalty would be if a taxpayer were to incorrectly report his county of residence and according to the statutes, this would be a Class E felony for perjury if incorrect statements were made and attested to on an affidavit. The question then arose as to who would be responsible for verifying statements on these affidavits as well as what department would be responsible for enforcing the penalties.

Steve Wiechman, Kansas Association of Counties, appeared in support of this bill, but his association also felt that some changes in the requirements would be necessary. (Attachment II)

One committee member made the suggestion that if an affidavit were to be required, it could possibly be printed on the back of the registration form and thereby reduce the paperwork required on the part of the county treasurers.

The meeting was adjourned at 9:43 a.m.

The next meeting will be held at 9:00 a.m. on Thursday, January 20, 1983.

January 19, 1983

Mr. Chairman and Members of the Committee:

My name is Richard Davis and I am County Treasurer of Osage County and President of the County Treasurers Association.

First, I would like to express to you my appreciation for being able to appear before you today on House Bill 2047.

Presently, when a taxpayer appears at my office with a change in the tax situs of any motor vehicle at the time of registration, my office changes the amount of the tax due to reflect the new situs. We do not require that a new registration application form be completed. This is not necessary since the changes reflecting the new address are made and submitted to the state on the form that has already been prepared. Likewise, at the time that the taxes and renewal of the registration is completed, the taxpayer signs to verify that the information is true and correct. We do not believe that an additional affidavit is necessary.

Our association had been working on proposed legislation to request that the tax due be determined by utilizing the County average tax rate. It is my understanding that House Bill 2047 incorporates this

approach by referring to KSA 1982 supp. 79-5105. Our association supports the concept of using the County average tax rate; therefore, we would request that you consider deleting the provisions in Line 38 and 39 requiring a new registration application and the provisions in Line 44 through Line 47 which would require another document to be handled by our office. With these amendments, we support passage of House Bill 2047, as amended.

If you have any questions, I will be happy to try to answer them for you.

Kansas Association of Counties

Serving Kansas Counties

Suite D, 112 West Seventh Street, Topeka, Kansas 66603

Phone 913 233-2271

January 20, 1983

Synopsis of Testimony
House Assessment and Taxation Committee
January 19, 1983.

The Kansas Association of Counties supports the concept of House Bill 2047. The bill does address the problem which arises by the county officers not having the authority to change the tax assessment for automobiles when a taxpayer, who has changed his county of residence, presents the renewal vehicle registration form to the County Treasurer. The situation is complicated by the fact that the same tax payer, had he disposed of the renewal form, could save himself taxes by appearing at the Treasurer's office and asking that a new renewal form be prepared which reflects the new tax situs, address and amount of tax due computed upon the assessment and valuation in the new county of residence.

We concur with the Department of Revenue in the belief that a new registration form is not necessary since the County Treasurer can simply change the address on the renewal form already sent by the state. This will decrease the errors by not having to prepare a new form. Likewise, the use of an affidavit does not seem to be of great necessity. Anyone who wishes to violate the law will not let a piece of paper signed before a notary public or a deputy treasurer prevent him from committing the fraud.

In order to clarify responsibilities of the county offices, consideration should be given to include a provision which would require that the County Appraiser affix the tax situs code and recompute the tax due and owing.

At Line 38, starting after the word "form," delete the italicized words in Line 38 and Line 39 and insert, "the county appraiser shall determine the new tax situs, affix the appropriate code and compute the taxes due." We would further request the deletion of the new language in Line 44 through Line 47. K.S.A. 79-1411b, places the duty to assess upon the appraiser or the clerk acting as appraiser.

Respectfully,

Steven R. Wiechman

ATTACHMENT II

(1-19-83)