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MINUTES OF THE SENATE COMMITTEE ON	ASSESSMENT AND TAXATION	
The meeting was called to order byChairman Paul	"Bud" Burke Chairperson	at
	Champerson	
11:00 a.m./2000. on MARCH 1	, 19 <u>83</u> in room <u>526–S</u>	of the Capitol.
All members were present ************************************		

Committee staff present: Wayne Morris, Research Dept.

Tom Severn, Research Dept. Don Hayward, Revisor's Office

Conferees appearing before the committee: John Blythe, KFB

John Meetz, KLA Ron Gaches, KACI

Marian Warriner, League of Women Voters

Approved _

April 22, 1983

Steve Wiechman, KAC Phil Martin, PVD John Koepke, KASB

Tim Underwood, Kansas Ass'n of Realtors Janet Stubbs, Homebuilders Association Gary Smith, Pres., Ks. Assessors Ass'n

The chairman recognized Senator Angell, sponsor of SB 181, which eliminates the current sales assessment studies and replaces them with appraisal assessment studies. He said the law currently says that sales are not the sole criterion for determining fair market value, so he does not believe that appraisers should be judged by comparing appraisals to sales. Senator Angell suggested striking section (b) from the bill, as it is unnecessary with the passage of a reappraisal bill. John Blythe, KFB, said his organization had a long time position on appraisal procedures for property and agrees with Senator Angell that section (b) should be eliminated from the bill.

John Meetz, KLA, said the appraisers in the various counties appraise property based on 79-503a with a variety of criteria set forth in the statutes and then is graded on one of these factors only. The value of property didn't go up in 1982, but the study doesn't reflect what happens in the real world.

Ron Gaches, KACI, suggested the sales assessment ratio be retained and used as one of the tools, and they are neither endorsing or opposing this bill. Next year they will have a policy, but do not today. The great advantage in utilizing sales ratio studies is that they do provide a documented data base to judge the quality of assessments and relates to fair market value. (Attachment #1)

The committee considered SB 275 which provides for statewide reappraisal of property. The following persons spoke in support of the bill:

Ron Gaches, KACI, said statewide reappraisal would have the result of constitutionally mandating the concept of "uniform and equal". There is concern on the part of the business community that any reappraisal mechanism must be bullet proof. Should the state adopt the classification amendment or statewide reappraisal, the business community should not be exposed to continual shifting.

Marian Warriner, League of Women Voters, said the League's position is that reappraisal should begin without delay. There should be state control to achieve statewide equity where the data is used in statewide programs such as revenue distribution to local governments, school finance, and the levying of statewide property taxes. (Attachment #2)

John Blythe, KFB, said the Farm Bureau policy is to support reappraisal in the state and having that done all at the same time. He passed out some suggested amendments to the committee members (Attachment #3) and explained the amendments he was proposing. He particularly hoped the committee would consider the type of advisory committee he was proposing rather than the one presently in the bill. The chairman questioned changes in Section 2 which was structured by the subcommittee, data processing people, and others. Senator Angell said the subcommittee did agree unanimously on the provisions in the bill.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION,
room 526-S, Statehouse, at 11:00 a.m./post on MARCH 1 , 1983.

John Blythe said the appraisers today are far more effective and more professional than in the past and he hopes this would give more uniformity in our appraisal process.

Steve Wiechman, KAC, said the Kansas Association of Counties support SB 275 with one reservation and that was their concern with the establishment of a computer network which would allow the Property Valuation Dept. to plug into computers in each courthouse to determine whether appraisers are keeping their property tax rolls up to date. (Attachment #4)

Phil Martin said that during discussions of the subcommittee about problems with the centralized computer his thought was that by setting up an advisory committee of primarily technical people to deal with these issues they would have people who have a stake in the problem. He was looking for technical support type people to answer the questions that will come up.

John Koepke, KASB, pointed out the concern that school board members have had in recent years about the trend facing public education if facing court-ordered reappraisal. He said that is their concern regardless of what is done in classification or whatever is done once we have those reappraised values; some mechanism must be used to mitigate the tremendous tax shifts which would occur between classes of property if those values are used for levying taxes. He said their members have expressed overwhelming support for the idea of a constitutional amendment which would classify property values. (See Attachment #5)

John Meetz, KLA, said his organization was offering conditional support, but still concerned about the tax shifts that are likely to occur with little assurance that these concerns will be addressed. He also said he believes that Kansas should join 35 other states and exempt livestock.

Tim Underwood, Director of Governmental Affairs for the Kansas Association of Realtors, said they have a position of support as people involved and aware of the inequities that exist. He would encourage the committee to start the process of reappraisal.

Janet Stubbs, Homebuilders Association, said they have a long-standing policy in favor of reappraisal with the safety factor of not allowing implementation of information gathered until after the opportunity to study. She said she believes it would be wise for the legislature to take this action before court-ordered reappraisal.

Gary Smith, President of the Kansas Assessors Association, spoke in long-time support and requested that the legislature institute a reappraisal bill so Kansas can get the situation back to "fair and equal".

The chairman adjourned the meeting at 12:00 noon. The committee will meet March 2 at 11:00 a.m., Room 526-S.

ASSESSMENT AND TAXATION

OBSERVERS (PLEASE PRINT)

	NAME	ADDRESS I	REPRESENTING
MARCH 1	DAVID INCHAM	14609 W.89th St.	Praina
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	TIENE MAXWELL	14309 W. 89# St. 7701 W. 100	SMAC-PTA
	JEANNING HERRON	3910 CANTERBURY TU. Rd	JIII AC I III
	STEVE WIECHMAN		Ks. Assoc. OF Counties
	Leroy Jones	Overland Park	B. L.E.
	Chip Wheelen	Topeka	Lea. Policy Group
	Joan Wulf	neuton	Harvey Co.
	millicent Clauren	newton	Harvey Co.
	Barbara Roux	Moundudge	Hamers Co Est.
	Tim Underwood	Topeka	KAR
(Ret Sulbell	9'spales.	Kenn Rubin Asso.
	John Blythe	Manhatten	KFB
	JANET STUBBS	TOPEKA	HBAK
	Lillian Claassen	Hesston	Harvey Co.
	Carolyn Jackson	Newton	Harvey Co
	Marian Harrier	Lawrence	LAUK
	Mary Ella Dima	topela	LWVIC
	DON GORDON	LAWRENCE	DougLAS COUNTY
	Ann Eslick	Illysses	Crant Co.
	Beverly Bradley	Laurence	Ls. assac Countigs
	DORIS WAGEL	Popeka .	Div of Budget
	Verna Ruine	newton	Extense.
	Claran. Verp	Lesston	Extension
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	Vera Unruh	Newton, Ks.	Extension
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ASSESSMENT AND TAXATION

OBSERVERS (PLEASE PRINT)

DATE	NAME	ADDRESS REPRESENTING	
HARCH!	RON CALBERT	NEWTON	u.J.4.
17	JOHN KOEPKE	Topeka	KASB
	Shif Martin	11	GUD
	JANICE MARCYM	61	11
	ONAN C. BURNETT	TobeKA	USD 501
	Scot Wrighton	Wichita	City of Wichita
	Bob GArdner	KCK	Wy Co.
	MARIN CLENENTS	Wichita	Sedgwick Co.
	Brad Welch	LaKIN	Hearny Co.
	DARRELL LEMON	SALINA	SALINE CO
	DOUGLAS T. WILSON	11	11 11
	arther Horsen	Johnson	JOHNSON Co.
	GARY M. Smith	SHAWNER	KCAA
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TF - Appendix I.

Report on Assessment Practices and Equalization

As Endorsed by Policy TF-7 (last amended-August 1981)

I. ASSESSMENT

A. Assessment Responsibility

- 1. The County shall be the primary unit for valuation and assessment of all local real and personal property for tax purposes.
- 2. The County Appraiser shall determine the "value" of all local personalty and realty according to recognized appraisal standards and according to the several rules, regulations, manuals, forms, etc., as may from time to time be promulgated by the Director of Property Valuation.
- 3. The state shall remain the appropriate unit for valuation and assessment of public utilities.
- 4. The Director of Property Valuation shall determine the "value" of all state-assessed properties according to recognized appraisal standards.

B. Assessment Level

- 1. To comply with the constitutional mandate for "a uniform and equal rate of assessment and taxation" the statutory provision for appraisal of all taxable property at its market value should be continued.
- 2. To protect all taxpayers from assessment discrimination every effort must be made to insure that <u>all</u> property is assessed at 30% of its full value. Anything less than this for some taxpayers, results in a discriminating burden for other taxpayers.
- 3. The state sales-assessment ratio study is a valuable tool in achieving assessment uniformity. To make the sales-assessment ratio study a more useful tool in the equalization process, the quality of the study should be improved.

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TF - Appendix I.

Report on Assessment Practices and Equalization (Con't.)

II. EQUALIZATION

A. County Equalization

- Boards of County Commissioners have historically failed to perform the equalization function locally. For this reason a new county board of equalization should be established to be composed of one member designated by the Board of County Commissioners, one member designated by mayors of cities within the county, and one member designated by the presiding officers of unified school districts in the county. The members so designated shall select two additional members. All members of the county board of equalization shall be residents of the county and shall hold no other elective or appointive office.
- 2. Legislation should be enacted providing penalties for failure to equalize such as withholding of state shared revenues.

B. State Equalization

- 1. The Director of Property Valuation shall have the final responsibility and function of equalizing at the state level. Appeals of equalization orders shall remain within the jurisdiction of the State Board of Tax Appeals.
- 2. To protect all taxpayers from assessment discrimination every effort must be made to insure that <u>all</u> property is assessed uniformly. Anything less than this for some taxpayers, results in a discriminating burden for other taxpayers.

Present statutes should be amended whenever necessary to <u>compel</u> the Director of Property Valuation to perform the function of equalization at the state level to insure that all property is assessed uniformly.

C. Tax Court

 Consideration should be given to the establishment of a state Tax Court as a part of the state's judicial structure containing a small claims court patterned after the Model State Tax Court Act. 909 Topeka Boulevard-Annex

913/354-7478

Topeka, Kansas 66612

March 1, 1983

Statement to the Senate Assessment and Taxation Committee in support of SB 275 concerning reappraisal.

Mr. Chairman and Members of the Committee:

I am Marian Warriner speaking for the League of Women Voters of Kansas. Our position is:

- REAPPRAISAL SHOULD BEGIN WITHOUT DELAY.
- STATE CONTROL IS IMPERATIVE to achieve statewide equity where the data is used in statewide programs such as revenue distribution to local governments, school finance, and the levying of statewide property taxes.
- When the data has been gathered ACTION SHOULD BE TAKEN TO REDUCE THE ADVERSE IMPACT on the property taxpayers. Our preference is that this action be taken after the data has been gathered and analyzed and that action can be based on the realities of the new appraisal values.
- The issue of use value appraisal of agricultural land should stand on its own. However, we are not opposed to collection of data that will be useful in making a decision on this issue.

Here is a challenge and an opportunity. So often the comment is heard -- sometimes it is made by legislators -- that the courts are not only ruling on the validity of laws, but are in effect making them-the rightful responsibility of the legislature. Whether this is true or not, ON REAPPRAISAL, SHOW THE PUBLIC, THE KANSAS CITIZENS, THAT YOU CAN AND WILL ACT, AND QUELL ANY COMMENT THAT THE KANSAS COURT IS LEGISLATING INSTEAD.

We ask that you support SB are favorable for passage. Thank you.

Marinan Warriner, LWVK Lobbyist

State Finance

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SENATE BILL No. 275

By Committee on Assessment and Taxation

2-14

AN ACT relating to the taxation of tangible property; mandating a program of statewide reappraisal of real property; providing for the administration of such program and duties of certain state and county officers; prescribing limitations upon the levy of taxes upon tangible property by taxing districts after implementation of valuations determined under such reappraisal program and providing for exemptions therefrom; amending K.S.A. 79-1412a and 79-1602 and K.S.A. 1982 Supp. 79-1460 and repealing the existing sections; also repealing K.S.A. 79-1437b and 79-1440 and K.S.A. 1982 Supp. 79-1452 to 79-1454, inclusive.

Be it enacted by the Legislature of the State of Kansas:

New Section 1. (a) The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to the plan approved under subsection (b) in accordance with guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Following completion of the statewide program of reappraisal, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every four years.

(b)(1) The director shall submit to the legislature on the first

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day of its regular session in 1984, the program of statewide 0047 reappraisal for its approval. If not disapproved by a concurrent 0048 resolution so providing within 45 days after its submission, the program shall be deemed approved. If such program is not approved, the director shall submit an amended program to the legislature within 10 days after the date of adoption of the resolution so disapproving. (2) Each county or district appraiser shall submit a plan for the reappraisal of property within the county or district pursuant to this act to the director of property valuation, not later than July 15, 1984. Such plan shall include the schedule for the employment of personnel, acquisition of data processing equipment and programs and the level of financing made available to pay the cost of such program. If the plan is approved by the director, the county or district appraiser shall proceed to implement the plan as submitted. If such plan is not approved by the director, the county may petition the state board of tax appeals for a review of the plan or may submit an amended plan to the director. If the state board of tax appeals approves the plan or the director approves the amended plan, the county or district appraiser shall proceed to implement the plan as submitted. If the director does not approve the amended plan, the county shall petition the board of tax appeals for a review of the plan and if the board approves such amended plan the county or district appraiser shall implement the plan as amended. If the state board does not approve the plan the board shall fix a time within which the county or district may submit an amended plan for approval. If no amended plan is submitted and approved within the time prescribed by the board, the board shall order the division of property valuation to conduct the reappraisal of property within the county or district. If the reappraisal is conducted by the division of property valuation, the director shall certify the amount of the cost incurred by the division in the conduct of the reappraisal to the state treasurer who shall withhold such amount from distributions of the county's share of moneys from the county and city revenue sharing fund and the local ad valorem tax reduction fund and credit the same to the general fund of the state.

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(c) Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in section 2 of this act shall be completed not later than January 1, 1988. Whenever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.

Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 1982 Supp. 79-503a.

In addition thereto valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of property valuation using criteria established by the United States department of agriculture soil conservation service. Productivity of land devoted to agricultural use shall be determined for all land classes within each county or homogeneous region based on an average of the eight calendar years immediately preceding the calendar year which immediately precedes the year of valuation, at a degree of management reflecting median production levels. The director of property valuation shall determine median production levels based on information available from state and federal crop and livestock reporting services, the soil conservation service, and any other sources of data that the director considers appropriate.

The share of net income from land in the various land classes within each county or homogeneous region which is normally received by the landlord shall be used as the basis for determining agricultural income for all land devoted to agricultural use except pasture or rangeland. The net income normally received by the landlord from such land shall be determined by deducting expenses normally incurred by the landlord from the share of the gross income normally received by the landlord. The net rental

, other than land devoted to agricultural use,

Valuations

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income normally received by the landlord from pasture or range-0121 land within each county or homogeneous region shall be used as 0122 the basis for determining agricultural income from such land. 0123 The net rental income from pasture and rangeland which is normally received by the landlord shall be determined by deducting expenses normally incurred from the gross income nor-0126 mally received by the landlord. Commodity prices and pasture 0127 and rangeland rental rates and expenses shall be based on an 0128 average of the eight calendar years immediately preceding the 0129 calendar year which immediately precedes the year of valuation. 0130 Net income for every land class within each county or homoge-0131 neous region shall be capitalized at a rate or rates prescribed by 0132 the legislature. 0133

Based on the foregoing procedures the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

For the purpose of the foregoing provisions of this section the phrase "land devoted to agricultural use" shall mean and include land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, which is devoted to the production of plants, animals or horticultural products, including but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts, and berries; vegetables; nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall not include those lands which are used for recreational purposes, suburban residential acreages, rural home sites or farm home sites and yard plots whose primary function is for residential or recreational purposes even though such properties may produce or maintain some of

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based on economic, interest rate and money market factors. The capitalization rate that is used to determine the valuation of agricultural land shall be the same as the rate used to determine the valuation of state assessed utility property.

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those plants or animals listed in the foregoing definition.

The term "expenses" shall mean those expenses typically incurred in producing the plants, animals and horticultural products described above including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate taxes, but the term shall not include those expenses incurred in providing temporary or permanent buildings used in the production of such plants, animals and horticultural products.

The valuations established for tangible property under the program of statewide reappraisal shall not be applied by any county as a basis for the levy of taxes until expressly authorized to do so by legislative enactment. The provisions of this act shall not be construed to conflict with any other provisions of law relating to the appraisal of tangible property for taxation purposes including the equalization processes of the county and state board of tax appeals.

New Sec. 2. (a) The secretary of revenue shall provide for the development of a comprehensive computer program providing for the processing of such data on tangible property located in this state as deemed necessary for the effective and efficient administration of the appraisal, assessment and equalization laws of the state of Kansas, methods for updating such data on an annual basis, and such other functions as determined necessary for the efficient administration of the property tax laws of this state, including but not limited to the preparation and publishing of annual statistical reports and ratio studies.

(b) There is hereby established an advisory committee to confer with and assist the secretary of revenue in the performance of the duties prescribed in subsection (a). Such committee shall be composed of 10 members to be appointed as follows: Three members shall be appointed by the Kansas association of counties, such members to have expertise in data processing, three members shall be appointed by the Kansas association of county commissioners, three members shall be appointed by the Kansas association and nine members shall be appointed by the secretary of revenue. The director of property valuation shall

appraisals every four years

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Governor. One member will be representative of KACI (Kansas Association of Commerce & Industry) and appointed by the Governor from two nominations submitted by the KACI. One member will be representative of labor and appointed by the Governor from two nominations submitted by the Kansas Federation of Labor. One member will be representative of utilities and appointed by the Governor from two nominations submitted by

One member will be representative of Agriculture and appointed by the Governor from two nominations submitted by The Committee of Kansas Farm organizations. Two additional persons will be appointed by the Governor representing the public. Two members will be appointed by the President of the Senate; two members will be appointed by the Speaker of the House. All terms will be for two years.

Kansas Association of Counties

Serving Kansas Counties

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

Phone 913 233-2271

March 1, 1983

Testimony before Senate
Assessment and Taxation Committee
Regarding Senate Bill 275

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE:

I wish to express to you on behalf of all County Governments, appreciation for being able to provide input and be able to appear before you today on Senate Bill 275.

The Kansas Association of Counties was privileged together with the County Commissioners, County Appraisers and a former County Clerk, now Commissioner, to work in an effort to reach recommendations which, for the most part, have been adapted into SB 275.

Before we ever made our first recommendation, we created certain goals that the counties considered as priorities for the development of a reappraisal plan.

The Concerns of the County in the Working Committee were:

- 1. To assure County Involvement in Reappraisal
- 2. To address a Maintenance Program with Mandatory Compliance Requirements.
- 3. To provide for alternate reappraisal authority in event of non-compliance by County.
- 4. To provide for data gathering and maintenance through computer programs.
- 5. To provide system of compliance and non-compliance.

If it is accepted and agreed that Reappraisal must occur, then, WE SUPPORT SB 275 with ONE RESERVATION.

By Conference Action of the Association on the 16th day of November, 1982, the counties developed what they believed to be common aims and purposes in improving local government. Position Statement found in Paragraph 10 and 11 is quoted:

- "10. STATEWIDE REAPPRAISAL -- We strongly urge counties to continue efforts to maintain property values at an equalized level with state assessed property and generally oppose a reappraisal directed and administered by the State."
- "11. COMPUTERIZED ASSESSMENT ROLLS -- We strongly oppose the installation, usage and control of a centralized state computer system of assessment rolls."

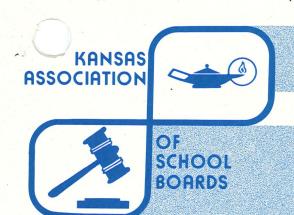
As long as there are communication avenues available and that all options remain open, we are willing to try. Hopefully, New Sec. 2. (b) will provide the means by which a workable system can be developed.

We urge you to consider other options with regard to a centralized computer oriented government. There is fear that counties will loose their courthouses and that a centralized computer is the first step in doing so. Undoubtedly, there will be unforeseen problems and, if they occur, there is no choice but to address them. It appears that SB 275, is the best available means to get on with the task at hand. Your favorable consideration of SB 275 will be appreciated.

If there are any questions, I will be happy to attempt to address them.

Respectfully

Steven R. Wiechman



5401 S. W. 7th Avenue Topeka, Kansas 66606 913-273-3600

Testimony on S.B. 275

Before the
Senate Assessment and Taxation Committee
by
John W. Koepke, Associate Executive Director
Kansas Association of School Boards

March 1, 1983

Mr. Chairman and members of the Committee, we appreciate the opportunity to present the concerns of our member boards of education on the subject of reappraisal. Perhaps no topic causes greater concern among school board members than the specter of an immediate court-ordered reappraisal. We believe that the facts are clear. Present assessment practices in Kansas counties have resulted in tremendous variations in valuations of property, both between classes and within classes of property.

We believe that the success of any tax source depends on taxpayer acceptance of the relative fairness of the tax. Such cannot obviously be said presently of the property tax in Kansas. It is the perception of unfairness, more than any other single factor, which also causes resentment of the school finance formula in our state. If we expect the populace to continue to support adequate funding of public education in Kansas, something must be done to bring fairness or at least perceived fairness to the tax system which provides that funding.

An essential first step in that process is a statewide reappraisal of all property, such as that envisioned by S.B. 275. We are not certain, however, that a court will give us the five years to conduct that reappraisal suggested in

Atch. 5

this bill. Certainly, once those reappraised values have been obtained, some mechanism must be developed to keep those values updated and current. We must resolve never again to allow ourselves to be placed in our present predicament.

Also, our members believe that once we have those reappraised values, some mechanism must be used to mitigate the tremendous tax shifts which would occur between classes of property if those values were used for levying taxes. After studying the issue extensively, our members have expressed overwhelming support for the idea of a constitutional amendment which would classify property values. We hope that this committee will give serious consideration to endorsing such an amendment in conjunction with this reappraisal study.

We believe that this issue is urgent, Mr. Chairman. It has, in our members minds, greater ramifications for the long term future of funding schools than any other single factor. The problems of reappraisal and classification have been studied endlessly. It is time for action. We appreciate the opportunity to express the views of our members.