

Approved 2/21/83
DateMINUTES OF THE SENATE COMMITTEE ON FEDERAL AND STATE AFFAIRSThe meeting was called to order by Edward F. Reilly, Jr. at
Chairperson11:00 a.m./p.m. on February 15, 19⁸³ in room 254-E of the Capitol.All members were present. ~~except:~~Committee staff present:
Fred Carman, Assistant Revisor of Statutes
Russell Mills, Legislative Research
Emalene Correll, Legislative Research
June Windscheffel, Committee Secretary

Conferees appearing before the committee: General Thomas J. Kennedy, Alcoholic Beverage Control

The Chairman recognized Senator Francisco who spoke to the fact that there are times a judge cannot use certain employees, whom he would choose, in the service process due to the fact that the law needs to be amended.

Fred Carman distributed suggested legislation dealing with the service of process and which would amend the law to give more flexibility to the service. (Attachment #1)

Senator Pomeroy moved that the proposed legislation be introduced as a committee bill. 2d by Senator Winter. Motion carried.

Senator Francisco stated that the law now prevents a private investigator from taking a case on a percentage basis, and asked Fred Carman to distribute proposed legislation to change this. (Attachment #2) There was discussion concerning the proposal, but no action was taken.

The Chairman called the committee's attention to SB259 concerning declaring a two-year moratorium in interim committee legislative studies. There was discussion, and the Chairman asked Russell Mills to distribute information which he had compiled concerning the costs of interim studies and statistics concerning interim bills. (Attachment #3) The Chairman asked if the committee were interested in making this a committee bill. No action was taken.

The Chairman stated that during the time of the hearings on the liquor issues that he had asked General Kennedy to get information on the seven inspectors who audit the tax collected on retail sales at private clubs. General Kennedy said that if the retail tax on the liquor were collected at the liquor store that the seven auditors would not be needed and thus the state would save money. General Kennedy said that he will get reports of how much liquor is sold to the private clubs monthly. He asked that he be allowed to do more research and then report to the committee.

Senator Meyers moved that a bill be drafted as a committee bill to replace the 10% club tax with a tax of equal production upon liquor sold by the retailer to private clubs. 2d by Senator Winter. Motion carried.

The Chairman asked Russell Mills to distribute material relating to a state tax on video machines. (Attachment #4). It was suggested that Senator Chaney may already have instigated such a bill. Senator Reilly will check with him.

The Chairman asked if there were interest in sponsoring legislation concerning regulation of state para-military training organizations. It was pointed out that there is a house bill dealing with this subject. No action was taken.

Senator Morris moved that the Minutes of February 14, 1983, be approved. 2d by Senator Meyers. Motion carried.

The meeting was adjourned at 12:00 noon.

SENATE BILL NO. _____

By

AN ACT concerning service of process; amending K.S.A. 1982 Supp. 61-1803 and repealing the existing section.

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

Section 1. K.S.A. 1982 Supp. 61-1803 is hereby amended to read as follows: 61-1803. Service of all process shall be made by a sheriff within the sheriff's county, by the sheriff's deputy or by some person specially appointed by the judge for that purpose, or the agent of the person so appointed, or, in the judge's absence, by the clerk, except that a subpoena may be served as provided in K.S.A. 60-245 and amendments thereto. Special appointments to serve process shall be made freely. A person specially appointed to serve process, or the agent of the person so appointed, may make the service anywhere in or out of the state and shall be allowed the fees prescribed in K.S.A. 28-110 and amendments thereto for the sheriff.

Sec. 2. K.S.A. 1982 Supp. 61-1803 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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PROPOSED BILL NO. _____

By

AN ACT concerning private investigative or security operations; contingent contracts; amending K.S.A. 75-7b08 and repealing the existing section.

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

Section 1. K.S.A. 75-7b08 is hereby amended to read as follows: 75-7b08. (a) Any licensee or officer, director, partner or associate thereof shall divulge to the attorney general, any law enforcement officer or county attorney, or ~~his--or--her~~ a representative thereof, any information ~~he-or-she-may-acquire-as~~ to acquired of any criminal offense, but ~~he-or-she~~ such person shall not divulge to any other person, except as ~~he-or-she-may-be~~ required by law so to do, any information acquired by ~~him-or-her~~ except at the direction of the employer or client for whom the information was obtained.

(b) No licensee or officer, director, partner, associate or employee thereof shall:

(1) Knowingly make any false report to ~~his-or-her~~ such person's employer or client for whom information was being obtained;

(2) cause any written report to be submitted to a client except by the licensee, and the person submitting the report shall exercise diligence in ascertaining whether or not the facts and information in such report are true and correct;

~~(3) Furnish--or--perform--any--services--on-a-contingent-or percentage-basis,--or--make--or--enter--into--any--agreement--for furnishing--services--of--any--kind-or-character,--by--the--terms--or conditions--of--which--agreement--the--compensation--to--be--paid--for such--services--to--the--licensee--is--partially--or--wholly--contingent, or--based--upon--a--percentage--of--the--amount--of--money--or--property~~

Atch. 2

~~recovered, or dependent in any way upon the result achieved.~~

~~(4)~~ (3) use a badge in connection with the activities of the licensee's business;

~~(5)~~ (4) use a title, wear a uniform, use an insignia or an identification card or make any statement with the intent to give an impression that ~~he or she~~ such person is connected in any way with the federal government, a state government or any political subdivision of a state government.

~~(6)~~ (5) use an alias in connection with the activities of the licensee's business;

~~(7)~~ (6) enter any private building or portion thereof without the consent of the owner or of the person in legal possession thereof;

~~(8)~~ (7) appear as an assignee party in any proceeding involving claim and delivery, replevin or other possessory action, action to foreclose a chattel mortgage, mechanic's lien, materialman's lien, or any other liens;

~~(9)~~ (8) permit an unlicensed employee or agent in ~~his or her~~ such employee's or agent's own name to advertise, engage clients, furnish reports or present bills to clients, or in any manner whatever conduct business for which a license is required under this act; and all business of the licensee shall be conducted in the name of and under the control of the licensee;
or

~~(10)~~ (9) manufacture evidence.

Sec. 2. K.S.A. 75-7b08 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

February 15, 1953
Attachment #3

James W. Drury

The
Government
of
Kansas

Revised Edition

*The University Press
of Kansas
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Wichita
London*

AL h. 3

the two houses and subsequently were published in a volume known as the *Compiled Laws of 1862*.

In 1867 the Legislature authorized the Governor to appoint three commissioners to revise and codify the civil and criminal codes of procedure and all state laws of a general nature. The commissioners reported to the next session of the Legislature, which adopted their recommendations. This compilation was entitled the *General Statutes of 1868*. Subsequently in 1876, 1889, 1897, 1899, 1901, 1905, 1909, 1915, 1923, 1935, 1949, and 1963 the statutes have been revised and compiled.¹⁸ The title of the 1963 compilation was changed to *Kansas Statutes Annotated*. The compilation in 1923 was more extensive and was prepared by a legislatively authorized committee and then adopted by the Legislature. Under different auspices and under slightly different titles other compilations were made in 1879 and 1885.

In order to provide for continuous revision of the statutes, the Legislature in 1929 created the office of "revisor"¹⁹ of statutes. Immediately after the close of each regular session, he is required by law to compile, edit, annotate, and index the laws of a permanent nature passed by the Legislature and to add them to the general statutes of the state by means of supplements which are printed each two years. Since 1965 these supplements have been published in the form of inserts to the 1963 revision of the statutes.

Legislative Aids

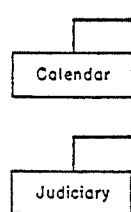
Faced with such a multitude of proposals, bills, and resolutions, the Legislature would almost surely be overwhelmed were it not for the aids which it has established. Foremost among these is the Legislative Council. With at least forty-four states now having such a council, Kansas can be proud of having been the first state to have one. Established by law in 1933 "to prepare a legislative program in the form of bills or otherwise, as in its opinion the welfare of the state may require, to be presented at the next session of the legislature," the Council is a deliberative and investigative body composed of ten Senators appointed by the Lieutenant-Governor and fifteen Representatives appointed by

18. A more extensive list of both official and public collections of the laws is to be found at the end of the supplements to the general statutes.

19. The revisor (so spelled) is apparently more than a reviser.

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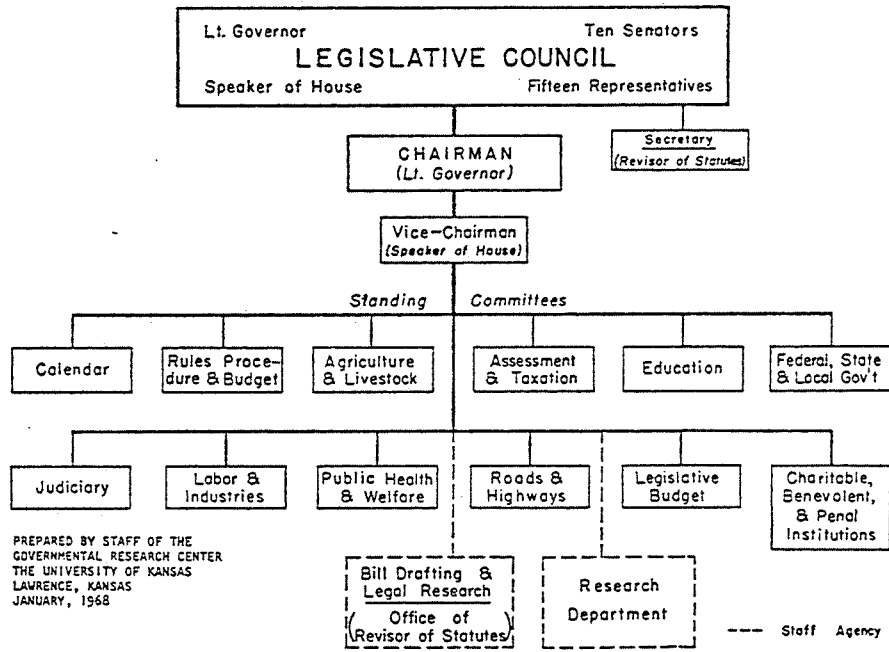
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THE UNIVERSITY OF
LAWRENCE, KANSAS
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the Speaker of the House. Appointments made by these two officers are subject to majority approval of the respective houses. The Lieutenant-Governor is chairman of the Council; the Speaker of the House becomes vice-chairman; and the Revisor of Statutes acts as secretary. - The Council is bipartisan, with each party having membership in proportion generally to its membership in each house of the Legislature. During the first decade of the existence of the Council, no party was allowed to have more than two-thirds of the seats in the Council.²⁰ Practically, this meant that the Democrats in some years got a larger number of seats than their numbers in the Legislature would justify. During some of this time not enough Democrats were elected to allow this requirement to be satisfied. This provision for a maximum on the majority party was dropped in 1943.²¹ In 1967-68, with a membership of 32 per cent of the Senate and 38 per cent of the House, Democrats were given 29 per cent of the seats on the Council.

Organization of Kansas Legislative Council: 1968



20. K.S.A., 46-301.

21. *Session Laws*, 1943, chap. 192.

Between legislative sessions the Legislative Council meets quarterly to consider those matters referred to it by the Legislature and "proposals" by any member of the Legislature.

Much of the Council work is done by the Council committees listed in the organization chart shown on this page. The committees hold hearings at the regular quarterly meetings and at other times between Council meetings upon approval by the Council. The committees make reports to the Council, which in turn makes recommendations to the Legislature.

In addition to these occasional preliminary bulletins, the Council publishes a full report of its findings and recommendations a month before the beginning of each regular legislative session.

The Legislative Council has developed a research staff, responsible for the gathering and compilation of facts and materials. The research staff has demonstrated its usefulness and has earned the respect of the Legislature.²² The availability of the factual reports prepared by the research staff has aided the Council and the Legislature in their consideration of legislation.

Over the years the Council has helped the Legislature resolve many difficult issues. Frequently the Legislature will refer to the Council matters upon which it has been unable to agree. Despite the controversial aspects of some of the Council proposals, a large percentage of its recommendations are enacted into law.²³ If the Council can agree upon a recommendation, the Legislature can probably agree upon the same compromise. This is particularly true because the Council members are normally the veterans of several legislative sessions and tend to be the leaders of the Legislature.

During the course of its existence the "little legislature," as the Council has come to be known, has assumed a very important role in providing leadership for the Legislature and in maintaining continuity of legislative program. This role of the Council is being subjected to study and redefinition and possible change in the next several years

22. Bernard L. Barnard, "The Legislature in Kansas, An Appraisal" (Unpublished Ph.D. thesis: Washington, D.C., American University, 1949), pp. 199-201.

23. For a discussion of the Council and its operation, see Cape and Bay, *An Analysis of the Kansas Legislative Council and Its Research Department* (Lawrence: Governmental Research Center, Univ. of Kansas, 1963).

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because of the annual sessions of the Legislature. With each house now having at least two sessions, it may be that some of the more important committees may hold meetings between sessions, develop their own staffs, and perform functions not too dissimilar to those of the Council.

The staff of the Research Department of the Legislative Council is available for the use of members and committees throughout the legislative session and performs much the same function for the whole Legislature during the sessions as it does throughout the rest of the biennium for the Council.

There are several other devices designed to assist the state lawmakers. Perhaps the most important of these is the office of the Revisor of Statutes, which maintains a confidential bill-drafting service for members of the Legislature. Working under the direction of the legislator, the office writes the bill in proper form, checking it for accuracy and for its relations to existing statutes.

The state library provides both a general and a specialized reference service for the use of legislators. In addition to the standard legal and statutory references, the library maintains an index of all bills submitted in the Legislature since 1909, and during the session it publishes an index of the bills introduced. In addition the library prepares the "Kansas Bill Locator" which shows the actions taken on the various bills.

Either house (or both houses acting together) may ask the Attorney General to submit a legal opinion with regard to legislation under consideration. Private members may also informally request and receive legal advice from him. In helping a legislator draft a bill, the Revisor of Statutes often works together informally with the Attorney General to get an opinion on the legality of a statute while it is yet in the drafting stage.

The Governor in the Law-Making Process

In addition to the veto powers described earlier, the Governor plays an important role in the law-making process. Prior to the opening of each biennial session of the Legislature, each administrative agency of the state is required to submit a report to the Governor accompanied by an enumeration of proposed statutory changes and recommended legislation. These proposals are then grouped into the Governor's "state

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THE REGENTS PRESS OF KANSAS
Lawrence

The Government of Kansas/98

legislatively authorized committee and was then adopted by the legislature. Under different auspices and under slightly different titles, other compilations had been made in 1879 and 1885.

In order to provide for the continuous revision of the statutes, the legislature in 1929 created the office of Revisor of Statutes. Immediately after the close of each session, he is required by law to compile, edit, annotate, and index the laws of a permanent nature passed by the legislature and to add them to the general statutes of the state by means of supplements which are printed each year. Since 1965 these supplements have been published in the form of inserts to the 1963 revision of statutes, and a number of the original volumes have been split so as to form more manageable books.

LEGISLATIVE COORDINATING COUNCIL

Kansas was one of the first states to establish in 1933 a Legislative Council. The council was "to prepare a legislative program in the form of bills or otherwise, as in its opinion the welfare of the state may require, to be presented at the next session of the legislature." The council was a deliberative, investigative body composed of ten senators, appointed by the lieutenant-governor, and fifteen representatives, appointed by the Speaker of the House. The appointees were subject to approval by a majority of the respective houses. The bipartisan council organized itself into ten substantive committees, which held meetings between the regular quarterly meetings of the council. During the early part of the life of the council, the legislature met only once every two years and for a restricted number of days--conditions which made it even more urgent that some study and work be done between sessions of the legislature in preparation for the sessions. The council committees made recommendations to the council, which debated them and forwarded to the legislature those which were approved. While it was

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sometimes referred to as "the little legislature," it never had authority to enact any laws.

In 1971, after review and recommendations by the council, the system that provided for interim legislative activities and for the supervising of legislative staff services was revised. The Legislative Coordinating Council was established as the central management group for the legislature. This new council consists of most of the legislative leaders, ex officio. These are the officials who have been selected by their party caucuses and officially elected by their chambers. They are the Speaker of the House, the president of the Senate, the majority leaders from both houses, the minority leaders from both houses, and the Speaker pro tem. The previous balance between the House and the Senate had recognized the larger membership of the House by allowing fifteen House members but only ten Senators. In the new council, one more place was given to the House than to the Senate; but as a part of the legislative compromise accompanying the passage of the legislation, provision was made that the members of the Coordinating Council from each chamber shall control decisions made on matters pertaining to that chamber. The Speaker of the House and the president of the Senate rotate on a yearly basis as chairman and vice-chairman of the council.

The council appoints the revisor of statutes, the director of the Legislative Research Department, the director of Legislative Administrative Services, and the legislative counsel; the council also approves the budgets for and gives general administrative direction to these legislative staff offices. The council is authorized to speak for the legislature in certain matters between sessions. It approves the budget estimates for the legislature in advance of the session, but the appropriations for the legislature are handled by the Ways and Means committees, much as other budgets are.

At the end of the legislative session the council receives suggestions from members, committees, and lobby groups and official requests from the legislature itself in the form of resolutions

The Government of Kansas/100

requesting studies. The new council has continued the practice of the old council in using the word "proposal" to describe the charges given to committees to study. The council is free to set up as many study proposals and committees as it wants, and it appoints legislators to the committees. Most of the committees will have one- or two-day meetings each month from May through early November. Reports are made by the special committees the legislature; but while they are filed with the Legislative Coordinating Council, they are not reviewed by the council. The bills authorized for prefiling by the committees are assigned by the council to either the Senate or the House for introduction. An effort is made to divide up the work between the two houses and to recognize where the bills may receive the best attention.

The change to the method of operation with special committees has substantially increased the number of legislators who are able to be active between sessions. The interim becomes a time when matters that need longer and more careful study may be considered. Most of the legislators have welcomed the opportunity to take part in the interim activities. One of the major problems, however, is that the special committees are composed of legislators who are not on the standing committees. Thus the standing committees must go over the materials again and hold additional hearings. Increasingly, the leadership has sought to prevent this type of duplication, but given the existence of separate interim committees, there is no easy resolution of this problem.

The council has assumed a leadership role in stimulating and encouraging many legislative changes. The council played an important role in expanding legislative staff services and in obtaining more space in the statehouse for legislative use. It planned and directed the renovation of House and Senate chambers. Sometimes it is not easy to know in which capacity the individual legislative leaders are acting; nevertheless, the council has been an important device for bringing the top legislative leaders together, and it has helped to further many of the legislative reforms which resulted in the Kansas Legislature's

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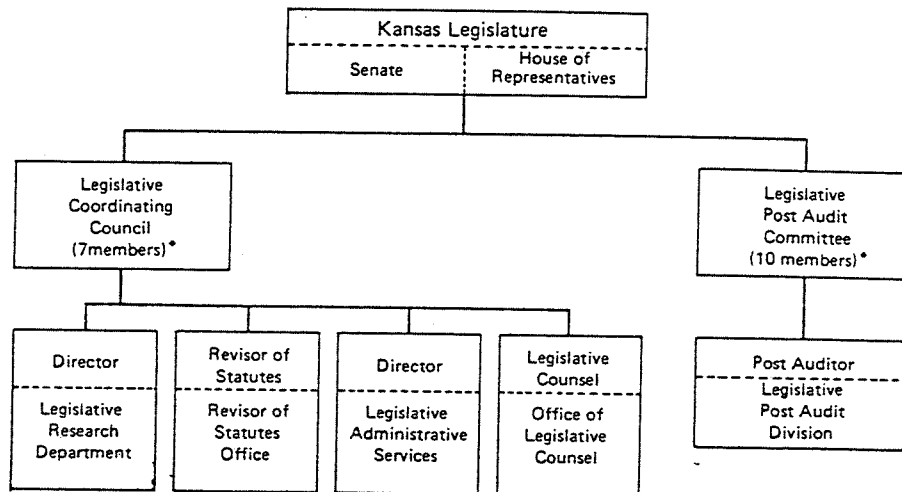
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being recognized in 1976 by Legis 50 for the Legislative Improvement Award.

Figure 5.2
Organization of Legislative Staff Agencies in Kansas



*Includes the president of the Senate, the Speaker of the House, the Speaker pro tem, and minority leaders of the Senate and the House.

Source: Harder, Marvin A., and Davis, Raymond G., 1979, The Legislature as an Organization, A Study of the Kansas Legislature, The Regents Press of Kansas, Lawrence, KS., p. 22.

LEGISLATIVE STAFF SERVICES

The Legislative Research Department

The Legislative Research Department, which was created in 1934 has long provided various staff services for the individual legislators and for committees of the legislature and of the Legislative Council. The department staff prepares studies for special committees, the standing committees, and individual legislators. It operates as a nonpartisan fact-finding agency to assist legislators in learning what other states are doing and in exploring various of the policy alternatives which arise in enacting laws. Extensive reports are made to each session of the legislature. Drafts of prefiled bills accompany the reports, which normally give in detail the

MEMORANDUM

Kansas Legislative Research Department

June 8, 1982

RESULTS OF 1981 INTERIM WORK

Eighty-eight recommendations were made by the 1981 interim committees.* There were 50 committee bills or concurrent resolutions, 29 recommendations for positive legislative, administrative, or other action not accompanied by an interim committee bill, and 9 recommendations that no new legislation be enacted or no change be made in current law.

The staff of the Legislative Research Department has analyzed the action of the 1982 Legislature on the work of the 1981 interim committees. In doing so, it was necessary to judge whether specific legislation actually carried out the recommendations of an interim committee, i.e., identically, substantially, mostly, or conversely. Also, the staff had to determine if recommendations were implemented by legislation other than that introduced by the interim committees or by other means.

Following is a summary of the staff's analysis, divided into three parts: interim committee bills and concurrent resolutions enacted; bills and concurrent resolutions not enacted; and disposition of other recommendations or matters worked on by interim committees. In addition, action on bills and concurrent resolutions proposed by the Joint Committee on Administrative Rules and Regulations is reported separately at the end of this memorandum.

* Includes 12 committees created by the Legislative Coordinating Council, the Legislative Budget Committee, the Legislative Educational Planning Committee, and the School Finance Task Force.

Interim Bills and Resolutions Enacted*

| | |
|--|----------|
| Identically as recommended | 11 |
| Substantially as recommended | 12 |
| With major amendments, but principal objective carried out | 7 |
| Substantially different from recommendation | <u>3</u> |
| | 33 |

* Includes recommendations implemented in legislation other than that specifically proposed by interim committee.

Interim Bills and Resolutions Not Enacted

| | |
|-------------------------------------|----------|
| Killed by first standing committee | 6 |
| Killed by first house | 3 |
| Killed by second standing committee | 3 |
| Killed by second house | <u>3</u> |
| | 15 |

Other Recommendations

| | |
|---|----------|
| Legislation should not be enacted and none was in 1982 | 9 |
| No interim committee bill, but principal objective of a positive recommendation was carried out by legislation enacted or by administrative or other action | 14 |
| No interim bill, but recommendation partially carried out by legislation enacted or other action | 7 |
| Interim bill, but the 1981 interim committee recommended that bill be studied during the 1982 interim which is being done | 2 |
| Specific action recommended, but none taken | <u>8</u> |
| | 40 |

Summary

Of the 88 recommendations, 55 or 63 percent* were adopted by the 1982 Legislature or were otherwise implemented. This includes 23 bills which were enacted identically or substantially as proposed, 7 bills which carried out the principal objective of the recommendation although there were major amendments, and 25 other recommendations which were followed by one means or another. In addition, 7 recommendations were carried out only partially by legislative or other action.

* For comparison, 65 percent of interim committee recommendations were adopted in 1981, 56 percent in 1980, 63 percent in 1979, and 71 percent in 1978.

Administrative Rules and Regulations

In addition to the reports and recommendations of the 1981 interim committees, the permanent Joint Committee on Administrative Rules and Regulations recommended that the 1982 Legislature enact or adopt 55 bills or concurrent resolutions. Of these, 22 were enacted or adopted (12 identically as proposed, 4 substantially as recommended, 5 with major amendments, and 1 significantly different than recommended); 32 were killed (the substance of one of these was enacted in 1981) and 1 was vetoed. Some of the recommendations enacted or adopted were in legislation other than that specifically proposed by the Joint Committee.

MEMORANDUM

Kansas Legislative Research Department

May 18, 1981

RESULTS OF 1980 INTERIM WORK

Forty-eight recommendations were made by the 1980 interim committees.* There were 28 committee bills or concurrent resolutions, 13 recommendations for positive legislative or administrative action not accompanied by an interim committee bill, and 7 recommendations that no new legislation be enacted or no change be made in current law.

The staff of the Legislative Research Department has analyzed the action of the 1981 Legislature on the work of the 1980 interim committees. In doing so, it was necessary to judge whether or not specific legislation actually carried out the recommendations of an interim committee, i.e., identically, substantially, mostly, or conversely. Also, the staff had to determine if recommendations were implemented by legislation other than that introduced by the interim committees or by other means.

Following is a summary of the staff's analysis, divided into three parts: interim committee bills and concurrent resolutions enacted; bills and concurrent resolutions not enacted; and disposition of other recommendations or matters worked on by interim committees. In addition, action on bills and concurrent resolutions proposed by the Joint Committee on Administrative Rules and Regulations is reported separately at the end of this memorandum.

* Includes eight committees created by the Legislative Coordinating Council, the Legislative Budget Committee, and the Legislative Educational Planning Committee (1202 Commission).

Interim Bills and Resolutions Enacted*

| | |
|--|----------|
| Identically as recommended | 3 |
| Substantially as recommended | 9 |
| With major amendments, but principal objective carried out | 6 |
| Substantially different from recommendation | <u>0</u> |
| | 18 |

* Includes recommendations implemented in legislation other than that specifically proposed by interim committee.

Interim Bills and Resolutions Not Enacted

| | |
|-------------------------------------|----------|
| Killed by first standing committee | 2 |
| Killed by first house | 0 |
| Killed by second standing committee | 0 |
| Killed by second house | 0 |
| Carried Over to 1982 Session | <u>8</u> |
| | 10 |

Other Recommendations

| | |
|---|----------|
| Legislation should not be enacted and none was in 1981 | 7 |
| No interim committee bill, but principal objective of a positive recommendation was carried out by legislation enacted or by administrative or other action | 6 |
| No interim bill, but recommendation partially carried out by legislation enacted | 2 |
| No interim bill, but recommended that bill be introduced, which was and carried over | 1 |
| Specific action recommended, but none taken in 1981 Session | <u>4</u> |
| | 20 |

Summary

Of the 48 recommendations, 31 or 65 percent* were adopted by the 1981 Legislature or were otherwise implemented. This includes 12 bills which were enacted identically or substantially as proposed, 6 bills which carried out the principal objective of the recommendation although there were major amendments, and 13 other recommendations which were followed by one means or another. In addition, 2 recommendations were carried out only partially by legislative action.

Only two of the interim committee bills were killed in 1981. Eight interim committee bills and one bill introduced to implement a recommendation were carried over to the 1982 Session. Two of the most significant interim committee bills, relating to school finance and highway finance, were not enacted in 1981 but were carried over.

* For comparison, 56 percent of interim committee recommendations were adopted in 1980, 63 percent in 1979, and 71 percent in 1978.

Administrative Rules and Regulations

In addition to the reports and recommendations of the 1980 interim committees, the permanent Joint Committee on Administrative Rules and Regulations recommended that the 1981 Legislature enact or adopt 32 bills or concurrent resolutions. Of these, 17 were enacted or adopted (8 identically as proposed, 7 substantially as recommended, and 2 significantly different than recommended); 4 were killed; and 11 were held over until the 1982 Session. Parts or all of 3 of the 11 measures held over were implemented in other legislation enacted in 1981.

MEMORANDUM

Kansas Legislative Research Department

May 27, 1980

RESULTS OF 1979 INTERIM WORK

One hundred and seventeen recommendations were made by the 1979 interim committees.* There were 75 committee bills or concurrent resolutions, 31 recommendations for positive legislative or administrative action not accompanied by an interim committee bill, and 11 recommendations that no new legislation be enacted or no change be made in current law.

The staff of the Legislative Research Department has analyzed the action of the 1980 Legislature on the work of the 1979 interim committees. In doing so, it was necessary to judge whether or not specific legislation actually carried out the recommendations of an interim committee, i.e., identically, substantially, mostly, or conversely. Also, the staff had to determine if recommendations were implemented by legislation other than that introduced by the interim committees or by other means.

Following is a summary of the staff's analysis, divided into three parts: interim committee bills and concurrent resolutions enacted; bills and concurrent resolutions not enacted; and disposition of other recommendations or matters worked on by interim committees. In addition, action on bills and concurrent resolutions proposed by the Joint Committee on Administrative Rules and Regulations is reported separately at the end of this memorandum.

* Includes 15 committees created by the Legislative Coordinating Council, the Legislative Budget Committee, and the Legislative Educational Planning Committee (1202 Commission).

Interim Bills and Resolutions Enacted*

| | |
|--|----------|
| Identically as recommended | 15 |
| Substantially as recommended | 13 |
| With major amendments, but principal objective carried out | 8 |
| Substantially different from recommendation | <u>3</u> |
| | 39 |

* Includes recommendations implemented in legislation other than that specifically proposed by interim committee.

Interim Bills and Resolutions Not Enacted

| | |
|-------------------------------------|----------|
| Killed by first standing committee | 15 |
| Killed by first house | 6 |
| Killed by second standing committee | 2 |
| Killed by second house | 4 |
| Died in conference committee | <u>9</u> |
| | 36 |

Other Recommendations

| | |
|---|-----------------|
| Legislation should not be enacted and none was | 11 ^a |
| No interim committee bill, but principal objective of a positive recommendation was carried out by legislation enacted or by administrative or other action | 18 ^a |
| Legislative action recommended, but none taken or adverse action | <u>13</u> |
| | 42 |

a) Includes one bill that was vetoed.

Summary

Of the 117 recommendations, 65, or 56 percent were adopted by the 1980 Legislature or were otherwise implemented. This includes 28 bills which were enacted identically or substantially as proposed, 8 bills which carried out the principal objective of the recommendation although there were major amendments, and 29 other recommendations which were followed by one means or another.

Administrative Rules and Regulations

In addition to the reports and recommendations of the 1979 interim committees, the permanent Joint Committee on Administrative Rules and Regulations recommended that the 1980 Legislature enact or adopt 27 bills or concurrent resolutions. Of these, 15 were enacted or adopted: 11 identically as proposed (one was vetoed), 2 substantially as recommended, and 2 significantly different than recommended.

MEMORANDUM

Kansas Legislative Research Department

May 15, 1979

RESULTS OF 1978 INTERIM WORK

Eighty recommendations were made to the 1979 Legislature by 1978 interim committees.* There were 51 bills or concurrent resolutions, 22 recommendations for positive legislative or administrative action not accompanied by an interim committee bill, and seven recommendations that no new legislation be enacted or no change be made in current law.

The staff of the Legislative Research Department has analyzed the action of the 1979 Legislature on the work of the 1978 interim committees. In doing so, it was necessary to judge whether or not specific legislation actually carried out the recommendations of an interim committee, i.e., identically, substantially, mostly, or conversely. Also, the staff had to determine if recommendations were implemented in legislation other than that introduced by the interim committees.

Following is a summary of the staff's analysis, divided into three parts: interim committee bills and concurrent resolutions enacted; bills and concurrent resolutions not enacted; and disposition of other recommendations or matters worked on by interim committees. In addition, action on bills and concurrent resolutions proposed by the Joint Committee on Administrative Rules and Regulations is reported separately at the end of this memorandum.

* Includes ten special committees created by the Legislative Coordinating Council, the Legislative Budget Committee, and the Legislative Educational Planning Committee (1202 Commission).

Interim Bills and Resolutions Enacted*

| | |
|--|----------------|
| Identically as recommended | 3 |
| Substantially as recommended | 17 |
| With major amendments, but principal objective carried out | 6 ^a |
| Substantially different from recommendation | 3 |
| | <u>29</u> |

* Includes recommendations implemented in legislation other than that specifically proposed by interim committee.

a) Includes one bill vetoed by the Governor.

Interim Bills and Resolutions Not Enacted

| | |
|-------------------------------------|-----------|
| Killed by first standing committee | 5 |
| Killed by first house | 2 |
| Killed by second standing committee | 1 |
| Killed by second house | 2 |
| Carried over to the 1980 session | <u>12</u> |
| | <u>22</u> |

Other Recommendations

| | |
|--|-----------|
| Legislation should not be enacted and none was | 7 |
| No interim committee bill, but principal objective of a positive recommendation was carried out by legislation enacted or by administrative action | 17 |
| Legislative action recommended, but none taken | <u>5</u> |
| | <u>29</u> |

Summary

Of the 80 recommendations, 50, or 63 percent, were adopted by the 1979 Legislature or were otherwise implemented. This includes 20 bills which were enacted identically or substantially as proposed, 6 bills which carried out the principal objective of the recommendation although there were major amendments, and 24 other recommendations which were followed by one means or another. Twelve of the 51 interim committee bills and resolutions were carried over to the 1980 session and some of them could be enacted next year.

Three 1978 studies are not included above because the interim committees submitted informational reports and did not make any substantive recommendations. These studies related to energy activities of state agencies, law enforcement training, and public assistance (welfare) cash grants and shelter allowances. As to the latter, information developed during the interim served as a basis for executive and legislative

consideration of increasing the cash grants and revising the shelter allowances, both of which were funded by the 1979 Legislature.

Other examples of significant legislation enacted in 1979 that was proposed or studied by interim committees are: the Tort Claims Act, increased state funding of special education, exclusive franchising of liquor wholesalers, permanent facility for the Wichita branch of the KU School of Medicine and additional faculty positions, statutory changes and expansion of programs relating to juveniles, and restriction of the growth of state expenditures (vetoed).

Two of the more publicized interim recommendations which were not adopted in 1979 related to reappraisal of property and revision of the local property tax lid law. Both of these matters were carried over to the 1980 session.

Administrative Rules and Regulations

In addition to the reports and recommendations of the 1978 interim committees, the permanent Joint Committee on Administrative Rules and Regulations recommended that the 1979 Legislature enact or adopt 29 bills or concurrent resolutions. Of these, 14 were enacted or adopted: 10 identically as proposed and 4 substantially as recommended, but one of the 10 was vetoed.

Eight of the 29 measures were killed and seven were carried over to the 1980 session.

MEMORANDUM

Kansas Legislative Research Department

May 11, 1978

RESULTS OF 1977 INTERIM COMMITTEE WORK

The staff of the Legislative Research Department has analyzed the action of the 1978 Legislature on the work of the 1977 interim committees. In doing so, it was necessary to judge whether or not specific legislation actually carried out the recommendations of an interim committee, i.e., identically, substantially, mostly, or conversely. Also, the staff had to determine if recommendations were implemented in legislation other than that introduced by the interim committees.

Following is a summary of the staff's analysis, divided into four parts: interim committee bills and concurrent resolutions enacted; bills and concurrent resolutions not enacted; disposition of other recommendations or matters worked on by interim committees; and action on bills and concurrent resolutions proposed by the Joint Committee on Administrative Rules and Regulations.

Interim Bills and Resolutions Enacted*

| | |
|--|-----------------|
| Identically as recommended | 19 |
| Substantially as recommended | 36 ^a |
| With major amendments, but carried out most of the recommendations | 26 ^b |
| Substantially different from recommendation | 1 |
| Total | 82 |

* Includes recommendations implemented in legislation other than that specifically proposed by an interim committee.

a) Includes one bill vetoed by the Governor.

b) Includes the presidential primary bill, which was drafted by an interim committee for introduction without recommendation.

Interim Bills and Resolutions Not Enacted

| | |
|-------------------------------------|----|
| Killed by first standing committee | 13 |
| Killed by first house | 7 |
| Killed by second standing committee | 6 |
| Killed by second house | 2 |
| Died in conference committee | 1 |
| Total | 29 |

Other Recommendations and Matters

| | |
|--|-----------|
| Legislation should not be enacted and none was | 3 |
| After interim study, recommended that certain carry-over bills be killed and they were | 7 |
| No bill drafted during interim, but recommendation generally implemented by bill enacted or executive order or administrative action | 10 |
| Legislation enacted contrary to interim committee recommendation | 3 |
| Legislation was recommended, but no bill was introduced or no bill was enacted | 3 |
| Tie vote in an interim committee resulted in no interim bills, but bills were enacted on the subjects of study | 2 |
| 1977 interim committee recommended further study during the 1978 interim, but not approved by LCC | 4 |
| Total | <u>32</u> |

Summary

Of 143 recommendations or matters considered by the 1977 interim committees (excluding Administrative Rules and Regulations), 101, nearly 71 percent, were adopted by the 1978 Legislature or were otherwise implemented. This includes 55 bills or resolutions which were enacted identically or substantially as proposed, 26 bills which carried out most of the recommendations even though there were major amendments, and 20 recommendations that were followed by one means or another.

A mere tally of what happened to all of the interim committee recommendations does not, of course, reveal the results of work on the more substantive policy issues considered during the 1977 interim. Following are illustrations of legislation enacted in 1978 that was proposed or studied by interim committees: the new corrections program; significant changes in the state personnel system; abolition of mandatory retirement for most state employees; revision of the school finance law; revision of the income and inheritance tax laws; adoption of the presidential primary; increased aid to cities for highway connecting links and a new state revenue sharing system for counties and cities; state assumption of non-judicial court personnel costs; increased compensation for judges; juvenile code revision; new procedures for treatment of mentally ill persons; medical student financial aid designed to retain graduates in Kansas; substantial changes relating to state building construction procedures; revision of laws concerning water resources; various provisions to assist the physically handicapped; and abolition of the state census of population.

Probably the most publicized recommendations of 1977 interim committees not enacted in 1978 related to use-value appraisal of agricultural land; initiating constitutional amendments by the electorate; and revision of the laws pertaining to governmental ethics and campaign finance.

Administrative Rules and Regulations

Of 28 bills or concurrent resolutions recommended by the Joint Committee, 20 were enacted or adopted: 11 identically as proposed, 7 substantially as recommended (one was vetoed), and 2 with major amendments (one was vetoed). Four measures were killed by the first standing committee, one by the first house, and three by the second standing committee.

1980 INTERIM COMMITTEES

| <u>SPECIAL COMMITTEES</u> | <u>NO.OF MTGS.</u> | <u>NO.OF MBRs.</u> | <u>NO.OF MTG. DAYS</u> | <u>ATTD. PR-AB</u> | <u>MAN DAYS+</u> | <u>\$ MILEAGE</u> | <u>\$ REGULAR *SUBSIST.</u> | <u>\$ TRAVEL DAYS</u> | <u>\$ VOUCHER TOTAL</u> | <u>\$ *PER DIEM</u> | <u>\$ TOTALS</u> | <u>\$ SPECIAL</u> |
|-----------------------------|------------------------|------------------------|--------------------------------|------------------------|----------------------|-----------------------|-------------------------------------|-------------------------------|---------------------------------|-----------------------------|----------------------|-----------------------|
| ADMN. RULES & REGULATIONS | 12 | 12 | 27 | 292-33 | 325 | 6,779.52 | 12,848.00 | 4,268.00 | 23,895.52 | 10,220.00 | 34,115.52 | |
| ST. BOARD OF ADMN. R & R | 12 | 2 | 13 | 23-3 | 26 | 126.00 | 1,012.00 | 88.00 | 1,226.00 | 805.00 | 2,031.00 | |
| ASSESSMENT & TAXATION | 7 | 13 | 13 | 160-10 | 169+1 | 3,901.04 | 7,040.00 | 1,892.00 | 12,833.04 | 5,600.00 | 18,433.04 | |
| SP. CLAIMS AGAINST STATE | 5 | 12 | 10 | 101-20 | 120+1 | 2,337.56 | 4,444.00 | 1,320.00 | 8,101.56 | 3,535.00 | 11,636.56 | |
| COMMERCIAL & FINANCIAL | 5 | 9 | 9 | 80-4 | 81+3 | 1,765.12 | 3,520.00 | 968.00 | 6,253.12 | 2,800.00 | 9,053.12 | |
| EDUCATION | 7 | 11 | 11 | 112-9 | 121 | 3,155.91 | 4,928.00 | 924.00 | 9,007.91 | 3,920.00 | 12,927.91 | |
| FED. & STATE AFFAIRS | 5 | 11 | 8 | 78-11 | 88+1 | 1,835.92 | 3,432.00 | 528.00 | 5,795.92 | 2,730.00 | 8,525.92 | |
| JUDICIARY | 6 | 11 | 8 | 69-19 | 88 | 2,185.61 | 3,036.00 | 660.00 | 5,881.61 | 2,415.00 | 8,296.61 | |
| SCHOOL FINANCE | 7 | 19 | 13 | 227-22 | 247+2 | 5,935.26 | 9,988.00 | 1,760.00 | 17,683.26 | 7,945.00 | 25,628.26 | |
| STATE BUILDING CONSTRUCTION | 7 | 6 | 14 | 63-21 | 84 | 1,435.32 | 2,772.00 | 528.00 | 4,735.32 | 2,205.00 | 6,940.32 | |
| TRANSPORTATION | 5 | 15 | 10 | 141-14 | 152+3 | 4,342.00 | 6,204.00 | 1,672.00 | 12,218.00 | 4,935.00 | 17,153.00 | 772.71 |
| WAYS & MEANS | 3 | 11 | 5 | 49-6 | 55 | 1,555.24 | 2,156.00 | 352.00 | 4,063.24 | 1,715.00 | 5,778.24 | |
| LEGISLATIVE BUDGET | 2 | 7 | 2 | 12-2 | 14 | 458.66 | 528.00 | 44.00 | 1,030.66 | 420.00 | 1,450.66 | |
| SRS STUDY COMMISSION | 5 | 6 | 7 | 33-9 | 42 | 1,111.50 | 1,452.00 | 264.00 | 2,827.50 | 1,155.00 | 3,982.50 | |
| TOTALS | 88 | 145 | 150 | 1440-183 | 1612+11 | 36,924.66 | 63,360.00 | 15,268.00 | 115,552.66 | 50,400.00 | 165,952.66 | 772.71 |
| LCC (Agency 422) | 8 | 7 | 8 | 48-8 | 56 | 1,642.14 | 2,112.00 | 352.00 | 4,106.14 | 1,680.00 | 5,786.14 | |

* Per Diem at \$35.00 Subsistence at \$44.00
+ Planning Days

1981
1982 INTERIM COMMITTEES

| <u>SPECIAL COMMITTEES</u> | <u>NO. OF MTGS.</u> | <u>NO. OF MBRS.</u> | <u>NO. OF MTG. DAYS</u> | <u>ATTD. PR-AB</u> | <u>MAN DAYS+</u> | <u>\$ MILEAGE</u> | <u>\$ REGULAR SUBSIST.</u> | <u>\$ TRAVEL DAYS</u> | <u>\$ VOUCHER TOTAL</u> | <u>\$ *PER DIEM</u> | <u>\$ TOTALS</u> | <u>\$ SPECIAL</u> |
|----------------------------|-------------------------|-------------------------|---------------------------------|------------------------|----------------------|-----------------------|------------------------------------|-------------------------------|---------------------------------|-----------------------------|----------------------|-----------------------|
| ADMIN. RULES & REGULATIONS | 13 | 12 | 27 | 293-31 | 324+1 | 7,280.15 | 14,650.00 | 3,300.00 | 25,230.15 | 12,174.00 | 37,404.15 | |
| STATE BD, ADMN. R & R | 11 | 2 | 11 | 18-4 | 22 | 282.10 | 900.00 | -- | 1,182.10 | 748.00 | 1,930.10 | |
| AGRICULTURE & LIVESTOCK | 5 | 12 | 9 | 100-8 | 108 | 2,975.72 | 5,000.00 | 650.00 | 8,625.72 | 4,200.00 | 12,825.72 | 561.67 |
| ASSESSMENT & TAXATION | 8 | 17 | 15 | 239-16 | 255 | 8,408.86 | 11,950.00 | 3,900.00 | 24,258.86 | 9,978.00 | 34,236.86 | |
| CLAIMS AGAINST THE STATE | 3 | 12 | 3 | 58-14 | 72 | 1,216.43 | 2,900.00 | 500.00 | 4,616.43 | 2,394.00 | 7,010.43 | |
| CONFIRMATIONS | 5 | 10 | 9 | 44-26 | 90 | 1,292.02 | 2,200.00 | 400.00 | 3,892.02 | 1,840.00 | 5,732.02 | |
| EDUCATION | 6 | 12 | 11 | 119-13 | 132 | 3,515.20 | 5,950.00 | 1,300.00 | 10,765.20 | 4,982.00 | 15,747.20 | |
| ENERGY & NAT. RESOURCES | 6 | 16 | 10 | 135-26 | 160+1 | 5,083.73 | 6,750.00 | 2,200.00 | 14,033.73 | 5,650.00 | 19,683.73 | |
| FEDERAL & STATE AFFAIRS | 8 | 12 | 11 | 92-40 | 132 | 4,674.69 | 4,600.00 | 2,450.00 | 11,724.69 | 3,846.00 | 15,570.69 | |
| JUDICIARY | 7 | 12 | 11 | 114-18 | 132 | 1,773.04 | 5,700.00 | 550.00 | 8,023.04 | 4,764.00 | 12,787.04 | |
| LEGISLATIVE BUDGET | 4 | 7 | 4 | 21-7 | 28 | 912.34 | 1,050.00 | 300.00 | 2,262.34 | 882.00 | 3,144.34 | |
| LOCAL GOVERNMENT | 5 | 12 | 8 | 89-10 | 96+3 | 1,837.68 | 4,450.00 | 300.00 | 6,587.68 | 3,732.00 | 10,319.68 | |
| PENSIONS & INVESTMENTS | 4 | 12 | 6 | 59-13 | 72 | 2,416.52 | 2,950.00 | 1,100.00 | 6,466.52 | 2,478.00 | 8,944.52 | |
| PUBLIC HEALTH & WELFARE | 9 | 12 | 16 | 172-21 | 192+1 | 5,956.28 | 8,600.00 | 3,150.00 | 17,706.28 | 7,222.00 | 24,928.28 | 1,115.72 |
| STATE BLDG. CONSTRUCTION | 8 | 6 | 16 | 79-17 | 96 | 3,102.47 | 3,950.00 | 1,200.00 | 8,252.47 | 3,274.00 | 11,526.47 | |
| SCHOOL FINANCE | 7 | 12 | 12 | 140-11 | 144+7 | 4,111.36 | 7,000.00 | 1,550.00 | 12,661.36 | 5,876.00 | 18,537.36 | |
| TRANSPORTATION | 8 | 12 | 15 | 160-22 | 180+2 | 5,864.39 | 8,000.00 | 3,000.00 | 16,864.39 | 6,694.00 | 23,558.39 | |
| WAYS & MEANS | 6 | 16 | 12 | 177-26 | 192 | 4,301.54 | 8,300.00 | 1,550.00 | 14,151.54 | 6,920.00 | 21,071.54 | |
| SRS STUDY COMMISSION | 8 | 6 | 16 | 94-2 | 96 | 3,631.34 | 4,700.00 | 1,100.00 | 9,431.34 | 3,900.00 | 13,331.34 | |
| SRS BOARD MEMBERS | 8 | 3 | 16 | 25-7 | <48-16 | 900.64 | 970.00 | --- | 1,870.64 | 875.00 | 2,745.64 | |
| TOTALS | 139 | 215 | 238 | 2217-332 | 2571+15 | 69,536.50 | 110,570.00 | 28,500.00 | 208,606.50 | 92,429.00 | 301,035.50 | |
| LCC (Agency 422) | 6 | 7 | 6 | 37-5 | 42 | 1,266.24 | 1,600.00 | 650.00 | 3,866.24 | 1,526.00 | 5,392.24 | 1,276.63 |
| W & M Biennial Tour | 1 | 21 | 5 | 87-18 | 105 | 1,235.08 | 4,350.00 | 450.00 | 6,035.08 | 3,654.00 | 9,689.08 | |

+ Planning Meetings

* Per Diem at \$40.00 & \$42.00

< Per Diem at \$35.00 for Board Members - 1 member not eligible for Per Diem

February 15, 1983
Attachment #4

KANSAS LEGISLATIVE RESEARCH DEPARTMENT

Room 545-N - State House

Phone 296-3181

Date January 19, 1983

TO: SENATOR ED REILLY Office No. 255-E
RE: COIN-OPERATED AMUSEMENT DEVICES

You asked our office for material relating to a state tax on video machines, and your request was relayed to me for a response.

Sales Tax

The gross receipts from coin-operated video games are subject to state and local sales tax, as explained more fully in Attachment 1. A common misconception is that such games are untaxed because there is "no slot for the penny." There presently is no credible estimate of the amount of sales taxes collected from such machines.

Local Licensing

According to the League of Kansas Municipalities, several cities now license coin-operated amusement devices, including pool tables, pinball machines, video games, etc. License fees seem to average \$25 per game, but there is considerable variation and some cities charge a variable rate depending on the number of games in a given location. Attachment 2 is comprised of ordinances of several cities imposing a "license fee" of \$15 to \$300 per device. Some cities also impose fees of \$100 to \$200 on "arcades" (where in excess of three or four devices are located) and on distributors. Obviously, the motivation of these licenses may be defraying some of the inspection and regulation costs, attempting prohibition, or revenue raising. Each of these motivations is separately discussed below.

License Fees or Taxes?

License fees are a product of the regulatory or police power. As such, they must bear some relation to the cost of regulating the activity, although they need not be precisely identical. Taxes, on the other hand, spring

Attch. 4

from the taxing power and are imposed for revenue purposes. In Kansas, cities must follow the procedures specified by K.S.A. 1982 Supp. 12-137 to levy a home rule tax, including a two-thirds vote and subject to a protest petition.

A city-imposed tax could not be a gross receipts tax, however, since K.S.A. 1982 Supp. 12-194 prohibits any such tax other than a local sales tax. The League of Kansas Municipalities at its annual conference held in September, 1982, has adopted a policy position favoring the removal of the prohibition against use of sales, gross receipts, or income as a base for city taxes and specifically for taxes on coin-operated amusement devices (Attachment 3).


Potential Tax Base

According to the licensing office, Topeka has 1,370 licensed coin-operated amusement devices. There were some businesses temporarily closed and considerable publicity last fall when the license fee was imposed in Topeka, so most such devices in Topeka are probably licensed. Assuming the same number of games per capita in all cities, Kansas would have about 20,000. However, Topeka's per capita figure exceeds the games per capita in two smaller cities that I checked -- Clay Center and Onaga. There is no way of knowing how many games are located outside of cities.

Based on the above, I estimate that there are between 15,000 and 25,000 coin-operated amusement devices in Kansas. Of these, approximately 10,000-15,000 are video games. They would be a significant source of new revenue only at fairly high tax rates. For example, a tax of \$100 per video game would raise approximately \$1 million, and the same rate applied to all coin-operated amusement devices would raise approximately \$2 million.

Assuming that an average device gross \$1,000 per year, a gross receipts or excise tax would yield roughly \$200,000 for each percentage point. On this assumption, the sales tax would be \$600,000 annually. Half or more of these amounts would be from video games.

I hope this information is useful to you. If you have further questions, contact me.



Thomas A. Severn
Principal Analyst