

Approved Saturday, April 27, 1991  
Date

MINUTES OF THE Senate COMMITTEE ON Assessment and Taxation

The meeting was called to order by Senator Dan Thiessen at  
Chairperson

11:00 a.m. on Monday, March 11, 1991 in room 519-S of the Capitol.

All members were present except:

Committee staff present:

Don Hayward, Assistant Revisor  
Bill Edds, Assistant Revisor  
Tom Severn, Research Department  
Chris Courtwright, Research Department  
Marion Anzek, Committee Secretary

Conferees appearing before the committee:

Mark Burghart, General Legal Counsel, Kansas Department of Revenue

Chairman Dan Thiessen called the meeting to order at 11:08 a.m. and he told the members they have several bills to look at today, and he said he had a list of bills he would ask to be blessed, SB192, SB165, SB43, SB10, SB305, and he said he would like to hold SB188 for interim study. He said SB188 is the changes in the inheritance tax laws.

The Chairman said he now has the Department of Revenue bills, that were not ready last Friday and he asked Mark Burghart, Property Valuation Department, Department of Revenue if they were ready. Mark Burghart said yes, they were ready.

The Chairman said he has some bills that he wants to get up for discussion and action, and he said they are SB319, the military income tax time extension, SB321, the transient guest tax, SB339 lower interest rate on delinquent taxes and SB167 proration for destroyed property.

The Chairman said he would start with the Department of Revenue bills and asked Mark Burghart to brief the committee on SB212.

Mark Burghart said there are (5) bills the Department has and he said SB212, SB213 and SB214, we don't have any changes, but he said SB215 and SB216 have a couple of proposed changes.

Chairman Thiessen turned attention to SB212.

SB212:AN ACT concerning transient guest tax; relating to the due date of returns and penalties for the late filing thereof.

After committee discussion on SB212

Senator Phil Martin moved to favorably pass SB212, 2nd by Senator Janis Lee. The motion carried.

SB213:AN ACT relating to sales taxation; concerning duties of retailers.

After committee discussion on SB213.

Senator Phil Martin moved to favorably pass SB213, 2nd by Senator Audrey Langworthy. The motion carried.

SB214:AN ACT concerning the taxation of marijuana and controlled substances, requiring a hearing in accordance with the Kansas administrative procedure act.

After committee discussion on SB214.

Senator Fred Kerr moved to favorably pass SB214, 2nd by Senator Audrey Langworthy. The motion carried.

SB215:AN ACT relating to withholding and estimated tax; altering the method by which penalties are computed, making certain

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individuals responsible for the payment of taxes.

After committee discussion on SB215.

Senator Janis Lee said there was an amendment needed on SB215 proposed by Jay Kretzmeier of Iola, KS on February 26, 1991.

Don Hayward, said that amendment was on page 3, line 2 of SB215 by striking all after the word "year" and on line 3 by striking all before the word "and".

Senator Janis Lee moved to adopt the amendments proposed by Jay Kretzmeier, 2nd by Senator Audrey Langworthy. The motion carried.

Senator Janis Lee moved to favorably pass SB215 as amended, 2nd by Senator Sheila Frahm. The motion carried.

SB216:AN ACT relating to the mineral severance tax; defining certain terms; providing a statute of limitations for refund claims; authorizing interest on certain delinquent taxes.

Mark Burghart said most of the language and comments about this bill, deals with the definition of sales price on line 34, page 2. He said, he had talked with the oil and gas representatives with KIOGA, and they suggested a different definition. He said, they did not believe that their definition changes current law, he said, the definition to date does change current law, to change the tax to be proposed on the gross value, to a net value. He said, they would just as soon strike the definition of "sales price" and just leave it out of this bill, by striking lines 34, 35 and 36 on page 2.

After committee discussion on SB216.

Senator Fred Kerr moved to amend SB216 by striking lines 34, 35, and 36 on page 2, 2nd by Senator Audrey Langworthy. The motion to amend carried.

Senator Phil Martin moved to favorably pass SB216 as amended, 2nd by Senator Marge Petty. The motion carried.

SB319:AN ACT relating to taxation of income; concerning extensions of time for the performance of acts by certain persons.

Senator Marge Petty asked The Chairman if the committee could reconsider SB212 as she had an amendment she would like to offer? Chairman Thiessen said we do have another bill regarding transient guest tax, which is SB321 and he asked, Senator Petty if her amendment would work on that bill? Senator Petty said she would look at it.

Chairman Thiessen said that SB319 brings us in sync with the Federal law.

Senator Lana Oleen said there were 2 amendments for SB319 (1) on page 1, line 38 by inserting the word "qualified" after the word continuous and on page 2, line 20 strike "including interest".

Senator Lana Oleen moved to amend the above amendments into SB319, 2nd by Senator Phil Martin. The motion carried.

Senator Lana Oleen moved to favorably pass SB319 as amended, 2nd by Senator Audrey Langworthy. The motion carried.

SB321:AN ACT relating to transient guest taxes; concerning bed and breakfast.

Senator Phil Martin moved to adopt the amendments requested by the KS Lodging Association, 2nd by Senator Lana Oleen.

Don Hayward pointed out to the members that there was also a definitional change, which should go along with the above amendment. The above motion to amend SB321 carried.

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Senator Marge Petty moved a conceptual motion to amend SB321 on page 2, line 41 before the comma and insert "and to provide accessibility of related programs and facilities to handicapped persons" 2nd by Senator Jack Steineger. The motion to amend carried.

Senator Phil Martin moved to favorably pass SB321 as amended, 2nd by Senator Janis Lee. The motion carried.

SB339:AN ACT relating to property taxation; concerning the rate of interest imposed on delinquent property tax.

Senator Phil Martin moved to favorably pass SB339, 2nd by Senator Don Montgomery. The motion carried.

SB167:AN ACT relating to property taxation; providing authority for boards of county commissioners to abate or provide credit against property taxes levied upon residential property destroyed by calamity.

Senator Phil Martin, moved to favorably pass SB167, 2nd by Senator Gerald Karr. The motion carried.

Chairman Dan Thiessen said this completes the agenda he had for today for action, and recognized Senator Karr.

Senator Karr said there were a couple of bills that were not mentioned, SB156 and SB161 and he asked The Chairman "what his intent was on these 2 bills"? Chairman Thiessen said he just didn't happen to have SB156 on the list, as he did not have people coming to him for action on the bill.

Senator Gerald Karr moved to request the President of the Senate to refer SB156 to the Ways and Means Committee. The motion carried.

Senator Steineger said we have another bill on the same subject, SB41. Chairman Thiessen said that is the reason we took SB156 up for a hearing and discussion, and he said SB156 could be amended to do what SB41 does.

Senator Marge Petty moved to bless SB178 in Ways and Means Committee, 2nd by Senator Gerald Karr.

Senator Don Montgomery made a motion to adjourn the meeting, seconded by Senator Fred Kerr. The motion carried.

A division was called by Senator Phil Martin. The motion failed by a tie vote.

Chairman Thiessen said we are back to the motion on SB178 to be referred to Ways and Means. The motion carried.

Chairman Dan Thiessen adjourned the meeting at 11:37 a.m.