

Approved

March 16, 1992

Minutes of the House Committee on Taxation. The meeting was called to order by Joan Wagnon, Chairperson, at 11:58 a.m. on Monday, March 9, 1992 in room 519-S of the Capitol.

All members were present except:

Rep. Adam, excused; Rep. Krehbiel, excused; Rep. Wiard, excused; Rep. Vancrum, excused.

Committee staff present:

Chris Courtwright, Legislative Research; Don Hayward, Revisors; Linda Frey, Committee Secretary; Douglas E. Johnston, Committee Assistant.

Conferees appearing before the committee:

The Chair brought up HB 2852 for discussion and action.

Rep. Shore made a motion to report the bill favorable for passage. Rep. Roy seconded the motion which carried following committee discussion.

The Chair brought up HB 2112 for discussion and action.

A balloon amendment was distributed to the committee (Attachment 1).

Rep. Harder made a motion to adopt the balloon amendment, seconded by Rep. Welshimer.

Rep. Long made a substitute motion to adopt the balloon amendment with the proviso that if the sales tax exemption on residential utilities is repealed then the other provisions of HB 2112 will go into effect. Rep. Ensminger seconded the motion. The motion carried.

Rep. Roy made a motion to report HB 2112 favorable for passage. Rep. Grotewiel seconded the motion which carried.

The meeting adjourned at 12:10 p.m. The next meeting will be March 16.



HOUSE BILL No. 2112

By Committee on Taxation

2-1

8 AN ACT relating to sales taxes; creating a refund for sales taxes paid  
9 upon utilities for certain qualified applicants; amending K.S.A.  
10 79-3632 and 79-3635 and repealing the existing sections.

11  
12 *Be it enacted by the Legislature of the State of Kansas:*

13 Section 1. K.S.A. 79-3632 is hereby amended to read as follows:  
14 79-3632. The purpose of K.S.A. 79-3620 and 79-3632 to 79-3639,  
15 inclusive, *and amendments thereto*, shall be to provide for the refund  
16 of certain retailers' sales taxes paid upon food *and utilities* to persons  
17 entitled thereto under the provisions of this act.

18 Sec. 2. K.S.A. 79-3635 is hereby amended to read as follows:  
19 79-3635. (a) A claimant shall be entitled to a refund of retailers' sales  
20 taxes paid upon food during the calendar year ~~1986~~ and each year ~~1991~~ 1992  
21 thereafter in the amount hereinafter provided. For households having  
22 a household income of less than ~~\$5,000~~, a refund in the amount of ~~\$40~~ \$50 shall be allowed for the head of household and a refund of  
23 ~~\$30~~ \$40 shall be allowed for each additional member of the house-  
24 hold. For households having a household income of at least ~~\$5,000~~ \$10,000  
25 but less than ~~\$10,000~~, a refund in the amount of ~~\$30~~ \$40 shall be  
26 allowed for the head of household and a refund of ~~\$25~~ \$30 shall be  
27 allowed for each additional member of the household. For households  
28 having a household income of at least ~~\$10,000~~ but not more than ~~\$13,000~~ \$15,000  
29 ~~\$13,000~~ ~~\$15,000~~, a refund in the amount of ~~\$20~~ \$25 shall be allowed  
30 for the head of household and a refund of ~~\$15~~ \$20 shall be allowed  
31 for each additional member of the household. All such claims shall  
32 be paid from the sales tax refund fund upon warrants of the director  
33 of accounts and reports pursuant to vouchers approved by the di-  
34 rector of taxation or by a person or persons designated by the  
35 director.

36  
37 (b) A claimant shall be entitled to a refund of retailer's sales  
38 taxes paid upon all sales of electricity, heat, water, natural gas,  
39 propane gas, L-P gas, coal, wood and other fuel sources for the  
40 production of heat or lighting during calendar year ~~1991~~ and each  
41 year thereafter in the amount hereinafter provided. For households  
42 having a household income of less than ~~\$13,000~~, a refund in the  
43 amount of \$70 shall be allowed for the head of household. The refund

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1 *under this subsection shall be in addition to the refund authorized*  
2 *by subsection (a).*

3 ~~(b)~~ (c) A head of household shall make application for refunds  
4 for all members of the same household upon a common form pro-  
5 vided for the making of joint claims. All claims paid to members of  
6 the same household shall be paid as a joint claim by means of a  
7 single warrant.

8 ~~(e)~~ (d) No claim for a refund of taxes under the provisions of  
9 K.S.A. 79-3620 and 79-3632 to 79-3639 shall be paid or allowed  
10 unless such claim is actually filed with and in the possession of the  
11 department of revenue on or before October 15 of the year next  
12 succeeding the year in which ~~said such~~ taxes were paid. The director  
13 of taxation may: (1) Extend the time for filing any claim under the  
14 provisions of this act when good cause exists therefor; or (2) accept  
15 a claim filed after the deadline for filing in the case of sickness,  
16 absence or disability of the claimant if ~~said such~~ claim has been  
17 filed within four ~~(4)~~ years of ~~said such~~ deadline.

18 Sec. 3. K.S.A. 79-3632 and 79-3635 are hereby repealed.

19 Sec. 4. This act shall take effect and be in force from and after  
20 its publication in the statute book.

KANSAS DEPARTMENT OF REVENUE - RESEARCH AND REVENUE ANALYSIS

**TENATIVE FISCAL IMPACT FOR MODIFIED H.B. 2112**

3/9/92

FOOD SALES TAX REFUND PORTION OF BILL

	0-\$9,999	\$10,000-\$14,999	\$15,000-\$20,000	TOTAL
NUMBER OF HOUSEHOLDS	57,000	20,000	25,000	102,000
OTHER MEMBERS	30,000	18,000	16,000	64,000
REFUND AMOUNTS:				
HEAD OF HOUSEHOLD	\$50	\$40	\$25	\$115
OTHER MEMBERS	\$40	\$30	\$20	\$90
TOTAL CLAIM AMOUNTS:				
HEAD OF HOUSEHOLD	\$2,850,000	\$800,000	\$625,000	\$4,275,000
OTHER MEMBERS	\$1,200,000	\$540,000	\$320,000	\$2,060,000
TOTAL	\$4,050,000	\$1,340,000	\$945,000	\$6,335,000