

Approved: 3-10-93
Date

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS.

The meeting was called to order by Chairperson Marvin Smith at 9:00 a.m. on March 9, 1993 in Room 521-S of the Capitol.

All members were present except: Representative Tom Bradley (Excused)

Committee staff present: Carolyn Rampey, Legislative Research Department
Dennis Hodgins, Legislative Research Department
Arden Ensley, Revisor of Statutes
Nancy Kippes, Committee Secretary

Conferees appearing before the committee:

Robert C. Harder, Secretary, Department of Health and Environment
Dwight F. Metzler, Retired Secretary, Kansas Department of Health and Environment
Jerry Slaughter, Kansas Medical Society
Bill Myers, Academy of Certified Hazardous Materials Managers
Charles Brewer, Kansas Geological Society
William Craven, Sierra Club
Rogers L. Brazier, Jr., Department of Administration
Joe de la Torre, Secretary of State's Office

Others attending: See attached list

Hearing on:

SB 5 - department of health and environment, director of division of health.

Robert C. Harder, Secretary, Department of Health and Environment, testified in support of SB 5, stating this bill would require the Director of the Division of Health be a physician and have experience or educational training in public health and would serve for a term of four years (Attachment 1). The salary would be set by the Secretary and approved by the Governor.

Dwight F. Metzler, retired Secretary of Kansas Department of Health and Environment, gave testimony in support of SB 5 and further requested the Director of Environment be a licensed engineer with special education and experience in the environment (Attachment 2).

Jerry Slaughter, Kansas Medical Society, testified in support of SB 5, stating one of the difficulties in attracting qualified physicians to fill this position is the reluctance to make a career change when there is no job security, and this bill would help in that respect by providing for a four year term (Attachment 3).

Bill Myers, Academy of Certified Hazardous Materials, provided testimony (Attachment 4) on SB 5 to request addition of definition of credentials for the Director of Division of Environment. They suggested a bachelor's degree in a scientific or engineering specialty, graduate degree in science, engineering, law or administration with five years professional experience in environmental management supplemented by at least two years of supervisory or administrative experience. Additionally they urged an interim study on registration of environmental professionals.

Charles Brewer, Kansas Geological Society, appeared before the committee in opposition to adding the requirement to SB 5 that the Director of Division of Environment have a degree in engineering (Attachment 5). He advised against recognizing one profession over all the others involved in the environment issue.

Written testimony from Senator Lana Oleen in support of SB 5 was handed out (Attachment 6).

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION AND ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on March 9, 1993.

William Craven, Sierra Club, gave testimony opposing any effort to require the head of the Division of Environment to be a professional engineer (Attachment 7).

Hearing on:

SB 274 - ballot forms for constitutional amendments.

Rogers L. Brazier, Jr., Department of Administration, testified in support of SB 274, explaining that this bill provides for the intent and explanation of a proposed constitutional amendment precede the proposed constitutional amendment itself (Attachment 8). This would be to make it easier and clearer to the public as to the language of the amendment.

Joe de la Torre, Secretary of State's Office, appeared in support of SB 274.

Representative Bowden moved approval of minutes as amended. Representative Cox seconded. Motion carried.

The meeting was adjourned at 10:15 a.m. The next meeting is scheduled for March 10, 1993.

GUEST LIST

COMMITTEE: House Governmental Organization & Elections DATE: 9 March 93

[illegible]



Department of Health and Environment

[REDACTED], Secretary
Robert C. Harder

Reply to:

Testimony presented to
House Governmental Organization and Elections Committee

by

The Kansas Department of Health and Environment

Senate Bill 5

KSA 75-5603 is amended to state that the Director of the Division of Health of the Kansas Department of Health and Environment shall be a physician, hold a valid license to practice medicine and surgery, and have experience or educational training, or both, in the field of public health. The only position requirement in current law is that the director is to have experience and educational training in the field of community health.

The statute is further amended to state that the director shall serve for a term of four years. New language is also added that states in the case of a vacancy, the Secretary shall appoint a successor to fill the vacancy for the unexpired term. The director's annual salary will be fixed by the Secretary and approved by the Governor. Currently, the salary is approved by the State Finance Council.

Other amendatory language is cleanup in nature.

For FY 1994, \$116,915 (salary and benefits) is recommended in the Governor's Budget for the Director of Health's position. However, other monies may have to be obtained in order to recruit an experienced candidate.

The agency strongly supports this proposal since the language that sets a term for the director will assist in the recruitment of a qualified candidate. With this change, candidates can be assured that the position will be viable for at least four years and not subject to political forces.

Testimony presented by: Robert C. Harder
Secretary of Health and Environment
March 9, 1993

*Attachment 1
House Gov't Org + Elec*

3-9-93

#2

TESTIMONY ON SB 05
House Committee on Governmental Organization
March 9, 1993

I am here to support the passage of SB 05 and to ask you to expand it to include the Director of Environment. While these views are my own, they are supported by the Kansas Engineering Society and the Kansas Public Health Association.

In the United States, the states have the primary responsibility for protecting the public health and the environment. Many innovations were first tried in Kansas, from Dr. Crumbine's pioneering initiatives in the early 1900s to much more recent successes in water purification, clean streams and solid waste disposal.

The Director of Health and the Director of Environment are the two state officials most responsible for public health protection and a clean environment.

For the past ten years in Kansas there has been a high turnover in both positions, and unqualified persons filling the Director of Health position and other positions requiring physicians specially trained in public health.

Senate Bill 5 will correct this neglect and deserves your support. Secretary Harder is moving to correct the shortage of professionals in KDHE, and every effort should be made to implement this change.

In the last ten years, eight persons have served as Directors of the Environment. For the previous 35 years, a total of three professional engineers, with graduate degrees in the environment, managed the state's environmental programs. The rapid turnover of recent years has contributed to erratic decisions and the start of policies not carried to completion.

3-9-93
Africa Gault Org & Elec.
Attachment 2

While one could give many examples perhaps the most vexing is KDHE's inability to meet the EPA requirements for adopting revised standards for surface water quality. Mr. Jones reports that Kansas ranks near the bottom of the 50 states in major environmental programs. During Secretary Joe Harkin's administration, Kansas ranked in the upper one-third of the states with its water supply, water pollution control, air quality and solid and hazardous waste programs. The short terms of the directors of Environment doubtless has contributed to this deterioration in comparison with other states.

As you have provided qualifications for the Director of Health, you should do the same for the Director of Environment. The prevention of pollution is the primary consideration in the state's efforts to maintain environmental quality. The Director needs to understand the interaction of physical, chemical and biological procedures in commerce, industry and agriculture. In addition, knowledge of epidemiology, toxicology, risk assessment and the cost of corrective measures is needed.

Removing the pollutants which remain, requires engineering knowledge, and expertise in the design, construction and operation of treatment systems and works. The ability to select what is most effective and cost efficient is essential.

We have only one profession where our universities train, and society employs, people to select and design facilities to protect water, air and soil from pollution--ENGINEERING. While environmental programs involve numerous professions, engineering is the only one for which criteria are set and professional examinations are required for licensure.

I recommend that SB 05 be amended by adding wording that the Director of Environment be a licensed professional engineer with special education and experience in the environment. The same term of office as for the Director of Health will assure some continuity of administration and program. As for the Director of Health, the Secretary would appoint and set the salary of the Director of Environment.

I further recommend that the bill provide that the present Director of Environment continue through the remainder of Governor Finney's term.

Environmental activists, many with no background in the basic sciences, are exerting greater influence on environmental health policies and priorities. This is as it should be; but the implementation of programs requires an understanding of chemistry, physics, mathematics, biology and engineering. For that reason alone, I cannot emphasize too strongly, the need for engineering direction of Kansas' Division of the Environment. Engineering direction will not guarantee the resolution of all of our environmental health problems, but without it, the task is impossible.

Dwight F. Metzler
Retired Secretary, KDHE




KANSAS MEDICAL SOCIETY

623 SW 10th Ave. • Topeka, Kansas 66612 • (913) 235-2383
WATS 800-332-0156 FAX 913-235-5114

March 9, 1993

TO: House Governmental Organization and Elections Committee

FROM: Jerry Slaughter
Executive Director 

SUBJECT: SB 5; Relating to the KDHE Director of Health

Mr. Chairman and members of the committee, we are pleased to appear in support of SB 5, which was introduced by the interim committee. SB 5 would provide that the State Director of Health would be appointed for a term of four years. This represents a significant change in policy for this unclassified position, but one that we feel is essential if we are going to attract qualified applicants now and in the future.

One of the difficulties we have in attracting qualified physicians to fill this role is that potential applicants are very reluctant to make a career change when there is absolutely no job security under the current arrangement. This is especially true if we have a vacancy occur during the middle of a Governor's term of office. Under such a circumstance the Secretary of Health and Environment could only assure a potential applicant that they would have a job for two years, and that simply puts us in a non-competitive position in attracting qualified physicians.

In order for the Department of Health and Environment to re-establish itself as a leader in public health, it is essential that we first attract a qualified physician to head the Division of Health. With the exception of one physician who is assigned here from the Centers for Disease Control, and the current Acting Director of Health (who was just hired on a short term basis) our Division was without any physicians on staff for almost two years. This situation must be reversed as soon as possible, and we believe SB 5 will represent a major step in the right direction. We appreciate the opportunity to offer these comments, and urge your support of this measure.

JS:ns

3-9-93
House Gov't Org & Elec.
Attachment 3

#4

TESTIMONY ON SENATE BILL 5

Presented by Bill Myers, C.H.M.M.
Representing Academy of Certified Hazardous Materials
Managers, Heartland Chapter

The Academy of Certified Hazardous Materials Managers, Heartland Chapter believes that Senate Bill 5 presents an opportunity to define appropriate credentials for the Director of Division of Environment.

In its current form, KSA 75-5605 states:

The director shall have experience and educational training in the field of environment.

In one sense, the wide open nature of this requirement is appropriate. Effective environmental management -- whether in Kansas or across the nation; whether at the local, state or federal level -- involves a complement of disciplines including engineering, geology, hydrology, biology, chemistry, law, and economics. On top of his or her prime discipline, an effective Director must have the management skills to get the various disciplines, staff members, legislature, business, and citizens pulling in the same general direction.

At the same time, we can see the benefit of strengthening the requirements of the Director's position to ensure a basic foundation of education and experience. Toward that end, we would suggest that the following requirements be adopted for the Director of the Division of Environment at KDHE:

A bachelor's degree in a scientific or engineering specialty. A graduate degree in science, engineering, law or administration with five years of professional experience in environmental management supplemented by at least two years of supervisory or administrative experience.

We believe that these requirements are sufficiently rigorous to ensure well qualified candidates, yet appropriately reflective of the multi-discipline nature of environmental management.

3-9-93
House Gov't Org. & Elec.
Attachment 4

The Academy of Certified Hazardous Materials Managers, Heartland Chapter would also urge this committee to address a related problem in the area of credentials for environmental professionals. Currently, the only registered professionals recognized by the state of Kansas are engineers, land surveyors, architects, and landscape architects (KSA 74-7003). Through registration, the state of Kansas can ensure that environmental professionals are appropriately trained, required to pursue continuing education, and are subject to recourse for inadequate performance. Because environmental management issues are often inherently risky and expensive, registration can have a meaningful impact on reducing risk to workers and the community through the oversight offered by a responsible certification program.

With those concerns in mind, we would respectfully urge this committee to recommend that an interim committee be established to consider the registration of environmental professionals.

Thank you. I'll be happy to answer any questions you might have.

Presented: March 9, 1993
 9:00 a.m.
 Room 521-S

A handwritten signature in cursive script, reading "Bill Myers". The signature is written in dark ink and is positioned to the right of the typed text.



TESTIMONY ON SENATE BILL 5

Presented by Charles A. Brewer

Representing Kansas Geological Society & Library

March 9, 1993

The Kansas Geological Society (KGS) would like the opportunity to define the credentials for the Director of Division of Environment.

The Kansas Geological Society is made up of over 800 geologists and has always been the major organization serving and representing geologists in State of Kansas. The Society consists of geologists practicing in various disciplines of the profession such as environmental, hydrological, oil and gas, mining and education.

We believe that "practices" in the environmental industry are shared amongst all applied scientists, such as geologists, engineers, chemists, biologists and others. Depending on the project, expertise may be necessary from any one of the above professionals or a combined use of several.

Each technical profession offers unique skills and knowledge, yet each profession may have some applied skills and knowledge which overlap with another.

Therefore, we strongly believe a statute which would mandate that the Director of Division of Environment of the Kansas Department of Health and Environment necessarily be of only one of the mentioned professionals is not only inappropriate and unnecessary, it unfairly recognizes the importance of one professional over another in a field which benefits from the skills, knowledge and service of several.

The following are the credentials we feel are appropriate for the job:

- A bachelor's degree in a scientific or engineering specialty.
- A graduate degree in science, engineering, law or administration with five years of professional experience in environmental management supplemented by at least two years of supervisory or administrative experience.

We believe that these requirements are sufficiently rigorous to ensure well-qualified candidates, yet appropriately reflective of the multi-disciplined nature of environmental management.

GEO TECHNICAL ENGINEERING & GEOENVIRONMENTAL CONSULTANTS

4959 LULU COURT, STE. 15
WICHITA, KANSAS 67216
TELEPHONE (316) 554-0725

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3-9-93
New Gov't Org + Election
Attached 5



KGS would also urge this committee to address a major problem in the area of environmental professionals. At this time, only engineers, land surveyors, architects and landscape architects are registered by the State of Kansas. We feel it is time to set up some type of registration for all professionals conducting work in the field of environmental sciences--this being some type of environmental registration or by registering by professionals, such as engineers. KGS has introduced legislation into the House to register geologists just like the engineers.

In the past year, I have seen many new environmental companies start up that do not have qualified professionals to perform the work. These companies are performing shady work and are a rip off. They are also at risk to their workers and to the community.

With those concerns in mind, KGS would respectfully urge this committee to recommend that an interim committee be established to consider the registration of environmental professionals.

Thank you.

LANA OLEEN
SENATOR, 22ND DISTRICT
RILEY AND GEARY COUNTIES



TOPEKA

SENATE CHAMBER

LEGISLATIVE HOTLINE
1-800-432-3924

COMMITTEE ASSIGNMENTS
CHAIRMAN: GOVERNMENTAL ORGANIZATION
LEGISLATIVE EDUCATIONAL PLANNING
VICE-CHAIRMAN: CONFIRMATIONS
LABOR, INDUSTRY, SMALL BUS.
MEMBER: ASSESSMENT AND TAXATION
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WASTE REDUCTION AND RECYCLING
DACOWITS—U.S. DEPT. OF DEFENSE

March 9, 1993

TESTIMONY SENATE BILL 5

Chairman Smith and Members of the Committee:

During the 1992 interim, the Special Committee on Governmental Organization was assigned and studied the Department of Health and Environment. As Vice Chairman of the Committee, we had repeated testimony at several hearings regarding the importance of employing and maintaining physicians at the agency. In the interest of maintaining physicians on staff, I strongly urge you to support Senate Bill 5 which comes before you today for your consideration.

The proposal amends KSA 75-5603 to state that the Director of the Division of Health of the Kansas Department of Health and Environment shall be a physician, hold a valid license to practice medicine and surgery, and have experience or educational training or both, in the field of public health. Our Committee believes qualifications, continuity, and experience are essential for this position. The only position requirement in current law is that the director is to have experience and educational training in the field of community health. The statute is further amended to state that the director shall serve for a term of four years.

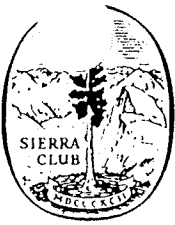
In the interest of time, I urge you to pass this proposal without amendments. Thank you.

Senator Lana Oleen

HOME
1631 FAIRCHILD AVE.
MANHATTAN, KANSAS 66502
(913) 537-7718

STATE OFFICE
KANSAS CAPITOL, ROOM 143N
TOPEKA, KANSAS 66612
(913) 296-7360 [JAN.-APRIL]

3-9-93
Dorise Horst Org. & Elec.
Attachment 6



SIERRA CLUB

Kansas Chapter

S.B. 5

Possible Amendment on Qualifications for Division of Environment

Sierra Club

March 9, 1993

William Craven, Legislative Coordinator

The Kansas Sierra Club strongly opposes any effort to require the head of the Division of Environment of the Kansas Department of Health and Environment to be a professional engineer (PE). Several reasons exist for our concern, should such an amendment be offered:

—This position requires expertise in far more matters than which engineers are qualified. For example, this position requires the ability to administer finances, skills in public administration, and, most importantly, in integrating a wide variety of scientific disciplines.

—This division head must oversee programs in hydrology, limnology (aquatic biology in lakes), geology, ecology, microbiology, chemistry, toxicology, and meteorology, to name but a few. There is probably a little room in the job description to oversee some engineers as well.

—The Division exists to assess risks to people and the environment posed by a host of industries, activities, and contaminants. Engineers have a key role to play when the task is remediation, that is to say, cleaning up a polluted site. But overall, engineering is only a small part of what the Division does.

—Environmental engineers are not licensed professional engineers. Our understanding is that only civil, mechanical, and electrical engineers are licensed. These licenses are intended to protect the public when an engineer is hired. There is no compelling reason for the state to protect itself from its own employees in the same fashion.

—Historically, when environmental protection was essentially limited to tasks like building sewage treatment plants, there was a major role for engineers. However, there has been a shift away from engineering specifications for certain designs, and toward what goes into the environment in the first place. The specialists who set those standards must have a firm understanding of science, of science policy, and of public administration. The difference is between those who have an understanding of the processes which lead to environmental pollution and those who have the technical ability to design clean-up measures.

—The Sierra Club believes that the qualifications for this office should be: a graduate background in ecology or public administration, with demonstrated superiority in scientific skills.

3-9-93
House Gov't Org & Elections
Attachment 7

STATE OF KANSAS



Joan Finney, Governor

DEPARTMENT OF ADMINISTRATION
LEGAL SECTION

107 Landon State Office Building
900 Jackson
Topeka, Kansas 66612-1214
(913) 296-6000
FAX #(913) 296-0043

TESTIMONY OF ROGERS L. BRAZIER, JR., STAFF ATTORNEY
DEPARTMENT OF ADMINISTRATION, LEGAL SECTION

SB 274 - Relating to ballot forms for constitutional amendments.

House Governmental Organization and Elections Committee

March 9, 1993, 9:00 a.m.

Pursuant to K.S.A. 25-605, as amended by L. 1992, ch. 291, § 2, when submitted to the voters the entirety of a proposed constitutional amendment is set forth on either a separate ballot or the official general ballot. Under the current statute the prescribed statement of intent or purpose of the proposed constitutional amendment, with explanation of the effect of voting for or against the proposed amendment, follows the proposed constitutional amendment itself. The effect is somewhat akin to a newspaper headline following the story.

For purposes of voter convenience it is proposed that this order of placement on the ballot be reversed so that the statement of intent or purpose would precede the body of the proposed constitutional amendment. It is believed that such reversal of placement on the ballot would assist voters in identifying more easily the nature of the proposed amendment itself, especially those of a more technical nature.

Currently, the Secretary of State places the statement of intent or purpose before the body of the proposed constitutional amendment when publishing newspaper notice of such proposed amendment pursuant to K.S.A. 64-103 (see attached example).

I appreciate your favorable consideration of SB 274.

RLB:jb
6149L
attachment

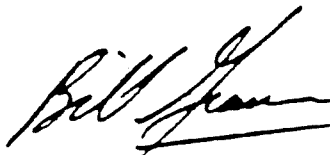
3-9-93
House Gov't Org. & Elections
Attachment 8

Topical
Tel-
Journal
Oct 15, 1992
p.3A

PUBLIC NOTICE: Constitutional Amendment

October 15, 1992

The following proposition to amend the constitution of the state of Kansas, with explanatory statement, has been adopted by the legislature and will be submitted to the voters of Kansas for their approval or rejection at the general election November 3, 1992. Text in italic type has been added by the legislature; text in strikethrough type has been removed by the legislature. I, Bill Graves, Secretary of State, certify that this proposition to amend the constitution of Kansas has been adopted by the legislature.



Bill Graves, Secretary of State

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the taxation of property.

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

"Explanatory Statement. This amendment would revise the current property tax system providing for the classification and assessment of all property subject to taxation at different percentages of value.

"A vote for the proposition would, as of January 1, 1993, continue the requirement that different classes of property are to be assessed for property tax purposes at different percentages of value. However, three new subclassifications of real property would be established, namely: (1) Real property owned and operated by certain not-for-profit organizations the assessment rate for which would be decreased from 30% to 12%; (2) public utility real property the assessment rate for which would be increased from 30% to 33%, except that railroad real property would be assessed at the federally mandated rate; (3) real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use the assessment rate for which would be decreased from 30% to 25%. Also, the assessment rate for residential property would be decreased from 12% to 11 1/2%. With respect to personal property, the assessment rate for public utility personal property including inventories would be increased from 30% to 33%, except that railroad personal property including inventories would be assessed at the federally mandated rate. Also, the assessment rate for oil leaseholds having an average daily production of five barrels or less and natural gas leasehold interests the average daily production from which is 100 mcf or less, would be decreased from 30% to 25%. Also, the assessment rate

for commercial and industrial machinery and equipment would be increased from 20% to 25%. Also, the legislature would be provided authority to separately classify and tax recreational vehicles.

"A vote against the proposition would continue the current system of property taxation."

"§ 1. (a) system of taxation; classification; exemption. The provisions of this subsection (a) shall govern the assessment and taxation of property until the provisions of subsection (b) of this section are implemented and become effective, whereupon subsection (a) shall expire. The legislature shall provide for a uniform and equal rate of assessment and taxation, except that the legislature may provide for the classification and the taxation uniformly as to class of motor vehicles, mineral products, money, mortgages, notes and other evidence of debt or any of such classes of property from property taxation and impose taxes upon another basis in lieu thereof. All property used exclusively for state, county, municipal, library, educational, scientific, religious, benevolent and charitable purposes, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

(b) System of taxation; classification; exemption. (1) The provisions of this subsection (b) shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection (b) shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

"Class 1 shall consist of real property. Real property shall be further classified into four or more subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

(A) (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located. 12% 11 1/2%

(B) (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution. 30%

(C) (3) Vacant lots. 12%

(4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law. 12%

(5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed. 33%

(6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use. 25%

(7) All other urban and rural real property not otherwise specifically subclassified. 30%

"Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

(1) Mobile homes used for residential purposes. 42% 11 1/2%

(2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%. 30%

(3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed. 30% 33%

(4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1993. 30%

(5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property. 20% 25%

(6) All other tangible personal property not otherwise specifically classified. 30%

(b) (1) All property used exclusively for state, county, municipal, library, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, warehouse and manufacturing inventories and livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

State of Kansas
Official General
Constitutional Amendment Ballot
County of _____

Notice

If you tear, deface or make a mistake and wrongfully mark any ballot, you must return it to the election board and receive a new ballot or set of ballots.

QUESTION NUMBER ONE

To vote in favor of any question submitted upon this ballot, make a cross or check mark in the square to the left of the word "Yes"; to vote against it, make a cross or check mark in the square to the left of the word "No."

Shall the following be adopted?

Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

§1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located11 1/2%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution30%
- (3) Vacant lots 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law.....12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed33%

(6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use 25%

(7) All other urban and rural real property not otherwise specifically subclassified 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

(1) Mobile homes used for residential purposes.....11 1/2%

(2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25%30%

(3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed.....33%

(4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 198530%

(5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property.....25%

(6) All other tangible personal property not otherwise specifically classified30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation.

Explanatory statement. This amendment would revise the current property tax system providing for the classification and assessment of all property subject to taxation at different percentages of value.

A vote for the proposition would, as of January 1, 1993, continue the requirement that different classes of property are to be assessed for property tax purposes at different percentages of value. However, three new subclassifications of real property would be established, namely: (1) Real property owned and operated by certain not-for-profit organizations the assessment rate for which would be decreased from 30% to 12%; (2) public utility real property the assessment rate for which would be increased from 30% to 33%, except that railroad real property would be assessed at the federally mandated rate; and (3) real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use the assessment rate for which would be decreased from 30% to 25%. Also, the assessment rate for residential property would be decreased from 12% to 11 1/2%. With respect to personal property, the assessment rate for public utility personal property including inventories would be increased from 30% to 33%, except that railroad personal property including inventories would be assessed at the federally mandated rate. Also, the assessment rate for oil leaseholds having an average daily production of five barrels or less and natural gas leasehold interests the average daily produc-

tion from which is 100 mcf or less, would be decreased from 30% to 25%. Also, the assessment rate for commercial and industrial machinery and equipment would be increased from 20% to 25%. Also, the legislature would be provided authority to separately classify and tax recreational vehicles.

A vote against the proposition would continue the current system of property taxation.

☐ YES

☐ NO