

Approved

Date

1/26/93

MINUTES OF THE HOUSE COMMITTEE ON TAXATION

The meeting was called to order by Chairperson Keith Roe at 9:05 a.m. on January 14, 1993 in Room 519-S of the Capitol.

All members were present except:

Representative Larkin (excused)
Representative Pottorff (excused)

Committee Staff present:

Tom Severn, Legislative Research Department
Chris Courtwright, Legislative Research Department
Don Hayward, Revisor of Statutes
Bill Edds, Revisor of Statutes
Lenore Olson, Committee Secretary

Conferees appearing before the Committee: none

Others attending: see attached list.

Chris Courtwright, Kansas Legislative Research Department, briefed the Committee on Proposal No. 2, Taxation of Government Retirement Benefits, which was studied by the 1992 Interim Assessment and Taxation Committee. Mr. Courtwright said that the fiscal note for SB 215, which exempts starting in 1992 all retirement benefits for federal and military retirees, would be about \$8.5 annually.

Chairperson Roe requested the Committee to turn to HB 2035.

HB 2035: An act relating to property taxation; classifying certain real property for constitutional assessment rate purposes.

Information from the Kansas Golf Association on the impact of property tax reappraisal and classification on golf clubs in Kansas was distributed (Attachment 1).

Representative Wagle distributed copies of the May 6, 1992, House Journal pages showing HCR 5007 classification rates. She said that she believes the voters of Kansas thought that they were voting for all 501 (c) organizations to be reduced from 30 percent to 12 percent (Attachment 2).

A motion was made by Representative Wagle, seconded by Representative Lowther, to amend HB 2035 to give all not-for-profit groups the 501 (c) tax exemption. The motion failed.

A motion was made by Representative Glasscock, seconded by Representative Brown, to recommend HB 2035 favorable for passage. The motion carried.

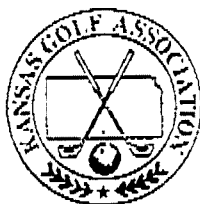
The meeting adjourned at 9:35 a.m. The next meeting is scheduled for Tuesday, January 19, at 9:00 a.m. in 519-S.

Date: 1/14/93

GUEST REGISTER

HOUSE COMMITTEE ON
ASSESSMENT AND TAXATION

[illegible]



Est. 1908

Kansas Golf Association

3301 Clinton Parkway Court, Suite 4
Lawrence, KS 66047
(913) 842-4833

TO: HONORABLE KEITH ROE, CHAIRMAN
KANSAS HOUSE TAXATION COMMITTEE

FROM: BRETT MARSHALL, KGA EXECUTIVE DIRECTOR *fam 1/13/93*

Officers

President

Frank Kirk

Vice President

Mark Shelton

Vice President

Gary Conover, D.D.S.

Secretary-Treasurer

Dick Copple

Immediate Past President

William Knox

SUBJECT: IMPACT OF PROPERTY TAX REAPPRAISAL AND
CLASSIFICATION ON GOLF CLUBS IN KANSAS

The following are examples of the impact of the increased
tax rate to 30 percent on golf clubs, which fall under some
section of the 501 internal revenue code:

Club Name	'88 Taxes	'91 Taxes
Directors		
Larry Barrett	\$5,194.00	\$21,000.00
Pat Brooks		
Hal Bump		
Kent Colvin	\$5,973.00	\$21,356.00
Lew Golden		
Dick Heil	\$5,963.00	\$21,374.00
Larry Johnson		
Tom McBride		
Michael Mirt	\$1,836.00	\$ 4,547.00
Gary Mundhenke		
Larry Ollick		
William L. Oliver, Jr.	\$4,131.00	\$22,574.00
Walter Peck		
Ed Ranz	\$ 784.00	\$ 5,311.00
Kim Richey		
Doug Shade		
Paul Van Nostran	\$ 700.00	\$ 5,544.00
Don Wasson		
Bill Wolak	\$17,635.00	\$55,154.00
General Counsel		
William L. Oliver, Jr.	\$11,239.00	\$75,866.00
Executive Director		
Brett Marshall	\$ 2,954.00	\$ 8,395.00
Advisory Committee		
Rick Nuckolls	\$52,555.00	\$109,017.00
Ks. Chapter PGA		
Jon Jacobson	\$55,552.00	\$ 86,266.00
Midwest Section PGA		
Brett Conrad		
Ks. GCSA		
Dick Stuntz		
Heart of America GCSA		

Note: Where (9) is noted, this is a 9-hole club in a small
community. These numbers were reported by the clubs in a
confidential survey conducted by the Kansas Golf Association
and Property Tax Representatives Inc., of Kansas City, MO.
These numbers have not been verified by either the KGA or
PTRI and represent only information as provided by the clubs.

As you can see, the impact of the increased tax rate on golf
clubs has been significant. Many of the clubs have reported
loss of membership and drops in revenue. Some clubs, in fact,
have had to restructure by going from member equity to
privately owned to remain financially afloat. *1/14/93*

House Taxation Cmte

Attachment 1



Est. 1908

Kansas Golf Association

3301 Clinton Parkway Court, Suite 4
Lawrence, KS 66047
(913) 842-4833

August 15, 1992

Officers

President
Frank Kirk
Vice President
Mark Shelton
Vice President
Gary Conover, D.D.S.
Secretary-Treasurer
Dick Copp'e
Immediate Past President
William Knox

Directors

Larry Barrett
Pat Brooks
Hal Bump
Kent Colvin
Lew Golden
Dick Heil
Larry Johnson
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Ks. Chapter PGA
Jon Jacobson
Midwest Section PGA
Brett Conrad
Ks. GCSA
Dick Stuntz
Heart of America GCSA

Dear Kansas Golf Association Member:

I am writing you to encourage your participation in the upcoming November election which has a Constitutional Amendment on the ballot which would affect all non-profit golf clubs in the state of Kansas.

As many of you are aware, with reappraisal and classification being changed effective January 1, 1989, all non-profit organizations had their property tax rate changed to 30 percent.

This rate has severely hampered the financial well-being of most of the clubs in Kansas which fall into this classification.

It is the opinion of some legal experts that this new constitutional amendment, if approved by the voters of Kansas, will allow non-profit organizations to be taxed at a 12 percent rate, a much improved situation for those golf clubs covered under this category.

We would encourage you to find out additional information on the amendment to be voted upon by contacting your local state representative and senator. If this amendment is approved, then it appears that property taxes for non-profit golf clubs in Kansas will be reduced.

If you have any additional questions, please feel free to contact us. If we cannot answer your questions, we will direct you to the proper legislative people in Topeka who can assist you with your questions.

Again, we encourage you to find out as much information on this subject as possible before the November election.

Sincerely,

Brett A. Marshall
Brett A. Marshall

For the Board of Directors & Members, Kansas Golf Assn.

1-2

Harder, Hayzlett, Hendrix, Hensley, Hochhauser, Holmes, Jennison, Jones, Kline, Krehbiel, Lahti, Lane, Larkin, Lawrence, B., Lloyd, Lynch, McClure, McKechnie, Miller, Minor, Mollenkamp, Neufeld, O'Neal, Parkinson, Pottorff, Praeger, Ramirez, Reardon, Reinhardt, Rezac, Rock, Roe, Roy, Sader, Sawyer, Scott, Sebelius, Shore, Sluiter, Smith, D., Smith, M., Snowbarger, Solbach, Teagarden, Thompson, Turnquist, Vancrum, Wagnon, Watson, Weiland, Weimer, Wells, Welshimer, White, Wiard, Wisdom.

Nays: Boston, Bowden, Campbell, Cozine, Crowell, Dean, Ensminger, Everhart, Gomez, Goossen, Graeber, Grant, Gregory, Hamilton, Heinemann, Helgersson, Johnson, King, Lawrence, D., Long, Love, Lowther, Macy, Mead, Patrick, Pauls, Samuelson, Shallenburger, Sprague, Stephens, Waggle, Webb, Wempe.

Present but not voting: None.

Absent or not voting: None.

EXPLANATION OF VOTE

MR. SPEAKER: I vote "No" on HB 3083.

I do so since I regret most urgently the loss of my constituents in the city of Eudora and understand their concerns about being associated with other territory that is neither in Johnson nor Douglas County. Finding 125 spaces, each containing approximately 19,000 citizens, nearly guarantees that many citizens will be dislocated.

While I look forward eagerly to serving the people in Johnson County who have been added to the new 43rd District, I nonetheless vote "No" on HB 3083.—JUDITH MACY

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Wagnon to concur in Senate amendments to HCR 5007, Rep. Reardon offered a substitute motion to nonconcur and asked that a conference committee be appointed. The substitute motion did not prevail. The question then reverted back to the original motion of Rep. Wagnon and, a two-thirds majority of the members elected to the House having voted in the affirmative, the House concurred in Senate amendments to HCR 5007.

HOUSE CONCURRENT RESOLUTION No. 5007—

By Committee on Taxation

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

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

"§ 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 may exempt 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, literary, 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) (a) The provisions of this subsection (b) shall govern the assessment and taxation of property on and after January 1, 1989 ~~1991~~ ~~1992~~ 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 ~~eight~~ ~~nine~~ [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:

- | | | | |
|-----|--|-------------------------|---------|
| (A) | (1) Real property used for residential purposes including multi-family residential real property comprised of not more than four residential units one of which is owner occupied 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 1/4% [12%] [11%] | 11 1/2% |
| (2) | Multi-family residential real property not included in paragraph (1) | 12% 11 1/4% [12%] [11%] | 15% |
| | which shall be assessed at the rate of 11 1/4% in 1991, and shall be assessed at the rate of 12% in 1992, and each year thereafter. | | |
| (B) | (3) [(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) | (4) [(3)] Vacant lots | 12% | 12% |
| | which, if zoned for commercial use, shall be assessed at the rate of 20% [20%] and, if zoned for any other use, shall be assessed at the rate of 12%. | | |
| (5) | [(4)] Real property which is owned and operated by a taxpayer which is organized for not-for-profit purposes and is not subject to federal income taxation pursuant to section 501(c)(8) or section 501(c)(10) of the federal internal revenue code as in effect on January 1, 1991 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 | 15% 12% | 15% 12% |
| (6) | [(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 . . . | 35% | 33% |

Attachment 2
1/14/93
House Taxation Committee

- (7) [(6)] Real property used for commercial and industrial purposes [and buildings and other improvements located upon land devoted to agricultural use]..... ~~30%~~ 23% [25%]
 (8) ~~Buildings and other improvements located upon land devoted to agricultural use~~..... 25%
 (D) (8) [(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~~ ~~seven~~ six subclasses. ~~The legislature may further subclassify property included in paragraph (6) and exempt such property from taxation or exempt such property from taxation and impose taxes upon another basis in lieu thereof. 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) Mobile homes used for residential purposes ~~12% 11 1/2% [12%] [11%] 11.5%~~ [11 1/2%]
 (B) (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%
 (C) (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% 35%~~ 33%
 (D) (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985..... 30%
 (E) (5) Commercial and industrial machinery and equipment which, if its economic life is seven ~~eleven~~ [seven] years or more, shall be valued at its retail cost when new less seven-year ~~eleven-~~ [seven-]year straight-line depreciation, or which, if its economic life is less than seven ~~eleven~~ [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% 30%~~ 25%
 (6) ~~Inventories of merchants and manufacturers not otherwise subclassified or exempted~~..... 25%
 (F) (7) (6) All other tangible personal property not otherwise specifically classified..... 30%

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

"(2) All in 1991, all property included in paragraph (1) subclasses (1) and (2) of class 1 and subclass (1) of class 2 shall be exempt from property taxation to the extent of \$5,000 of its appraised valuation. All property

included in paragraph (6) of class 2 shall be exempt from property taxation to the extent of \$150,000 of its appraised valuation; except that the legislature may increase or decrease such amount by law by the affirmative vote of two-thirds of all the members elected (or appointed) and qualified to each house in 1992, and each year thereafter; all property included in subclass (1) of class 1 and class 2 shall be exempt from property taxation to the extent of \$5,000 of its appraised valuation."

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, 1991-~~1992~~-1993, continue the requirement that different classes of property are to be assessed for property tax purposes at different percentages of value. However, four five [three] new subclassifications of real property would be established, namely: (1) Multi-family residential real property comprised of more than four residential units the assessment rate for which would be 15% ~~11 1/2%~~; (2) real [Real] property owned and operated by certain not-for-profit fraternal benefit societies, orders or associations organizations the assessment rate for which would be decreased from 30% to 15% 12%; (3) [(2)] public utility real property the assessment rate for which would be increased from 30% to 35% 33%, except that railroad real property would be assessed at the federally mandated rate; and (4) [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 20% 23%; and (5) ~~buildings and other improvements located upon land devoted to agricultural use the assessment rate for which would be decreased from 30% to 25%~~. Also, \$5,000 of the appraised valuation of residential real property would be exempt from taxation [25%]. Also, the assessment rate for vacant lots would be 23% ~~[20%]~~ for those zoned for commercial use and 12% for those zoned for other uses. [Also, the assessment rate for residential property would be decreased from 12% to 11% 11 1/2%.] With respect to personal property, one new subclassification would be established, namely certain inventories of merchants and manufacturers the exemption for which would be removed and would be assessed at 25%. However, \$150,000 of the appraised valuation of such inventories would be exempt from taxation and authority would be granted to the legislature to further subclassify such inventories and impose different types of taxes thereon. Inventories of farm machinery and equipment would continue to be exempt from property taxation. The the assessment rate for public utility personal property including inventories would be increased from 30% to 35% 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%.] The assessment rate for commercial-commercial. Also, the assessment rate for commercial and industrial machinery and equipment would be depreciated over an eleven-year life rather than a seven-year life and the assessment rate for which would be increased from 20% to 30% 25%. Also, the legislature would be provided authority to separately classify and tax recreational vehicles.

"In the event that this amendment is approved by the electorate, enactments would become effective providing lower property taxation of motor vehicles and

~~replacement revenues to local units of government which would be lost as a result of the operation of the provisions of this amendment.~~

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

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at a special election which is hereby called for such purpose to be held on April 2 June 4, 1991 [the 1st Tuesday after the second Monday in November 1991], pursuant to section 1 of article 14 of the constitution of the state of Kansas the general election to be held on November 3, 1992, was considered on final action.

On roll call, the vote was: Yeas 97; Nays: 28; present but not voting 0; absent or not voting 0.

Yeas: Allen, Amos, Baker, Barkis, Benlon, Bishop, Blumenthal, Boston, Bradford, Brown, Bryant, Carmody, Cates, Chronister, Corbin, Cornfield, Correll, Crowell, Crumbaker, Dawson, Douville, Empson, Ensminger, Everhart, Flottman, Flower, Fuller, Garner, Gatlin, Gjerstad, Glasscock, Gomez, Goossen, Grant, Gregory, Gross, Grotewiel, Hackler, Hamm, Harder, Hayzlett, Heinemann, Helgersen, Hendrix, Hensley, Hochhauser, Holmes, Jennison, King, Kline, Lahti, Lane, Larkin, Lawrence, B., Lawrence, D., Lloyd, Long, Lowther, Macy, McClure, Mead, Miller, Mollenkamp, Neufeld, O'Neal, Parkinson, Patrick, Pauls, Pottorff, Praeger, Reinhardt, Rezac, Rock, Roe, Roy, Sader, Samuelson, Sawyer, Scott, Sebelius, Shore, Sluiter, Smith, D., Smith, M., Snowbarger, Solbach, Sprague, Teagarden, Thompson, Vancrum, Wagler, Wagon, Weimer, Wells, Welshimer, Wempe, White.

Nays: Adam, Bowden, Campbell, Charlton, Cozine, Dean, Dillon, Edlund, Gilbert, Graeber, Hamilton, Johnson, Jones, Krehbiel, Love, Lynch, McKechnie, Minor, Ramirez, Reardon, Shallenburger, Stephens, Turnquist, Watson, Webb, Weiland, Wiard, Wisdom.

Present but not voting: None.

Absent or not voting: None.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote no on HCR 5007. The last classification amendment was outrageous and this is following in those footsteps.

I cannot support a resolution that raises the mill levy and hurts homeowners. We can do better than this. We can help commercial property and fraternal organizations without hurting homeowners.

I am voting No—ED McKECHNIE

MR. SPEAKER: I reluctantly must vote No on HCR 5007. Passage of HB 2892 last night cast a shadow on any reduction of our state's property tax base. This bill, while providing improvement in our property tax classification system, (which I support) also reduces the statewide tax base by \$400 million. This decrease will reduce the revenue available from the statewide minimum levy as provided for in HB 2892. We are involved in a shell game when these two bills are considered together.—RICK BOWDEN

MR. SPEAKER: While I have always supported lowering the tax rates for fraternal organizations and small businesses, I could not vote for HCR 5007 because the Senate amendments also raised the property taxes on Wyandotte county homes!

I made the motion on the House floor to send HCR 5007 back to conference committee to resolve this problem. When my motion failed, I felt I had no choice but to vote no on final action.

I am hopeful that the wisdom of the Kansas People will result in a defeat of this tax increase on the Kansas homeowner at the polls this November.—BILL REARDON

On motion of Rep. Sawyer, the House went into Committee of the Whole, with Rep. Wiard in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Wiard, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to SB 781 be adopted; also, roll call was demanded on motion of Rep. Neufeld to amend on page 2, in line 6, by deleting the following language: "member of the clergy";

On roll call, the vote was: Yeas 47; Nays: 66; present but not voting 0; absent or not voting 12.

Yeas: Allen, Amos, Benlon, Boston, Brown, Bryant, Campbell, Carmody, Cates, Chronister, Corbin, Cornfield, Dawson, Douville, Ensminger, Flottman, Flower, Garner, Hayzlett, Holmes, King, Lane, Lawrence, B., Lawrence, D., Lloyd, Long Love, Mollenkamp, Neufeld, O'Neal, Parkinson, Patrick, Pauls, Pottorff, Samuelson, Scott, Shallenburger, Shore, Sluiter, Smith, M., Snowbarger, Sprague, Vancrum, Wagler, Watson, Weimer, Wells.

Nays: Adam, Barkis, Bishop, Blumenthal, Bowden, Bradford, Correll, Cozine, Crowell, Dean, Dillon, Edlund, Empson, Everhart, Fuller, Gilbert, Gjerstad, Gomez, Graeber, Grant, Gregory, Gross, Grotewiel, Hackler, Hamilton, Hamm, Harder, Heinemann, Helgersen, Hensley, Hochhauser, Johnson, Kline, Krehbiel, Lahti, Larkin, Lowther, Lynch, Macy, McClure, McKechnie, Mead, Miller, Minor, Praeger, Ramirez, Reardon, Rezac, Rock, Roy, Sader, Sawyer, Sebelius, Smith, D., Solbach, Stephens, Thompson, Turnquist, Wagon, Webb, Weiland, Welshimer, Wempe, White, Wiard, Wisdom.

Present but not voting: None.

Absent or not voting: Baker, Charlton, Crumbaker, Gatlin, Glasscock, Goossen, Hendrix, Jennison, Jones, Reinhardt, Roe, Teagarden.

The motion of Rep. Neufeld did not prevail; and SB 781 be passed as amended.

Committee report to SB 497 be adopted; also, on motion of Rep. Teagarden be amended on page 1, by striking all in line 35 and inserting in lieu thereof the following: "General state aid623,934,000";

On page 2, by striking all in lines 12, 13 and 14; in line 18, by striking "\$1,310,626,423" and inserting in lieu thereof "\$874,219,423"; following line 31, by inserting the following:

"State school district finance fund No limit";

Also on page 2, in line 32, preceding "33,000" by inserting a dollar sign;

Also, on motion of Rep. Heinemann SB 497 be amended on page 1, in line 42, by striking the period and inserting in lieu thereof the following: "Provided further, That expenditures shall be made from this account, in addition to all other payments from this account to school districts, the following school districts shall receive these amounts:

Satanta (USD 507)	\$102,000
Blue Valley (USD 229)	113,156
Mullinville (USD 424)	118,239"

Also, on motion of Rep. Sluiter to amend SB 497, the motion did not prevail, and the bill be passed as amended.

On motion of Rep. Rezac HB 2598 be amended on page 3, after line 8, by inserting:

"New Sec. 2. (a) The retirement benefit, pension or annuity payments accruing after June 30, 1992, to each retirant and each local school annuitant from the retirant's retirement system or the local school annuitant's separate retirement system main-

tained by a local school district, shall be increased by an amount equal to \$15. Such payments shall be paid by such retirement system to the retiree or by such separate retirement system maintained by a local school district to the local school annuitant during such period. All such increased payments to local school annuitants shall be paid by the local school district maintaining a separate retirement system and such payments shall be made at no additional cost to any employer other than the local school district. Such payments shall be paid out of the net amount of investment income of the system.

(b) As used in this section:

(1) "Retiree" means (A) any person who is a member of a retirement system and who retired prior to July 1, 1991, (B) any person who is a special member of a retirement system and who retired prior to July 1, 1991, (C) any person who is a joint annuitant or beneficiary of any member described in clause (A) or any special member described in clause (B), and (D) any insured disability benefit recipient.

(2) "Retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system, the state school retirement system and the retirement system for judges.

(3) "Local school annuitant" means (A) any person who is an annuitant with 10 or more years of service, who is receiving an annuity from a school district maintaining a separate retirement system, whose annuity is not included, in whole or in part, in payments made to such school district under K.S.A. 72-5512b and amendments thereto and who is not a member of a group I or of group II as defined in K.S.A. 72-5518 and amendments thereto, and (B) any person who is receiving an annuity from a school district maintaining a separate retirement system which is receiving an aggregate payment from the Kansas public employees retirement system under K.S.A. 72-5512b and amendments thereto and who retired prior to September 1, 1981.

(4) "Insured disability benefit recipient" means any person receiving an insured disability benefit under K.S.A. 74-4927 and amendments thereto prior to July 1, 1991."

And by renumbering sections accordingly;

On page 1, in the title, in line 8, by striking "police and firemen's" and by inserting "public employees"; in line 9, after "system" by inserting "and certain systems thereunder"; also in line 9, before "amending" by inserting "postretirement benefit increase"; and HB 2598 be passed as amended.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Sawyer, pursuant to House Rule 2311, SB 781, 497; HB 2598 were advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 781, An act concerning mental health service providers; relating to certain acts of sexual abuse, misconduct or exploitation by such providers; concerning examinations for applicants for licensure as psychologists; amending K.S.A. 1991 Supp. 65-1120, 65-2837, 65-4209, 65-5809, 65-6311, 74-5311, 74-5324 and 74-5369 and repealing the existing sections, was considered for final action.

On roll call, the vote was: Yeas 101; Nays: 24; present but not voting 0; absent or not voting 0.

Yeas: Adam, Allen, Amos, Baker, Barkis, Benlon, Bishop, Blumenthal, Bowden, Bradford, Brown, Bryant, Campbell, Carmody, Charlton, Chronister, Correll, Cozine, Crowell, Crumbaker, Dawson, Dean, Dillon, Douville, Edlund, Empson, Everhart, Flottman, Flower, Fuller, Garner, Gatlin, Gilbert, Gjerstad, Glasscock, Gomez, Goossen, Graeber, Grant, Gregory, Gross, Grotewiel, Hackler, Hamilton, Hamm, Harder, Heinemann, Helgeson, Hendrix, Hensley, Hochhauser, Johnson, Jones, Kline, Lahti, Larkin, Lawrence, B., Lowther, Lynch, Macy, McClure, McKechnie, Mead, Miller,

Minor, O'Neal, Parkinson, Pauls, Pottorff, Praeger, Ramirez, Reardon, Reinhardt, Rezac, Rock, Roe, Roy, Sader, Samuelson, Sawyer, Scott, Sebelius, Sluiter, Smith, D., Solbach, Stephens, Teagarden, Thompson, Turnquist, Vancrum, Wagnon, Watson, Webb, Weiland, Weimer, Wells, Welshimer, Wempe, White, Wiard, Wisdom.

Nays: Boston, Cates, Corbin, Cornfield, Ensminger, Hayzlett, Holmes, Jennison, King, Krehbiel, Lane, Lawrence, D., Lloyd, Long, Love, Mollenkamp, Neufeld, Patrick, Shallenburger, Shore, Smith, M., Snowbarger, Sprague, Wagle.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

SB 497, An act making and concerning appropriations for the fiscal year ending June 30, 1993, for the department of education; authorizing certain transfers and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing, was considered for final action.

On roll call, the vote was: Yeas 104; Nays: 21; present but not voting 0; absent or not voting 0.

Yeas: Allen, Baker, Barkis, Benlon, Bishop, Blumenthal, Bowden, Bradford, Brown, Bryant, Campbell, Charlton, Chronister, Corbin, Cornfield, Correll, Cozine, Crowell, Crumbaker, Dean, Dillon, Douville, Edlund, Empson, Everhart, Flottman, Flower, Fuller, Garner, Gatlin, Gilbert, Gjerstad, Glasscock, Gomez, Goossen, Graeber, Grant, Gregory, Gross, Grotewiel, Hackler, Hamilton, Hamm, Harder, Heinemann, Helgeson, Hendrix, Hensley, Hochhauser, Holmes, Johnson, Jones, Krehbiel, Lahti, Larkin, Lawrence, B., Lloyd, Love, Lowther, Lynch, Macy, McClure, McKechnie, Mead, Miller, Minor, Mollenkamp, Neufeld, O'Neal, Parkinson, Pauls, Pottorff, Praeger, Ramirez, Reardon, Reinhardt, Rezac, Rock, Roy, Sader, Samuelson, Sawyer, Scott, Sebelius, Shallenburger, Sluiter, Smith, D., Smith, M., Snowbarger, Solbach, Sprague, Stephens, Teagarden, Thompson, Turnquist, Wagle, Wagnon, Watson, Webb, Welshimer, Wempe, White, Wiard, Wisdom.

Nays: Adam, Amos, Boston, Carmody, Cates, Dawson, Ensminger, Hayzlett, Jennison, King, Kline, Lane, Lawrence, D., Long, Patrick, Roe, Shore, Vancrum, Weiland, Welmer, Wells.

Present but not voting: None.

Absent or not voting: None.

The bill passed, as amended.

EXPLANATION OF VOTE

MR. SPEAKER: We must reluctantly vote NO on SB 497. For the first time in recent history we have fully funded state mandated special education, a measure which we fully support. It is the remainder of the bill that we find objectionable because of the amount of spending it allows. The financial condition of the state requires that we live within our means, therefore the responsible choice is currently a No vote!—GARRY BOSTON, ALDIE ENSMINGER

HB 2598, An act concerning the Kansas public employees retirement system and certain systems thereunder; relating to death or disability benefits; postretirement benefit increase; amending K.S.A. 74-4952 and repealing the existing section, was considered for final action.

On roll call, the vote was: Yeas 68; Nays: 57; present but not voting 0; absent or not voting 0.

Yeas: Adam, Baker, Barkis, Bishop, Blumenthal, Bowden, Brown, Campbell, Charlton, Chronister, Correll, Cozine, Crowell, Dean, Dillon, Edlund, Empson, Everhart, Flottman, Garner, Gilbert, Gjerstad, Glasscock, Gomez, Graeber, Grant, Gregory, Gross, Hackler, Hamilton, Hamm, Harder, Helgeson, Hensley, Hochhauser, Johnson, Jones, Lahti, Larkin, Love, Lowther, Lynch, Macy, McKechnie, Pauls, Praeger