

MINUTES OF THE SENATE ASSESSMENT AND TAXATION COMMITTEE

The meeting was called to order by Chairman Barbara Allen at 10:30 A.M. on January 18, 2005 in Room 519-S of the Capitol.

Committee members absent:

Committee staff present: Chris Courtwright, Kansas Legislative Research  
Martha Dorsey, Kansas Legislative Research  
Gordon Self, Revisor of Statutes Office  
Nancy Kirkwood, Secretary

Conferees appearing before the committee: Richard Cram, Department of Revenue  
Jay Befort, Attorney, Department of Revenue

Others attending: See attached list.

Final action :

**SB 23 - Sales tax calculation for isolated or occasional sale of motor vehicles; refunds; verification of selling price**

Chairperson Allen called for discussion and final action on **SB 23**. Joan Wagon, Secretary, Department of Revenue, appeared before the committee for questions. The Secretary stated the reg from last year is still in place; the Department needs direction from the Legislature on managing it. The Chair asked the committee to consider indicating its support, by Regulation, for a required bill of sale, and an affidavit signed by the buyer and seller swearing to the price of the vehicle. Secretary Wagon stated the Department would be in agreement, and asked that the minutes reflect the intent of the Committee.

Senator Lee made a motion to delete the Pennsylvania language from SB 23. This deleted the language page 11, line 40 thru 43. Page 12, line 1 through hereby. on line 2. Line 16 starting with and verify the purchase price in the; line 17, same manner as provided in this subsection and; and eliminate section I. Senator Schmidt seconded the motion. The motion carried.

The Chair recognized Richard Cram, Department of Revenue, to explain the proposed amendments Mr. Cram offered at the January 13<sup>th</sup> meeting: 1) The refund claimed would need to be filed within six months of the effective date of the Act; 2) There would be no refunds less than ten dollars, 3) Renewal of registration would be denied for any vehicle registered pursuant to this act and purchased in an isolated or occasional sale transaction if the county treasurer receives notice from the director of taxation that the purchaser of such vehicle has a final liability for unpaid sales tax due on such transaction.

Senator Schmidt moved to adopt number 1 and 2 of the balloon proposed by the Department of Revenue. Senator Jordan seconded the motion. The motion carried. Senator Schmidt moved to amend again by deleting section I, also part of the Department's proposal. The motion was seconded by Senator Pine and the motion carried. Senator Lee moved to recommend **SB 23** favorably as amended for passage, with Senator Apple's second. The motion carried.

**SB 12--Collection of delinquent tax; tax lien procedure**

Chairperson Allen opened the hearing on **SB 12** and recognized Richard Cram, KDOR. Richard introduced Jay Befort, Attorney, Legal Services. KDOR gave a brief overview of **SB12**, that would authorize the Department of Revenue to file a tax lien that would attach to both real and personal property to secure the payment of delinquent taxes. The taxes would include income, withholding, sales, use, liquor drink and enforcement taxes (Attachment 1).

There being no others to testify on the bill, the Chair closed the hearing on **SB 12**.

Chairperson asked for bill introductions. There being none, the meeting adjourned at 11:45 a.m.