

SENATE BILL No. 242

By Senator Holland

10-29

1 AN ACT concerning property taxation; relating to agricultural
2 improvement destroyed or substantially destroyed by natural disaster;
3 amending K.S.A. 79-1613 and repealing the existing section.
4

5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-1613 is hereby amended to read as follows: 79-
7 1613. (a) (1) As used in this ~~section~~ subsection:

8 ~~(A)~~(A) "Destroyed or substantially destroyed" means damage of any
9 origin sustained by a homestead as the direct result of: ~~(A)~~ (i) An
10 earthquake, flood, tornado, fire or storm; or ~~(B)~~ (ii) an event or occurrence
11 ~~which~~ that the governor of the state of Kansas has declared a disaster,
12 whereby the cost of restoring the structure to its before-damaged condition
13 would equal or exceed 50% of the market value of the structure before the
14 damage occurred.

15 ~~(2)~~(B) "Homestead" means the dwelling, or any part thereof, whether
16 owned or rented, ~~which~~ that is occupied as a residence by the household
17 and so much of the land surrounding it, as defined as a home site for ad
18 valorem tax purposes, and may consist of a part of a multi-dwelling or
19 multi-purpose building and a part of the land upon which it is built or a
20 manufactured home or mobile home and the land upon which it is situated.
21 "Owned" includes a vendee in possession under a land contract, a life
22 tenant, a beneficiary under a trust and one or more joint tenants or tenants
23 in common.

24 ~~(3) "Public or private buyout" means any buyout from a local, state or~~
25 ~~federal governmental entity or any non-governmental entity, including, but~~
26 ~~not limited to, an individual, foundation, trust, association, corporation,~~
27 ~~limited liability company or partnership.~~

28 ~~(b)~~(2) The owner of any homestead listed and assessed for property
29 taxation purposes ~~which~~ that was destroyed or substantially destroyed due
30 to an earthquake, flood, tornado, fire, storm, or other event or occurrence
31 ~~which~~ that the governor of the state of Kansas has declared a disaster may
32 make application to the board of county commissioners of the county in
33 which such property is located for the abatement of property taxes levied
34 upon such homestead or for a credit against property taxes payable by such
35 owner, as permitted by this section.

36 ~~(A)~~(A) If such homestead has been so destroyed or substantially

1 destroyed after January 1 of a particular year but prior to August 15 of
2 such year, the owner of such homestead may make application to such
3 board of county commissioners for the abatement of property taxes levied
4 upon such homestead, or if such property taxes have been paid or partially
5 paid, may make application for the granting of a credit against property
6 taxes payable by such owner during any or all of the next succeeding three
7 taxable years.

8 ~~(2)~~(B) If such homestead has been so destroyed or substantially
9 destroyed on or after August 15 of a particular year but prior to January 1
10 of the next succeeding year, the owner of such homestead may make
11 application to such board of county commissioners for the granting of a
12 credit against property taxes payable by such owner during any or all of
13 the next succeeding three taxable years.

14 (b) (1) *As used in this subsection:*

15 (A) *"Agricultural improvement" means a farm building or structure,*
16 *including, but not limited to, a barn, shed, grain bin or outbuilding,*
17 *utilized for the production of livestock or crops and listed and classified as*
18 *an agricultural improvement for property taxation purposes.*

19 (B) *"Destroyed or substantially destroyed" means damage sustained*
20 *by an agricultural improvement as the direct result of an earthquake,*
21 *flood, tornado, fire, storm or other natural disaster event or occurrence*
22 *that the governor of the state of Kansas has declared a disaster, whereby*
23 *the cost of restoring the building or structure to its before-damaged*
24 *condition would equal or exceed 50% of the market value of the building*
25 *or structure before the damage occurred. For purposes of this subsection,*
26 *such earthquake, flood, tornado, fire, storm or other natural disaster event*
27 *or occurrence must be declared a disaster by the governor of the state of*
28 *Kansas.*

29 (2) *The owner of any agricultural improvement that was destroyed or*
30 *substantially destroyed may make application to the board of county*
31 *commissioners of the county in which such property is located for the*
32 *abatement of property taxes levied upon such agricultural improvement or*
33 *for a credit against property taxes payable by such owner, as permitted by*
34 *this section.*

35 (A) *If such agricultural improvement has been so destroyed or*
36 *substantially destroyed after January 1 of a particular year but prior to*
37 *August 15 of such year, the owner of such agricultural improvement may*
38 *make application to such board of county commissioners for the*
39 *abatement of property taxes levied upon such agricultural improvement,*
40 *or if such property taxes have been paid or partially paid, may make*
41 *application for the granting of a credit against property taxes payable by*
42 *such owner during any or all of the next succeeding three taxable years.*

43 (B) *If such agricultural improvement has been so destroyed or*

1 *substantially destroyed on or after August 15 of a particular year but prior*
2 *to January 1 of the next succeeding year, the owner of such agricultural*
3 *improvement may make application to such board of county*
4 *commissioners for the granting of a credit against property taxes payable*
5 *by such owner during any or all of the next succeeding three taxable*
6 *years.*

7 (c) An application for relief as permitted by ~~subsection~~ *subsections*
8 *(a) and (b)* may be made for abatement of property taxes assessed but not
9 yet paid, or for a grant of a credit for assessed property taxes paid or for
10 both, as the case may be, and may be made on or before December 20 of
11 the year next succeeding the year for which such taxes have been assessed.

12 (d) Upon receipt of any such application, subject to budgetary
13 restraints of the county or taxing subdivision arising from the event or
14 occurrence declared a disaster by the governor, the board of county
15 commissioners shall inquire into and make findings regarding, among
16 other things, whether the property is a homestead, as defined in subsection
17 (a), whether the homestead was destroyed or substantially destroyed, as
18 defined in subsection (a), *whether the property is an agricultural*
19 *improvement, as defined in subsection (b), whether the agricultural*
20 *improvement was destroyed or substantially destroyed, as defined in*
21 *subsection (b)* and the assessed valuation thereof. If it is determined that an
22 owner of such homestead *or agricultural improvement* is entitled to an
23 abatement of all or any portion of the property taxes levied against such
24 homestead *or agricultural improvement* or is entitled to a credit against
25 property taxes payable by such owner in any or all of the next succeeding
26 three years, the board may issue an order so providing.

27 (e) The county clerk and county treasurer shall in each case of
28 abatement or credit correct their records in accordance therewith and the
29 county clerk shall notify the governing body of any taxing district affected
30 thereby.

31 (f) The provisions of this section shall be applicable to all taxable
32 years commencing after December 31, ~~2014~~ 2018, and all taxable years
33 thereafter.

34 Sec. 2. K.S.A. 79-1613 is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its
36 publication in the Kansas register.