

House Concurrent Resolution No. 5009

By Representative F. Miller

2-4

9 A PROPOSITION to amend section 1 of article 11 of the constitution
10 of the state of Kansas.

11

12 *Be it resolved by the Legislature of the State of Kansas, two-thirds of*
13 *the members elected (or appointed) and qualified to the House of Rep-*
14 *resentatives and two-thirds of the members elected (or appointed) and*
15 *qualified to the Senate concurring therein:*

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

20 “§ 1. **System of taxation; classification; exemption.** (a) The
21 provisions of this subsection shall govern the assessment and tax-
22 ation of property on and after January 1, ~~1993~~ 2005, and each
23 year thereafter. Except as otherwise hereinafter specifically pro-
24 vided, the legislature shall provide for a uniform and equal basis
25 of valuation and rate of taxation of all property subject to taxation.
26 *The legislature shall provide that the appraised valuation of real*
27 *property used for residential purposes which has been sold shall*
28 *be adjusted to an amount equal to the average of the appraised*
29 *valuation of such real property when sold determined pursuant*
30 *to law and the sales price of such real property when sold.* The
31 legislature may provide for the classification and the taxation uni-
32 formly as to class of recreational vehicles, as defined by the leg-
33 islature, or may exempt such class from property taxation and
34 impose taxes upon another basis in lieu thereof. The provisions
35 of this subsection shall not be applicable to the taxation of motor
36 vehicles, except as otherwise hereinafter specifically provided,
37 mineral products, money, mortgages, notes and other evidence
38 of debt and grain. Property shall be classified into the following
39 classes for the purpose of assessment and assessed at the per-
40 centage of value prescribed therefor:

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

- 1 the following percentages of value:
- 2 (1) Real property used for residential purposes including multi-family
- 3 residential real property and real property necessary to accommodate
- 4 a residential community of mobile or manufactured homes including
- 5 the real property upon which such homes are located 11½%
- 6 (2) Land devoted to agricultural use which shall be valued upon the basis
- 7 of its agricultural income or agricultural productivity pursuant to sec-
- 8 tion 12 of article 11 of the constitution..... 30%
- 9 (3) Vacant lots 12%
- 10 (4) Real property which is owned and operated by a not-for-profit organ-
- 11 ization not subject to federal income taxation pursuant to section 501
- 12 of the federal internal revenue code, and which is included in this
- 13 subclass by law..... 12%
- 14 (5) Public utility real property, except railroad real property which shall
- 15 be assessed at the average rate that all other commercial and industrial
- 16 property is assessed..... 33%
- 17 (6) Real property used for commercial and industrial purposes and build-
- 18 ings and other improvements located upon land devoted to agricul-
- 19 tural use..... 25%
- 20 (7) All other urban and rural real property not otherwise specifically
- 21 subclassified..... 30%
- 22 Class 2 shall consist of tangible personal property. Such tangible per-
- 23 sonal property shall be further classified into six subclasses, shall be de-
- 24 fined by law for the purpose of subclassification and assessed uniformly
- 25 as to subclass at the following percentages of value:
- 26 (1) Mobile homes used for residential purposes 11½%
- 27 (2) Mineral leasehold interests except oil leasehold interests the average
- 28 daily production from which is five barrels or less, and natural gas
- 29 leasehold interests the average daily production from which is 100
- 30 mcf or less, which shall be assessed at 25%..... 30%
- 31 (3) Public utility tangible personal property including inventories thereof,
- 32 except railroad personal property including inventories thereof, which
- 33 shall be assessed at the average rate all other commercial and indus-
- 34 trial property is assessed 33%
- 35 (4) All categories of motor vehicles not defined and specifically valued
- 36 and taxed pursuant to law enacted prior to January 1, 1985 30%
- 37 (5) Commercial and industrial machinery and equipment which, if its
- 38 economic life is seven years or more, shall be valued at its retail cost
- 39 when new less seven-year straight-line depreciation, or which, if its
- 40 economic life is less than seven years, shall be valued at its retail cost
- 41 when new less straight-line depreciation over its economic life, except
- 42 that, the value so obtained for such property, notwithstanding its ec-
- 43

1 onomic life and as long as such property is being used, shall not be
2 less than 20% of the retail cost when new of such property 25%

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

5 (b) All property used exclusively for state, county, municipal, literary,
6 educational, scientific, religious, benevolent and charitable purposes,
7 farm machinery and equipment, merchants' and manufacturers' inven-
8 tories, other than public utility inventories included in subclass (3) of class
9 2, livestock, and all household goods and personal effects not used for
10 the production of income, shall be exempted from property taxation.”

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

13 “*Explanatory statement.* This amendment would require the leg-
14 islature to provide that the appraised valuation of real property used
15 for residential purposes which has been sold shall be adjusted to an
16 amount equal to the average of the appraised value of such real
17 property when sold determined pursuant to law and the sales price
18 of such real property when sold.

19 “A vote for this proposition would require the legislature to pro-
20 vide that the appraised valuation of real property used for residen-
21 tial purposes which has been sold shall be adjusted to an amount
22 equal to the average of the appraised value of such real property
23 when sold determined pursuant to law and the sales price of such
24 real property when sold.

25 “A vote against this proposition would maintain the current sys-
26 tem of property taxation.”

27 Sec. 3. This resolution, if approved by two-thirds of the members
28 elected (or appointed) and qualified to the House of Representatives, and
29 two-thirds of the members elected (or appointed) and qualified to the
30 Senate shall be entered on the journals, together with the yeas and nays.
31 The secretary of state shall cause this resolution to be published as pro-
32 vided by law and shall cause the proposed amendment to be submitted
33 to the electors of the state at the general election to be held on November
34 7, 2006.