

SENATE BILL No. 401

By Senator Haley

1-27

AN ACT concerning property taxation; relating to valuation; requiring the county appraiser to conduct a new physical inspection before increasing the valuation of residential real property by more than 15%; amending K.S.A. 2025 Supp. 79-1460 and repealing the existing section.

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

Section 1. K.S.A. 2025 Supp. 79-1460 is hereby amended to read as follows: 79-1460. (a) The county appraiser shall notify each taxpayer in the county annually on or before March 1 for real property and May 1 for personal property, by mail directed to the taxpayer's last known address, of the classification and appraised valuation of the taxpayer's property, except that, the valuation for all real property shall not be increased unless the record of the latest physical inspection was reviewed by the county or district appraiser, and documentation exists to support such increase in valuation in compliance with the directives and specifications of the director of property valuation, and such record and documentation is available to the affected taxpayer. Alternatively, the county appraiser may transmit the classification and appraised valuation to the taxpayer by electronic means if such taxpayer consented to service by electronic means.

(b) (1) The valuation for all real property also shall not be increased solely as the result of normal repair, replacement or maintenance of existing structures, equipment or improvements on the property.

(2) For the next two taxable years following the taxable year that the valuation for commercial real property has been reduced due to a final determination made pursuant to the valuation appeals process, the county appraiser shall review the computer-assisted mass-appraisal of the property and if, the valuation in either of those two years exceeds the value of the previous year by more than 5%, excluding new construction, change in use or change in classification, the county appraiser shall either:

~~(1)(A)~~ Adjust the valuation of the property based on the information provided in the previous appeal; or

~~(2)(B)~~ order an independent fee simple appraisal of the property to be performed by a Kansas certified real property appraiser.

(3) (A) *The valuation for all residential real property also shall not be increased by more than 15%, excluding increases due to new*

1 *construction, unless the county appraiser first conducts a new physical*
2 *inspection of such property pursuant to this paragraph and considers the*
3 *findings of such inspection.*

4 *(B) If a physical inspection is required pursuant to this paragraph,*
5 *the county appraiser shall notify the taxpayer in writing and include an*
6 *explanation of the taxpayer's rights relating to the physical inspection. If a*
7 *physical inspection is required, the taxpayer may request that an interior*
8 *inspection be performed during the physical inspection. The taxpayer shall*
9 *have not less than 30 days to notify the county appraiser of a request for*
10 *an interior physical inspection.*

11 *(C) A physical inspection pursuant to this paragraph shall include,*
12 *but not be limited to, an on-site personal observation and review of all*
13 *exterior portions of the land and any buildings and improvements to which*
14 *the county has or may reasonably and lawfully gain external access, and*
15 *an observation and review of the interior of any buildings or*
16 *improvements on the property upon the timely request of the taxpayer.*
17 *Mere observation of the property by driving past the property or using*
18 *digital imaging tools shall not be considered sufficient to constitute a*
19 *physical inspection as required by this paragraph.*

20 *(c) When the valuation for real property has been reduced due to a*
21 *final determination made pursuant to the valuation appeals process for the*
22 *prior year, and the county appraiser has already certified the appraisal rolls*
23 *for the current year to the county clerk pursuant to K.S.A. 79-1466, and*
24 *amendments thereto, the county appraiser may amend the appraisal rolls*
25 *and certify the changes to the county clerk to implement the provisions of*
26 *this subsection and reduce the valuation of the real property to the prior*
27 *year's final determination, except that such changes shall not be made after*
28 *October 31 of the current year.*

29 *(d) (1) The notice provided under subsection (a) shall specify:*

30 *(A) Separately for the previous tax year and the current tax year, the*
31 *appraised and assessed values for each property class identified on the*
32 *parcel;*

33 *(B) the uniform parcel identification number prescribed by the*
34 *director of property valuation; and*

35 *(C) a statement of the taxpayer's right to appeal, the procedure to be*
36 *followed in making such appeal and the availability without charge of the*
37 *guide devised pursuant to subsection (g).*

38 *(2) Such notice may, and if the board of county commissioners so*
39 *require, shall provide the parcel identification number, address and the sale*
40 *date and amount of any or all sales utilized in the determination of*
41 *appraised value of residential real property.*

42 *(e) In any year in which no change in appraised valuation of any real*
43 *property from ~~its~~ such property's appraised valuation in the next preceding*

1 year is determined, an alternative form of notification which has been
2 approved by the director of property valuation may be utilized by a county.

3 (f) Failure to timely mail or receive such notice shall in no way
4 invalidate the classification or appraised valuation as changed. The
5 secretary of revenue shall adopt rules and regulations necessary to
6 implement the provisions of this section.

7 (g) There shall be provided to each taxpayer, upon request, a guide to
8 the property tax appeals process. The director of the division of property
9 valuation shall devise and publish such guide and shall provide sufficient
10 copies thereof to all county appraisers. Such guide shall include, but not be
11 limited to:

12 (1) A restatement of the law which pertains to the process and
13 practice of property appraisal methodology, including the contents of
14 K.S.A. 79-503a and 79-1460, and amendments thereto;

15 (2) the procedures of the appeals process, including the order and
16 burden of proof of each party and time frames required by law; and

17 (3) such other information deemed necessary to educate and enable a
18 taxpayer to properly and competently pursue an appraisal appeal.

19 (h) As used in this section:

20 (1) "New construction" means the construction of any new structure
21 or improvements or the remodeling or renovation of any existing
22 structures or improvements on real property.

23 (2) "Normal repair, replacement or maintenance" does not include
24 new construction.

25 (3) "Taxpayer" means the person in ownership of the property as
26 indicated on the records of the office of register of deeds or county clerk
27 and includes the lessee of such property if the lease agreement has been
28 recorded or filed in the office of the register of deeds and the real property
29 or improvement thereon is subject of a lease agreement.

30 Sec. 2. K.S.A. 2025 Supp. 79-1460 is hereby repealed.

31 Sec. 3. This act shall take effect and be in force from and after its
32 publication in the statute book.