

As Amended by Senate Committee

Session of 2020

SENATE BILL No. 242

By Senator Holland

10-29

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

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

7 Section 1. K.S.A. 79-1613 is hereby amended to read as follows: 79-

8 1613. (a) ~~(1)~~ As used in this section ~~subsection:~~ **section,**

9 ~~(1)(A)~~ "destroyed or substantially destroyed" means damage of any
10 origin sustained by a ~~homestead~~ **building or improvement** as the direct
11 result of: ~~(A) (i)~~ **(1)** An earthquake, flood, tornado, fire or storm; or ~~(B) (ii)~~
12 **(2)** an event or occurrence ~~which~~ *that* the governor of the state of Kansas
13 has declared a disaster, whereby the cost of restoring the structure to its
14 before-damaged condition would equal or exceed 50% of the market value
15 of the structure before the damage occurred.

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

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

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

1 such owner, as permitted by this section.

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

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

18 ~~(b)(1) —As used in this subsection:~~

19 ~~(A) —"Agricultural improvement" means a farm building or structure,~~
20 ~~including, but not limited to, a barn, shed, grain bin or outbuilding,~~
21 ~~utilized for the production of livestock or crops and listed and classified as~~
22 ~~an agricultural improvement for property taxation purposes.~~

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

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

39 ~~(A) —If such agricultural improvement has been so destroyed or~~
40 ~~substantially destroyed after January 1 of a particular year but prior to~~
41 ~~August 15 of such year, the owner of such agricultural improvement may~~
42 ~~make application to such board of county commissioners for the~~
43 ~~abatement of property taxes levied upon such agricultural improvement,~~

1 ~~or if such property taxes have been paid or partially paid, may make~~
2 ~~application for the granting of a credit against property taxes payable by~~
3 ~~such owner during any or all of the next succeeding three taxable years.~~

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

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

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

33 (e) The county clerk and county treasurer shall in each case of
34 abatement or credit correct their records in accordance therewith and the
35 county clerk shall notify the governing body of any taxing district affected
36 thereby.

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

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

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