

HOUSE BILL No. 2285

By Committee on Taxation

2-11

1 AN ACT concerning property taxation; relating to definitions; commercial
2 and industrial machinery and equipment; amending K.S.A. 79-102 and
3 repealing the existing section.

4
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 79-102 is hereby amended to read as follows: 79-
7 102. ~~That the terms~~ *As used in this act, unless the context clearly requires*
8 *otherwise, the following words and phrases shall have the meanings*
9 *ascribed to them herein:*

10 (a) "Real property," "real estate," and "land," ~~when used in this act,~~
11 ~~except as otherwise specifically provided, shall include~~ not only the land
12 itself, but all buildings, fixtures, improvements, mines, minerals, quarries,
13 mineral springs and wells, rights and privileges appertaining thereto.

14 (b) ~~The term "Personal property" shall include~~ *includes* every
15 tangible thing which is the subject of ownership, not forming part or parcel
16 of real property; also the capital stock, undivided profits and all other
17 assets of every company, incorporated or unincorporated, and every share
18 or interest in such stock, profit, or assets, by whatever name the same may
19 be designated, provided the same is not included in other personal property
20 subject to taxation or listed as the property of individuals; and also every
21 share or interest in any vessel or boat used in navigating any of the waters
22 within or bordering on this state, whether such vessel or boat shall be
23 within the jurisdiction of the state or elsewhere; and also all "property"
24 owned, leased, used, occupied or employed by any railway or telegraph
25 company or corporation within this state, situate on the right-of-way of
26 any railway; *and also commercial and industrial machinery and*
27 *equipment.*

28 (c) ~~That the term "Property," when used alone in this act, shall mean~~
29 ~~means and include~~ *includes* every kind of property subject to ownership.

30 (d) ~~The term "Money" or "moneys" shall mean means and include~~
31 ~~includes~~ gold and silver coin, United States treasury notes, and bank notes.

32 (e) ~~The words "Personal property," when used in this act in their~~
33 ~~general sense, shall include~~ *includes* all taxable property other than real
34 property, as hereinbefore defined.

35 (f) ~~The words "Town" or "village," when used in this act, shall~~
36 ~~include~~ *includes* every place laid out in lots and blocks other than

1 incorporated cities.

2 (g) ~~The word "Cities" shall include~~ *includes* only such places as are
3 incorporated cities.

4 (h) ~~The words "He," "his," or "him,"~~ when so used as to refer to a
5 female, shall be held to mean "she," "her," or "hers"; and when so used as
6 to refer to more than one person, "they," "their," or "them," as the sense
7 may require.

8 (i) *On and after January 1, 2013, "commercial and industrial*
9 *machinery and equipment," as that term is used in article 11, section 1,*
10 *class 2, subclass (5) of the Kansas constitution, means machinery or*
11 *equipment used directly in commercial, manufacturing or processing*
12 *activities to produce income. Commercial and industrial machinery and*
13 *equipment items shall not become a fixture or improvement for property*
14 *tax purposes if the item may be disassembled, detached or removed from*
15 *real property without causing significant damage to the item.*
16 *"Commercial and industrial machinery and equipment" does not include*
17 *fixtures that are common to buildings and intended to primarily benefit*
18 *real property rather than the trade or business conducted on the premises.*
19 *The director of property valuation shall adopt rules and regulations or*
20 *appraisal directives to administer this subsection.*

21 Sec. 2. K.S.A. 79-102 is hereby repealed.

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