AN ACT concerning property taxation; relating to valuation of real property; land devoted to agricultural use; amending K.S.A. 2018 Supp. 79-1476 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 79-1476 is hereby amended to read as follows: 79-1476. The director of property valuation is hereby directed and empowered to administer and supervise a statewide program of reappraisal of all real property located within the state. Except as otherwise authorized by K.S.A. 19-428, and amendments thereto, each county shall comprise a separate appraisal district under such program, and the county appraiser shall have the duty of reappraising all of the real property in the county pursuant to guidelines and timetables prescribed by the director of property valuation and of updating the same on an annual basis. In the case of multi-county appraisal districts, the district appraiser shall have the duty of reappraising all of the real property in each of the counties comprising the district pursuant to such guidelines and timetables and of updating the same on an annual basis. Commencing in 2000, every parcel of real property shall be actually viewed and inspected by the county or district appraiser once every six years.

Compilation of data for the initial preparation or updating of inventories for each parcel of real property and entry thereof into the state computer system as provided for in K.S.A. 79-1477, and amendments thereto, shall be completed not later than January 1, 1989. Whenever the director determines that reappraisal of all real property within a county is complete, notification thereof shall be given to the governor and to the state board of tax appeals.

Valuations shall be established for each parcel of real property at its fair market value in money in accordance with the provisions of K.S.A. 79-503a, and amendments thereto.

In addition thereto valuations shall be established for each parcel of land devoted to agricultural use upon the basis of the agricultural income or productivity attributable to the inherent capabilities of such land in its current usage under a degree of management reflecting median production levels in the manner hereinafter provided. A classification system for all land devoted to agricultural use shall be adopted by the director of
property valuation using criteria established by the United States
department of agriculture soil conservation service. For all taxable years
commencing after December 31, 1989, all land devoted to agricultural use
which is subject to the federal conservation reserve program shall be
classified as cultivated dry land for the purpose of valuation for property
tax purposes pursuant to this section. For all taxable years commencing
after December 31, 1999, all land devoted to agricultural use which is
subject to the federal wetlands reserve program shall be classified as native
grassland for the purpose of valuation for property tax purposes pursuant
to this section. Prior to July 1, 2020, productivity of land devoted to
agricultural use shall be determined for all land classes within each county
or homogeneous region based on an average of the eight calendar years
immediately preceding the calendar year which immediately precedes the
year of valuation, at a degree of management reflecting median production
levels. On and after July 1, 2020, productivity of land devoted to
agricultural use shall be determined for all land classes within each county
or homogenous region based on an average of the calendar year
immediately preceding the calendar year that immediately precedes the
year of valuation, at a degree of management reflecting median
production levels. The director of property valuation shall determine
median production levels based on information available from state and
federal crop and livestock reporting services, the soil conservation service,
and any other sources of data that the director considers appropriate.

The share of net income from land in the various land classes within
each county or homogeneous region which is normally received by the
landlord shall be used as the basis for determining agricultural income for
all land devoted to agricultural use except pasture or rangeland. The net
income normally received by the landlord from such land shall be
determined by deducting expenses normally incurred by the landlord from
the share of the gross income normally received by the landlord. The net
rental income normally received by the landlord from pasture or rangeland
within each county or homogeneous region shall be used as the basis for
determining agricultural income from such land. The net rental income
from pasture and rangeland which is normally received by the landlord
shall be determined by deducting expenses normally incurred from the
gross income normally received by the landlord. Prior to July 1, 2020,
commodity prices, crop yields and pasture and rangeland rental rates and
expenses shall be based on an average of the eight calendar years
immediately preceding the calendar year which immediately precedes the
year of valuation. On and after July 1, 2020, commodity prices, crop
yields and pasture and rangeland rental rates and expenses shall be based
on an average of the calendar year immediately preceding the calendar
year that immediately precedes the year of valuation. Net income for every
land class within each county or homogeneous region shall be capitalized at a rate determined to be the sum of the contract rate of interest on new federal land bank loans in Kansas on July 1 of each year averaged over a five-year period which includes the five years immediately preceding the calendar year which immediately precedes the year of valuation, plus a percentage not less than 0.75% nor more than 2.75%, as determined by the director of property valuation, except that the capitalization rate calculated for property tax year 2003, and all such years thereafter, shall not be less than 11% nor more than 12%.

Based on the foregoing procedures the director of property valuation shall make an annual determination of the value of land within each of the various classes of land devoted to agricultural use within each county or homogeneous region and furnish the same to the several county appraisers who shall classify such land according to its current usage and apply the value applicable to such class of land according to the valuation schedules prepared and adopted by the director of property valuation under the provisions of this section.

It is the intent of the legislature that appraisal judgment and appraisal standards be followed and incorporated throughout the process of data collection and analysis and establishment of values pursuant to this section.

For the purpose of the foregoing provisions of this section the phrase "land devoted to agricultural use" shall mean and include land, regardless of whether it is located in the unincorporated area of the county or within the corporate limits of a city, which is devoted to the production of plants, animals or horticultural products, including, but not limited to: Forages; grains and feed crops; dairy animals and dairy products; poultry and poultry products; beef cattle, sheep, swine and horses; bees and apiary products; trees and forest products; fruits, nuts and berries; vegetables; nursery, floral, ornamental and greenhouse products. Land devoted to agricultural use shall include land established as a controlled shooting area pursuant to K.S.A. 32-943, and amendments thereto, which shall be deemed to be land devoted to agricultural use. If a parcel has land devoted to agricultural purposes and land used for suburban residential acreages, rural home sites or farm home sites, the county appraiser shall determine the amount of the parcel used for agricultural purposes and value and assess it accordingly as land devoted to agricultural purposes. The county appraiser shall then determine the amount of the remaining land used for such other purposes and value and assess that land according to its use.

The term "expenses" shall mean those expenses typically incurred in producing the plants, animals and horticultural products described above including management fees, production costs, maintenance and depreciation of fences, irrigation wells, irrigation laterals and real estate
taxes, but the term shall not include those expenses incurred in providing
temporary or permanent buildings used in the production of such plants,
animals and horticultural products.

The provisions of this act shall not be construed to conflict with any
other provisions of law relating to the appraisal of tangible property for
taxation purposes including the equalization processes of the county and
state board of tax appeals.

Sec. 2. K.S.A. 2018 Supp. 79-1476 is hereby repealed.

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