

STATE OF KANSAS

SENATE CHAMBER

MR. PRESIDENT:

I move to further amend **Senate Substitute for HB 2416**, as amended pursuant to a motion to divide the question in accordance with Senate Rule 27 adopted by the Senate Committee of the Whole as reported in the Journal of the Senate on March 22, 2022, on page 1, in line 14, after "disease" by inserting "in humans"; in line 26, after "(c)" by inserting "(1)"; following line 30, by inserting:

"(2) A claimant shall not be eligible for compensation if such claimant knew or should have known of a dangerous condition and such claimant failed to respond in a reasonable manner to address such dangerous condition that resulted in the use, restriction on use, damage, loss or destruction of property, including, but not limited to, sanitization or food safety.";

On page 2, in line 16, after "disease" by inserting "in humans";

On page 4, following line 6, by inserting:

"Sec. 2. K.S.A. 2021 Supp. 79-1614 is hereby amended to read as follows: 79-1614. (a) (1) The owner of any building listed and assessed for property taxation purposes as real property that maintains a business on the property that was shut down or restricted because of any action taken by the state, county, city or other political subdivision of the state pursuant to an executive order issued by the governor pursuant to K.S.A. 48-925, and amendments thereto, or any action taken by a county, city or other political subdivision of the state related to a state of disaster emergency declared pursuant to K.S.A. 48-924, and amendments thereto, or a state of local disaster emergency declared pursuant to K.S.A. 48-932, and amendments thereto, or any action taken by a county, city or other political subdivision of the state related to a contagious or

infectious disease in humans pursuant to chapter 65 of the Kansas Statutes Annotated, and amendments thereto, may make application to the board of county commissioners of the county in which such property is located for the reimbursement of the property taxes levied upon such property during the shutdown or restriction.

(2) An owner shall not be eligible for reimbursement if such owner knew or should have known of a dangerous condition and such owner failed to respond in a reasonable manner to address such dangerous condition that resulted in the shutdown or restriction, including, but not limited to, sanitization or food safety.

(3) The county treasurer shall reimburse from the county general fund any owner who makes an application or operator that joins in an application that is determined to be valid for the period of time that the shutdown or restriction remained in effect. For ordered shutdowns, the reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total ad valorem real property taxes levied by the state, county and all other taxing subdivisions due for the property for the year multiplied by the number of calendar days the ordered shutdown was in effect. For ordered restrictions, the reimbursement shall be calculated as a $\frac{1}{365}$ amount of the total ad valorem real property taxes levied by the state, county and all other taxing subdivisions due for the property for the year multiplied by the percentage of the ordered restrictions and further multiplied by the number of calendar days the ordered restriction was in effect.

(b) If the owner is the operator of the business on the property that was shut down or restricted, the owner shall be entitled to 100% of such reimbursement amount. If the owner is not the operator of such business that was shut down or restricted from conducting operations:

(1) The owner shall disclose and attest to the identity of the operator of such business on the application form;

(2) the owner shall be entitled to 50% of such reimbursement amount;

(3) the operator of such business shall be entitled to 50% of such reimbursement amount if such operator joins in the owner's application; and

(4) such operator that joins in the owner's application may elect to assign such operator's share of the reimbursement amount to the owner to be credited against any delinquent rent due to the owner.

(c) If the state, a city or other political subdivision of the state was the governmental entity that shut down or restricted the business resulting in a reimbursement to an owner or operator pursuant to this section, such governmental entity that shut down or restricted the business shall reimburse the county for the cost of such reimbursement.

(d) For purposes of this section, "restriction" or "restricted" means any occupancy limitation, limitation on periods of operation or the exertion by any governmental entity of other significant control on business resources or functionality.

~~(e) The provisions of this section shall be applicable on and after January 1, 2022.~~

Sec. 3. K.S.A. 2021 Supp. 79-1614 is hereby repealed.";

And by renumbering sections accordingly;

On page 1, in the title, in line 7, before the period by inserting "; authorizing reimbursement of property taxes levied upon businesses shut down or restricted as a result of certain governmental actions related to contagious or infectious disease in humans; amending K.S.A. 2021 Supp. 79-1614 and repealing the existing section"

Senator _____