

PROPOSED AMENDMENTS

AN ACT concerning property taxation; relating to exemptions; commercial and industrial machinery and equipment; classification; amending K.S.A. 2011 Supp. 79-223 and repealing the existing section.

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

Section 1. K.S.A. 2011 Supp. 79-223 is hereby amended to read as follows: 79-223. (a)

It is the purpose of this section to promote, stimulate, foster and encourage new investments in commercial and industrial machinery and equipment in the state of Kansas, to contribute to the economic recovery of the state, to enhance business opportunities in the state, to encourage the location of new businesses and industries in the state as well as the retention and expansion of existing businesses and industries and to promote the economic stability of the state by maintaining and providing employment opportunities, thereby contributing to the general welfare of the citizens of the state, by exempting from property taxation all newly purchased or leased commercial and industrial machinery and equipment, including machinery and equipment transferred into this state for the purpose of expanding an existing business or for the creation of a new business.

(b) The following described property, to the extent specified by this section, shall be and is hereby exempt from all property or *ad valorem* taxes levied under the laws of the state of Kansas:

First. Commercial and industrial machinery and equipment acquired by qualified purchase or lease made or entered into after June 30, 2006, as the result of a *bona fide* transaction not consummated for the purpose of avoiding taxation.

Second. Commercial and industrial machinery and equipment transported into this state

after June 30, 2006, for the purpose of expanding an existing business or creation of a new business.

(c) Any purchase, lease or transportation of commercial and industrial machinery and equipment consummated for the purpose of avoiding taxation shall subject the property to the penalty provisions of K.S.A. 79-1422 and 79-1427a, and amendments thereto. The county appraiser shall not reclassify any property that is properly classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas.

(d) Effective after December 31, 2013, any commercial and industrial machinery and equipment acquired on or after January 1, 2014, and exempted pursuant to this section shall not lose such exemption by its attachment, annexation or adaption to real estate. Commercial and industrial machinery and equipment which was subject to abatement or classified as personal property as of July 1, 2006, shall be classified as personal property. The provisions of this subsection shall expire and have no effect on and after July 1, 2014.

(e) As used in this section:

(1) "Acquired" shall not include the transfer of property pursuant to an exchange for stock securities, or the transfer of assets from one going concern to another due to a merger, reorganization or other consolidation;

(2) "commercial and industrial machinery and equipment" means property classified for property tax purposes within subclass (5) of class 2 of section 1 of article 11 of the constitution of the state of Kansas;

(3) "qualified lease" means a lease of commercial and industrial machinery and equipment for not less than 30 days for fair and valuable consideration where such machinery

and equipment is physically transferred to the lessee to be used in the lessee's business or trade;
and

(4) "qualified purchase" means a purchase of commercial and industrial machinery and equipment for fair and valuable consideration where such machinery and equipment is physically transferred to the purchaser to be used in the purchaser's business or trade.

~~(e)~~ (f) The secretary of revenue is hereby authorized to adopt rules and regulations to administer the provisions of this section.

Sec. 2. K.S.A. 2011 Supp. 79-223 is hereby repealed.

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

