

As Amended by Senate Committee

Session of 2011

SENATE BILL No. 59

By Committee on Assessment and Taxation

1-26

1 AN ACT concerning *property* taxation; relating to delinquent or unpaid
2 taxes and overpayment of taxes; *clerical errors*; pertaining to the
3 rate of interest; amending K.S.A. 79-2968 *and K.S.A. 2010 Supp.*
4 *79-1701a* and repealing the existing ~~section~~ *sections*.

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

7 *Section 1. K.S.A. 2010 Supp. 79-1701a is hereby amended to*
8 *read as follows: 79-1701a. Any taxpayer, the county appraiser or the*
9 *county clerk shall, on their own motion, request the board of county*
10 *commissioners to order the correction of the clerical errors in the*
11 *appraisal, assessment or tax rolls as described in K.S.A. 79-1701, and*
12 *amendments thereto. The board of county commissioners of the*
13 *several counties are hereby authorized to order the correction of*
14 *clerical errors, specified in K.S.A. 79-1701, and amendments thereto,*
15 *in the appraisal, assessment or tax rolls for the current year and the*
16 *immediately preceding two years during the period on and after*
17 *November 1 of each year. If a county treasurer has collected and*
18 *distributed the property taxes of a taxpayer and it shall thereafter be*
19 *determined that the tax computed and paid was based on an*
20 *erroneous assessment due to a clerical error which resulted in an*
21 *overpayment of taxes by the taxpayer, and such error is corrected*
22 *under the provisions hereof then the county commissioners may*
23 *direct a refund in the amount of the overpayment plus interest at the*
24 *rate prescribed by K.S.A. 79-2968, and amendments thereto, plus two*
25 *percentage points, per annum, from the date of payment from tax*
26 *moneys collected during the current year and approve a claim*
27 *therefor. If all or any portion of the taxes on such property remain*
28 *unpaid, the board of county commissioners shall cancel that portion*
29 *of such unpaid taxes which were assessed on the basis of the error*
30 *which is being corrected. In lieu of taking such a refund the taxpayer*
31 *may, at the taxpayer's option, be allowed a credit on the current*
32 *year's taxes in the amount of the overpayment plus interest at the rate*
33 *prescribed by K.S.A. 79-2968, and amendments thereto, from the date*

1 *of payment for the previous year. In the event the error results in an*
2 *understatement of value or taxes as a result of a mathematical*
3 *miscomputation on the part of the county, the board of county*
4 *commissioners of the several counties are hereby authorized to*
5 *correct such error and order an additional assessment or tax bill, or*
6 *both, to be issued, except that, in no such case shall the taxpayer be*
7 *assessed interest or penalties on any tax which may be assessed. If*
8 *such error applies to property which has been sold or otherwise*
9 *transferred subsequent to the time the error was made, no such*
10 *additional assessment or tax bill shall be issued.*

11 ~~Section 1.~~*Sec. 2.* K.S.A. 79-2968 is hereby amended to read as
12 follows: 79-2968. Except as otherwise specifically provided by law,
13 whenever interest is charged under any law of this state upon any
14 delinquent or unpaid taxes levied or imposed by the state of Kansas or
15 any taxing subdivision thereof, or whenever interest is allowed under
16 any law of this state upon any overpayment of taxes levied or imposed
17 by the state of Kansas or any taxing subdivision thereof, the rate
18 thereof shall be: ~~(a) One and one-half percent per month for any period~~
19 ~~prior to January 1, 1995, 1% per month for the period commencing on~~
20 ~~January 1, 1995, and ending on December 31, 1997, and 1/12 of the~~
21 ~~annual rate prescribed in subsection (b) thereafter, if computed~~
22 ~~monthly; and (b) eighteen percent per annum for any period prior to~~
23 ~~January 1, 1995, 12% per annum for the period commencing on~~
24 ~~January 1, 1995, and ending on December 31, 1997, and for any period~~
25 ~~thereafter, the underpayment rate per annum prescribed and determined~~
26 ~~under paragraph (2) of subsection (a) of section 6621, without regard to~~
27 ~~subsection (c) thereof, of the federal internal revenue code, as in effect~~
28 ~~on September 1, 1996, and which rate is in effect thereunder on July 1~~
29 ~~of the year immediately preceding the calendar year for which the rate~~
30 ~~is being annually fixed hereunder, plus one percentage point, if~~
31 ~~computed annually. Beginning on January 1, 2012, the rate for~~
32 ***property tax delinquencies or underpayments of \$10,000 or more***
33 ***shall be as provided for under this section or 10% per annum,***
34 ***whichever is greater.***

35 In the event the interest rate prescribed under this section cannot be
36 determined by reference to section 6621 of the federal internal revenue
37 code, as in effect on September 1, 1996, the rate at which interest shall
38 be collected on underpayments shall be the rate prescribed by K.S.A.
39 16-204, and amendments thereto, for interest on judgments for the

1 applicable period.

2 ~~Sec. 2.~~ **3.** K.S.A. 79-2968 ~~is~~ **and K.S.A. 2010 Supp. 79-1701a are**
3 hereby repealed.

4 ~~Sec. 3.~~ **4.** This act shall take effect and be in force from and after
5 its publication in the statute book.