

SENATE BILL No. 2

By Senator Holland

6-3

1 AN ACT concerning property taxation; relating to buildings and
2 improvements destroyed or substantially destroyed by natural disaster;
3 amending K.S.A. 79-1613 and repealing the existing section.
4

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

6 Section 1. K.S.A. 79-1613 is hereby amended to read as follows: 79-
7 1613. (a) As used in this section:

8 ~~(1)~~**(1)** "Destroyed or substantially destroyed" means damage of any
9 origin sustained by a ~~homestead~~ **homestead or building or improvement** as
10 the direct result of: ~~(A)(1)(A)~~ An earthquake, flood, tornado, fire or storm;
11 or ~~(B)(2)(B)~~ an event or occurrence ~~which~~ **that** the governor of the state of
12 Kansas has declared a disaster, whereby the cost of restoring the structure
13 to its before-damaged condition would equal or exceed 50% of the market
14 value of the structure before the damage occurred.

15 ~~(2)~~ "Homestead" means the dwelling, or any part thereof, whether
16 owned or rented, which is occupied as a residence by the household and so
17 much of the land surrounding it, as defined as a home site for ad valorem
18 tax purposes, and may consist of a part of a multi-dwelling or multi-
19 purpose building and a part of the land upon which it is built or a
20 manufactured home or mobile home and the land upon which it is situated.
21 "Owned" includes a vendee in possession under a land contract, a life
22 tenant, a beneficiary under a trust and one or more joint tenants or tenants
23 in common.

24 ~~(3)~~ "Public or private buyout" means any buyout from a local, state or
25 federal governmental entity or any non-governmental entity, including, but
26 not limited to, an individual, foundation, trust, association, corporation,
27 limited liability company or partnership.

28 **(2) "Homestead" means the dwelling, or any part thereof, whether**
29 **owned or rented, which is occupied as a residence by the household and**
30 **so much of the land surrounding it, as defined as a home site for ad**
31 **valorem tax purposes, and may consist of a part of a multi-dwelling or**
32 **multi-purpose building and a part of the land upon which it is built or a**
33 **manufactured home or mobile home and the land upon which it is**
34 **situated. "Owned" includes a vendee in possession under a land**
35 **contract, a life tenant, a beneficiary under a trust and one or more joint**
36 **tenants or tenants in common.**

1 (b) The owner of any ~~homestead~~ *building or improvement* listed and
2 assessed for property taxation purposes ~~which as real property or any~~
3 ***homestead*** that was destroyed or substantially destroyed due to an
4 earthquake, flood, tornado, fire, storm, or other event or occurrence ~~which~~
5 *that* the governor of the state of Kansas has declared a disaster may make
6 application to the board of county commissioners of the county in which
7 such property is located for the abatement of property taxes levied upon
8 such ~~homestead~~ ***homestead or building or improvement*** or for a credit
9 against property taxes payable by such owner, as permitted by this section.

10 (1) If such ~~homestead~~ ***homestead or building or improvement*** has
11 been so destroyed or substantially destroyed after January 1 of a particular
12 year but prior to August 15 of such year, the owner of such ~~homestead~~
13 ***homestead or building or improvement*** may make application to such
14 board of county commissioners for the abatement of property taxes levied
15 upon such ~~homestead~~ ***homestead or building or improvement***, or if such
16 property taxes have been paid or partially paid, may make application for
17 the granting of a credit against property taxes payable by such owner
18 during any or all of the next succeeding three taxable years.

19 (2) If such ~~homestead~~ ***homestead or building or improvement*** has
20 been so destroyed or substantially destroyed on or after August 15 of a
21 particular year but prior to January 1 of the next succeeding year, the
22 owner of such ~~homestead~~ ***homestead or building or improvement*** may
23 make application to such board of county commissioners for the granting
24 of a credit against property taxes payable by such owner during any or all
25 of the next succeeding three taxable years.

26 (c) An application for relief as permitted by subsection (b) may be
27 made for abatement of property taxes assessed but not yet paid, or for a
28 grant of a credit for assessed property taxes paid or for both, as the case
29 may be, and may be made on or before December 20 of the year next
30 succeeding the year for which such taxes have been assessed.

31 (d) Upon receipt of any such application, subject to budgetary
32 restraints of the county or taxing subdivision arising from the event or
33 occurrence declared a disaster by the governor, the board of county
34 commissioners shall inquire into and make findings regarding, among
35 other things, ~~whether the property is a homestead, as defined in subsection~~
36 ~~(a);~~ ***whether the property is a homestead, as defined in subsection (a),***
37 ***whether the property is a building or improvement,*** whether the
38 ~~homestead~~ ***homestead or the building or improvement*** was destroyed or
39 substantially destroyed, as defined in subsection (a) and the assessed
40 valuation thereof. If it is determined that an owner of such ~~homestead~~
41 ***homestead or building or improvement*** is entitled to an abatement of all or
42 any portion of the property taxes levied against such ~~homestead~~
43 ***homestead or building or improvement*** or is entitled to a credit against

1 property taxes payable by such owner in any or all of the next succeeding
2 three years, the board may issue an order so providing.

3 (e) The county clerk and county treasurer shall in each case of
4 abatement or credit correct their records in accordance therewith and the
5 county clerk shall notify the governing body of any taxing district affected
6 thereby.

7 (f) The provisions of this section shall be applicable to all taxable
8 years commencing after December 31, ~~2014~~ 2018, and all taxable years
9 thereafter.

10 Sec. 2. K.S.A. 79-1613 is hereby repealed.

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