

Substitute for SENATE BILL No. 165

By Committee on Assessment and Taxation

3-12

1 AN ACT concerning property taxation; relating to authority for boards of
2 county commissioners to abate or provide credit against property taxes
3 levied upon property destroyed or substantially destroyed by calamity.
4

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

6 Section 1. (a) As used in this section:

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

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

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

26 (b) The owner of any homestead listed and assessed for property
27 taxation purposes which was destroyed or substantially destroyed due to
28 an earthquake, flood, tornado, fire, storm, or other event or occurrence
29 which the governor of the state of Kansas has declared a disaster may
30 make application to the board of county commissioners of the county in
31 which such property is located for the abatement of property taxes levied
32 upon such homestead or for a credit against property taxes payable by such
33 owner, as permitted by this section.

34 (1) If such homestead has been so destroyed or substantially
35 destroyed after January 1 of a particular year but prior to August 15 of
36 such year, the owner of such homestead may make application to such

1 board of county commissioners for the abatement of property taxes levied
2 upon such homestead, or if such property taxes have been paid or partially
3 paid, may make application for the granting of a credit against property
4 taxes payable by such owner during any or all of the next succeeding three
5 taxable years.

6 (2) If such homestead has been so destroyed or substantially
7 destroyed on or after August 15 of a particular year but prior to January 1
8 of the next succeeding year, the owner of such homestead may make
9 application to such board of county commissioners for the granting of a
10 credit against property taxes payable by such owner during any or all of
11 the next succeeding three taxable years.

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

17 (d) Upon receipt of any such application, subject to budgetary
18 restraints of the county or taxing subdivision arising from the event or
19 occurrence declared a disaster by the governor, the board of county
20 commissioners shall inquire into and make findings regarding, among
21 other things, whether the property is a homestead, as defined in subsection
22 (a), whether the homestead was destroyed or substantially destroyed, as
23 defined in subsection (a) and the assessed valuation thereof. If it is
24 determined that an owner of such homestead is entitled to an abatement of
25 all or any portion of the property taxes levied against such homestead or is
26 entitled to a credit against property taxes payable by such owner in any or
27 all of the next succeeding three years, the board may issue an order so
28 providing.

29 (e) The board shall not grant an application for relief by an owner
30 who is a recipient of funds from either a public or private buyout or
31 insurance proceeds, which, as the case may be, are of an amount equal to
32 or greater than 50% of the entire pre-disaster value of the homestead
33 which was destroyed or substantially destroyed.

34 (f) The county clerk and county treasurer shall in each case of
35 abatement or credit correct their records in accordance therewith and the
36 county clerk shall notify the governing body of any taxing district affected
37 thereby.

38 (g) The provisions of this section shall be applicable to all taxable
39 years commencing after December 31, 2011.

40 Sec. 2. This act shall take effect and be in force from and after its
41 publication in the Kansas register.