AN ACT concerning property taxation; relating to payment of delinquent or nondelinquent taxes, providing for county treasurers to establish a payment plan, allowing county treasurers to waive interest and penalties for late tax payments; abatement of property taxes for agricultural improvement, public grain warehouse and commercial real property destroyed or substantially destroyed by natural disaster; amending K.S.A. 79-1613, 79-2024, 79-2302 and 79-2303 and repealing the existing sections.

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

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

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

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

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

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

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

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

(b) (1) As used in this subsection:

(A) "Agricultural improvement" means a farm building or structure, including, but not limited to, a barn, shed, grain bin or outbuilding, utilized for the production of livestock or crops and listed and classified as an agricultural improvement for property taxation purposes.

(B) "Destroyed or substantially destroyed" means damage sustained by an agricultural improvement or commercial real property as the direct result of an earthquake, flood, tornado, fire, storm or other natural disaster event or occurrence that the governor of the state of Kansas has declared a disaster, whereby the cost of restoring the building or structure to its before-damaged condition would equal or exceed 50% of the market value of the building or structure before the damage occurred. For purposes of this subsection, such earthquake, flood, tornado, fire, storm or other natural disaster event or occurrence must be declared a disaster by the governor of the state of Kansas.

(2) The owner of any agricultural improvement or commercial real property that was destroyed or substantially destroyed may make application to the board of county commissioners of the county in which such property is located for the abatement of property taxes levied upon such agricultural improvement or commercial real property or for a credit against property taxes payable by such owner, as permitted by this section.

(A) If such agricultural improvement or commercial real property has been so destroyed or substantially destroyed after January 1 of a particular year but prior to August 15 of such year, the owner of such agricultural improvement or commercial real property may make
application to such board of county commissioners for the abatement of
property taxes levied upon such agricultural improvement or commercial
real property, or if such property taxes have been paid or partially paid,
may make application for the granting of a credit against property taxes
payable by such owner during any or all of the next succeeding three
taxable years.

(B) If such agricultural improvement or commercial real property has
been so destroyed or substantially destroyed on or after August 15 of a
particular year but prior to January 1 of the next succeeding year, the
owner of such agricultural improvement or commercial real property may
make application to such board of county commissioners for the granting
of a credit against property taxes payable by such owner during any or all
of the next succeeding three taxable years.

(c) (1) As used in this subsection:

(A) "Destroyed or substantially destroyed" means damage sustained
by a public grain warehouse as the direct result of an earthquake, flood,
tornado, fire, storm or other natural disaster event or occurrence that the
governor of the state of Kansas has declared a disaster, whereby the cost
of restoring the building or structure to its before-damaged condition
would equal or exceed 50% of the market value of the building or
structure before the damage occurred. For purposes of this subsection,
such earthquake, flood, tornado, fire, storm or other natural disaster event
or occurrence must be declared a disaster by the governor of the state of
Kansas.

(B) "Public grain warehouse" means any grain bin, head house,
storage facility or other structure located at a public grain warehouse
location licensed pursuant to K.S.A. 34-228, and amendments thereto, or
the United States warehouse act, 7 U.S.C. § 241 et seq. and utilized for the
storage or handling of grain that is classified as real property for ad
valorem tax purposes.

(2) The owner of any public grain warehouse that was destroyed or
substantially destroyed may make application to the board of county
commissioners of the county in which such property is located for the
abatement of property taxes levied upon such public grain warehouse or
for a credit against property taxes payable by such owner, as permitted by
this section.

(A) If such public grain warehouse has been so destroyed or
substantially destroyed after January 1 of a particular year but prior to
August 15 of such year, the owner of such public grain warehouse may
make application to such board of county commissioners for the
abatement of property taxes levied upon such public grain warehouse, or
if such property taxes have been paid or partially paid, may make
application for the granting of a credit against property taxes payable by
such owner during any or all of the next succeeding three taxable years.

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

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

(d)(e) Upon receipt of any such application, subject to budgetary restraints of the county or taxing subdivision arising from the event or occurrence declared a disaster by the governor, the board of county commissioners shall inquire into and make findings regarding, among other things, whether the property is a homestead, as defined in subsection (a), whether the homestead was destroyed or substantially destroyed, as defined in subsection (a), whether the property is a commercial real property or an agricultural improvement, as defined in subsection (b), whether the commercial real property or agricultural improvement was destroyed or substantially destroyed, as defined in subsection (b), whether the property is a public grain warehouse, as defined in subsection (c), whether the public grain warehouse was destroyed or substantially destroyed, as defined in subsection (c) and the assessed valuation thereof.

If it is determined that an owner of such homestead, commercial real property, agricultural improvement or public grain warehouse is entitled to an abatement of all or any portion of the property taxes levied against such homestead, commercial real property, agricultural improvement or public grain warehouse or is entitled to a credit against property taxes payable by such owner in any or all of the next succeeding three years, the board may issue an order so providing. The board of county commissioners, at the option of the board, may provide the abatement of property taxes for any property or class of properties seeking such abatement.

(f) For any city, taxing unit located within a city, school district or community junior college district that has 25% or more of the total parcels of property damaged, such entity may object by passage of a resolution and retain its portion of the abated taxes. An entity may object by resolution within 14 days after notification by the county commission that the county has decided to abate such taxes. The entity's portion of property taxes shall be abated if the entity fails to object within 14 days.
The county clerk and county treasurer shall in each case of abatement or credit correct their records in accordance therewith and the county clerk shall notify the governing body of any taxing district affected thereby.

The provisions of this section shall be applicable to all taxable years commencing after December 31, 2011, and all taxable years thereafter.

Sec. 2. K.S.A. 79-2024 is hereby amended to read as follows: 79-2024. Notwithstanding any other provision of law to the contrary, the county treasurer of every county may accept partial payment of or establish a payment plan for delinquent or nondelinquent real property tax or personal property tax in accordance with payment guidelines established therefor by the county treasurer. Nothing in this section shall be construed to modify any consequences of untimely payment, except for second half payments due on May 10, 2020, the county treasurer of every county may waive interest or penalty, or both, for any taxpayer not delinquent on prior tax payments, if all tax due for the 2019 tax year is paid on or before August 10, 2020, nor shall the unpaid tax be considered delinquent during this period.

Sec. 3. K.S.A. 79-2302 is hereby amended to read as follows: 79-2302. (a) Except as provided in subsection (b), between July 1 and July 10 of each year, the county treasurer shall prepare a list of all real estate subject to sale, describing the real estate in the same manner as described of record in the office of the county clerk or the register of deeds of the county in which the real estate is located. The county treasurer also shall prepare an accompanying notice stating that the county treasurer will sell the real estate described in the list to the county for the amount of the delinquent taxes and legal charges due on the real estate and that the sale will be on or after the first Tuesday of September following publication of the notice under K.S.A. 79-2303, and amendments thereto. The list shall show the names of the owners of the real estate, as shown of record in the office of the county clerk or the register of deeds of the county in which the real estate is located, the description and address, if available, of each tract or parcel of land and the total of the amount of unpaid taxes upon each tract or parcel. If any county treasurer at any time discovers that any tract or lot of real estate has not been put on the list of delinquent taxes and not sold for any preceding year, the treasurer shall be required to place the omitted tract or lot on the list of delinquent taxes for the current year, and sell the tract or lot as directed by this act in other cases.

(b) For tax year 2019, between August 11, 2020, and August 21, 2020, the county treasurer shall prepare such list of all real estate subject to sale that lists all real estate for which the 2019 taxes have not been paid in full on or before August 10, 2020.
Sec. 4. K.S.A. 79-2303 is hereby amended to read as follows: 79-2303. (a) The county treasurer shall cause the notice and list prepared under K.S.A. 79-2302, and amendments thereto, to be published in the official county newspaper or in a newspaper of general circulation in the county in accordance with the provisions of K.S.A. 64-101, and amendments thereto. Except as provided in subsection (b), the notice and list shall be submitted to the newspaper on or before August 1 of each year and shall be published once each week for three consecutive weeks immediately prior to the week when the day of sale will occur. The county treasurer also shall cause a copy of the list and notice to be posted in some conspicuous place in the county treasurer's office. The cost of publication of the notice and list shall be paid from the general fund of the county, and a $15 fee for each tract or lot shall be added to the tax due for the tract or lot as part of the costs of collection. The fee shall be collected in the manner provided for the collection of the unpaid taxes.

(b) With respect to tax year 2019, the notice and list shall be submitted to the newspaper on or before September 1, 2020, and shall be published once each week for three consecutive weeks immediately prior to the week when the day of sale will occur. The county treasurer shall advertise and sell such real estate on or before the fourth Monday of October 2020, and such advertisement and sale shall conform in all respects to the provisions of this act and shall be as binding and valid as if such sale had been made on the first Tuesday of September.

Sec. 5. K.S.A. 79-1613, 79-2024, 79-2302 and 79-2303 are hereby repealed.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.