

Senate Substitute for HOUSE BILL No. 2104

By Committee on Assessment and Taxation

3-24

1 AN ACT concerning property taxation; relating to school district levies,
2 authorizing continuation of the statewide levy for schools and the
3 exemption of a portion of residential property from such levy,
4 extending the due date for budget to state board of education when
5 revenue neutral rate hearing is required; ***{extending certain due dates***
6 ***relating to notice and hearing requirements to exceed the revenue***
7 ***neutral rate for purposes of property tax;}*** relating to the state board of
8 tax appeals, orders and notices, service by electronic means, time to
9 request full and complete opinion, judicial review, burden of proof in
10 district court, appointments, extending the time a board member may
11 continue to serve after member's term expires, authorizing appoint by
12 the governor of a member pro tempore under certain conditions;
13 relating to appeals, prohibiting valuation increases in certain appeals;
14 relating to county appraisers, eligibility list, notification when person
15 no longer holds office; appraisal standards; amending K.S.A. 72-5137,
16 74-2426, 74-2433, 74-2433f, 79-201x, 79-505, 79-1448, 79-1609, ***79-***
17 ***1801, as amended by section 3 of 2021 Senate Bill No. 13,}*** and 79-
18 2005 and K.S.A. 2020 Supp. 19-432 and 72-5142 and ***{section 1 of***
19 ***2021 Senate Bill No. 13 and}*** repealing the existing sections.

20
21 *Be it enacted by the Legislature of the State of Kansas:*

22 Section 1. K.S.A. 2020 Supp. 72-5142 is hereby amended to read as
23 follows: 72-5142. (a) The board of education of each school district shall
24 levy an ad valorem tax upon the taxable tangible property of the school
25 district in the school years specified in subsection (b) for the purpose of:

26 (1) Financing that portion of the school district's general fund budget
27 that is not financed from any other source provided by law;

28 (2) paying a portion of the costs of operating and maintaining public
29 schools in partial fulfillment of the constitutional obligation of the
30 legislature to finance the educational interests of the state; and

31 (3) with respect to any redevelopment school district established prior
32 to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto,
33 paying a portion of the principal and interest on bonds issued by cities
34 under authority of K.S.A. 12-1774, and amendments thereto, for the
35 financing of redevelopment projects upon property located within the
36 school district.

1 (b) The tax required under subsection (a) shall be levied at a rate of
2 20 mills in the school years ~~2019-2020~~ 2021-2022 and ~~2020-2021~~ 2022-
3 2023.

4 (c) The proceeds from the tax levied by a district under authority of
5 this section, except the proceeds of such tax levied for the purpose
6 described in subsection (a)(3), shall be remitted to the state treasurer in
7 accordance with the provisions of K.S.A. 75-4215, and amendments
8 thereto. Upon receipt of each such remittance, the state treasurer shall
9 deposit the entire amount in the state treasury to the credit of the state
10 school district finance fund.

11 (d) No school district shall proceed under K.S.A. 79-1964, 79-1964a
12 or 79-1964b, and amendments thereto.

13 Sec. 2. K.S.A. 79-201x is hereby amended to read as follows: 79-
14 201x. For taxable years ~~2019~~ 2021 and ~~2020~~ 2022, the following described
15 property, to the extent herein specified, shall be and is hereby exempt from
16 the property tax levied pursuant to the provisions of K.S.A. 72-5142, and
17 amendments thereto: Property used for residential purposes to the extent of
18 \$20,000 of its appraised valuation.

19 Sec. 3. K.S.A. 72-5137 is hereby amended to read as follows: 72-
20 5137. On or before October 10 of each school year, the clerk or
21 superintendent of each school district shall certify under oath to the state
22 board a report showing the total enrollment of the school district by grades
23 maintained in the schools of the school district and such other reports as
24 the state board may require. Each such report shall show postsecondary
25 education enrollment, career technical education enrollment, special
26 education enrollment, bilingual education enrollment, at-risk student
27 enrollment and virtual school enrollment in such detail and form as is
28 specified by the state board. Upon receipt of such reports, the state board
29 shall examine the reports and if the state board finds any errors in any such
30 report, the state board shall consult with the school district officer
31 furnishing the report and make any necessary corrections in the report. On
32 or before August 25 of each year, each such clerk or superintendent shall
33 also certify to the state board a copy of the budget adopted by the school
34 district, *except when a school district must conduct a public hearing to*
35 *approve exceeding the revenue neutral rate under section 1 of 2021 Senate*
36 *Bill No. 13, and amendments thereto, a copy of such budget shall be*
37 *certified to the state board on or before September 20.*

38 Sec. 4. K.S.A. 2020 Supp. 19-432 is hereby amended to read as
39 follows: 19-432. (a) The director of property valuation shall maintain a
40 current list of persons eligible to be appointed to the office of appraiser.
41 Periodic issuance of this list shall constitute the official list of eligible
42 Kansas appraisers who are candidates for appointment. Inclusion on this
43 list shall be made dependent upon successful completion of a written

1 examination as adopted and administered by the director.

2 (b) The director of property valuation shall be required to conduct
3 training courses annually for the purpose of training appraisal candidates.
4 These courses shall be designed to prepare students to successfully
5 complete the written examinations required for eligible Kansas appraiser
6 status.

7 (c) Once certified, an eligible Kansas appraiser may retain that status
8 only through successful completion of additional appraisal courses at
9 intervals as determined by the director of property valuation. The director
10 shall be required to conduct training courses annually for the purpose of
11 providing the additional curriculum required for retention of Kansas
12 appraiser status. The director may accept recognized appraisal courses as
13 an alternative to courses conducted by the director's office to fulfill this
14 requirement for the maintenance of eligible Kansas appraiser status.

15 (1) *After notice and an opportunity to be heard in accordance with*
16 *the provisions of the Kansas administrative procedure act*, the director of
17 property valuation may remove any person from the list of persons eligible
18 to be appointed to the office of appraiser for any of the following acts or
19 omissions:

20 (A) Failing to meet the minimum qualifications established by this
21 section;

22 (B) a plea of guilty or nolo contendere to, or conviction of: (i) Any
23 crime involving moral turpitude; or (ii) any felony charge; or

24 (C) entry of a final civil judgment against the person on grounds of
25 fraud, misrepresentation or deceit in the making of any appraisal of real or
26 personal property.

27 (2) Any person removed from the list of persons eligible to be
28 appointed to the office of county appraiser under the provisions of this
29 section shall immediately forfeit the office of county or district appraiser.

30 (3) An appeal may be taken to the state board of tax appeals from any
31 final action of the director of property valuation under the provisions of
32 this section pursuant to K.S.A. 74-2438, and amendments thereto.

33 (4) The director of property valuation may relist a person as an
34 eligible county appraiser upon a showing of mitigating circumstances,
35 restitution or expungement.

36 (d) *The board of county commissioners or governing body of any*
37 *unified government of each county shall immediately notify the director of*
38 *property valuation when a person no longer holds the office of county*
39 *appraiser for such county. The notification shall be made on a form*
40 *provided by the director. If the person no longer holds the office of county*
41 *appraiser before the expiration of a four-year term or the person does not*
42 *complete a four-year term, then the notification shall include the reason*
43 *therefor, unless otherwise precluded by law. The director shall make a*

1 *notation on any eligibility list record of the person when the person no*
2 *longer holds the office of county appraiser before the expiration of a four-*
3 *year term or the person does not complete a four-year term.*

4 Sec. 5. K.S.A. 74-2426 is hereby amended to read as follows: 74-
5 2426. (a) Orders of the state board of tax appeals on any appeal, in any
6 proceeding under the tax protest, tax grievance or tax exemption statutes
7 or in any other original proceeding before the board shall be rendered and
8 served in accordance with the provisions of the Kansas administrative
9 procedure act. Notwithstanding the provisions of K.S.A. 77-526(g), and
10 amendments thereto, a written summary decision shall be rendered by the
11 board and served within 14 days after the matter was fully submitted to the
12 board unless this period is waived or extended with the written consent of
13 all parties or for good cause shown. Any aggrieved party, within ~~14~~ 21
14 days *after service* of ~~receiving~~ the board's decision, may request a full and
15 complete opinion be issued by the board in which the board explains its
16 decision. Except as provided in subsection (c)(4), this full opinion shall be
17 served by the board within 90 days of being requested. If the board has not
18 rendered a summary decision or a full and complete opinion within the
19 time periods described in this subsection, and such period has not been
20 waived by the parties nor can the board show good cause for the delay,
21 then the board shall refund any filing fees paid by the taxpayer. *Service of*
22 *orders, decisions and opinions shall be made in accordance with K.S.A.*
23 *77-531, and amendments thereto.*

24 (b) Final orders of the board shall be subject to review pursuant to
25 subsection (c) except that the aggrieved party may first file a petition for
26 reconsideration of a full and complete opinion with the board in
27 accordance with the provisions of K.S.A. 77-529, and amendments
28 thereto.

29 (c) Any action of the board pursuant to this section is subject to
30 review in accordance with the Kansas judicial review act, except that:

31 (1) The parties to the action for judicial review shall be the same
32 parties as appeared before the board in the administrative proceedings
33 before the board. The board shall not be a party to any action for judicial
34 review of an action of the board.

35 (2) There is no right to review of any order issued by the board in a
36 no-fund warrant proceeding pursuant to K.S.A. 12-110a, 12-1662 et seq.,
37 19-2752a, 79-2938, 79-2939 and 79-2951, and amendments thereto, and
38 statutes of a similar character.

39 (3) In addition to the cost of the preparation of the transcript, the
40 appellant shall pay to the state board of tax appeals the other costs of
41 certifying the record to the reviewing court. Such payment shall be made
42 prior to the transmission of the agency record to the reviewing court.

43 (4) Appeal of an order of the board shall be to the court of appeals as

1 provided in subsection (c)(4)(A), unless a taxpayer who is a party to the
2 order requests review in district court pursuant to subsection (c)(4)(B).

3 (A) Any aggrieved party may file a petition for review of the board's
4 order in the court of appeals. For purposes of such an appeal, the board's
5 order shall become final only after the issuance of a full and complete
6 opinion pursuant to subsection (a).

7 (B) At the election of a taxpayer, any summary decision or full and
8 complete opinion of the board of tax appeals issued after June 30, 2014,
9 may be appealed by filing a petition for review in the district court. Any
10 appeal to the district court shall be a trial de novo. Notwithstanding K.S.A.
11 77-619, and amendments thereto, the trial de novo shall include an
12 evidentiary hearing at which issues of law and fact shall be determined
13 anew. *With regard to any matter properly submitted to the district court*
14 *relating to the determination of valuation of residential property or real*
15 *property used for commercial and industrial purposes for taxation*
16 *purposes or the determination of classification of property for assessment*
17 *purposes, the county appraiser shall have the duty to initiate the*
18 *production of evidence to demonstrate, by a preponderance of the*
19 *evidence, the validity and correctness of such determination. District court*
20 *review of orders issued by the board relating to the valuation or*
21 *assessment of property for ad valorem tax purposes or relating to the tax*
22 *protest shall be conducted by the court of the county in which the property*
23 *is located, or, if located in more than one county, the court of any county in*
24 *which any portion of the property is located.*

25 (C) If a taxpayer requests review of a summary decision or full and
26 complete opinion in district court pursuant to subsection (c)(4)(B), the
27 taxpayer shall provide notice to the board as well as the parties. Upon
28 receipt of the notice, the board's jurisdiction shall terminate,
29 notwithstanding any prior request for a full and complete opinion under
30 subsection (a), and the board shall not issue such opinion.

31 (d) If review of an order of the state board of tax appeals to the court
32 of appeals relating to excise, income or estate taxes, is sought by a person
33 other than the director of taxation, such person shall give bond for costs at
34 the time the petition is filed. The bond shall be in the amount of 125% of
35 the amount of taxes assessed or a lesser amount approved by the court of
36 appeals and shall be conditioned on the petitioner's prosecution of the
37 review without delay and payment of all costs assessed against the
38 petitioner.

39 (e) *Notwithstanding any provisions of K.S.A. 77-531, and*
40 *amendments thereto, to the contrary, the state board of tax appeals shall*
41 *serve an order or notice upon the party and the party's attorney of record,*
42 *if any, by transmitting a copy of the order or notice to the person by*
43 *electronic means, if such person requested and consented to service by*

1 *electronic means. For purposes of this subsection, service by electronic*
2 *means is complete upon transmission.*

3 Sec. 6. K.S.A. 74-2433 is hereby amended to read as follows: 74-
4 2433. (a) There is hereby created a state board of tax appeals, referred to in
5 this act as the board. The board shall be composed of three members who
6 shall be appointed by the governor, subject to confirmation by the senate
7 as provided in K.S.A. 75-4315b, and amendments thereto. For members
8 appointed after June 30, 2014, one of such members shall have been
9 regularly admitted to practice law in the state of Kansas and for a period of
10 at least five years, have engaged in the active practice of law as a lawyer,
11 judge of a court of record or any other court in this state; one of such
12 members shall have engaged in active practice as a certified public
13 accountant for a period of at least five years and one such member shall be
14 a licensed certified general real property appraiser. In addition, the
15 governor shall also appoint a chief hearing officer, subject to confirmation
16 by the senate as provided in K.S.A. 75-4315b, and amendments thereto,
17 who, in addition to other duties prescribed by this act, shall serve as a
18 member pro tempore of the board. No successor shall be appointed for any
19 judge of the court of tax appeals appointed before July 1, 2014. Such
20 persons shall continue to serve as members on the board of tax appeals
21 until their terms expire. Except as provided by K.S.A. 46-2601, and
22 amendments thereto, no person appointed to the board, including the chief
23 hearing officer, shall exercise any power, duty or function as a member of
24 the board until confirmed by the senate. Not more than two members of
25 the board shall be of the same political party. Members of the board,
26 including the chief hearing officer, shall be residents of the state. Subject
27 to the provisions of K.S.A. 75-4315c, and amendments thereto, no more
28 than one member shall be appointed from any one of the congressional
29 districts of Kansas unless, after having exercised due diligence, the
30 governor is unable to find a qualified replacement within 90 days after any
31 vacancy on the board occurs. The members of the board, including the
32 chief hearing officer, shall be selected with special reference to training
33 and experience for duties imposed by this act and shall be individuals with
34 legal, tax, accounting or appraisal training and experience. State board of
35 tax appeals members shall be subject to the supreme court rules of judicial
36 conduct applicable to all judges of the district court. The board shall be
37 bound by the doctrine of stare decisis limited to published decisions of an
38 appellate court. Members of the board, including the chief hearing officer,
39 shall hold office for terms of four years. A member may continue to serve
40 for a period of ~~90~~ 180 days after the expiration of the member's term, or
41 until a successor has been appointed and confirmed, whichever is shorter.
42 Except as otherwise provided, such terms of office shall expire on January
43 15 of the last year of such term. If a vacancy occurs on the board, or in the

1 position for chief hearing officer, the governor shall appoint a successor to
2 fill the vacancy for the unexpired term. Nothing in this section shall be
3 construed to prohibit the governor from reappointing any member of the
4 board, including the chief hearing officer, for additional four-year terms.
5 The governor shall select one of its members to serve as chairperson. The
6 votes of two members shall be required for any final order to be issued by
7 the board. Meetings may be called by the chairperson and shall be called
8 on request of a majority of the members of the board and when otherwise
9 prescribed by statute.

10 (b) Any member appointed to the state board of tax appeals and the
11 chief hearing officer may be removed by the governor for cause, after
12 public hearing conducted in accordance with the provisions of the Kansas
13 administrative procedure act.

14 (c) The state board of tax appeals shall appoint, subject to approval
15 by the governor, an executive director of the board, to serve at the pleasure
16 of the board. The executive director shall: (1) Be in the unclassified
17 service under the Kansas civil service act; (2) devote full time to the
18 executive director's assigned duties; (3) receive such compensation as
19 determined by the board, subject to the limitations of appropriations
20 thereof; and (4) have familiarity with the tax appeals process sufficient to
21 fulfill the duties of the office of executive director. The executive director
22 shall perform such other duties as directed by the board.

23 (d) Appeals decided by the state board of tax appeals shall be made
24 available to the public and shall be published by the board on the board's
25 website within 30 days after the decision has been rendered. The board
26 shall also publish a monthly report that includes all appeals decided that
27 month as well as all appeals which have not yet been decided and are
28 beyond the time limitations as set forth in K.S.A. 74-2426, and
29 amendments thereto. Such report shall be made available to the public and
30 transmitted by the board to the members of the Kansas legislature.

31 (e) After appointment, members of the state board of tax appeals that
32 are not otherwise a state certified general real property appraiser shall
33 complete the following course requirements: (1) A tested appraisal course
34 of not less than 30 clock hours of instruction consisting of the
35 fundamentals of real property appraisal with an emphasis on the cost and
36 sales approaches to value; (2) a tested appraisal course of not less than 30
37 clock hours of instruction consisting of the fundamentals of real property
38 appraisal with an emphasis on the income approach to value; (3) a tested
39 appraisal course of not less than 30 clock hours of instruction with an
40 emphasis on mass appraisal; (4) an appraisal course with an emphasis on
41 Kansas property tax laws; (5) an appraisal course on the techniques and
42 procedures for the valuation of state assessed properties with an emphasis
43 on unit valuation; and (6) a tested appraisal course on the techniques and

1 procedures for the valuation of land devoted to agricultural use pursuant to
2 K.S.A. 79-1476, and amendments thereto. Any member appointed to the
3 board who is a certified real property appraiser shall only be required to
4 take such educational courses as are required to maintain the appraisal
5 license. The executive director shall adopt rules and regulations
6 prescribing a timetable for the completion of the course requirements and
7 prescribing continued education requirements for members of the board.

8 (f) The state board of tax appeals shall have no capacity or power to
9 sue or be sued.

10 (g) It is the intent of the legislature that proceedings in front of the
11 board of tax appeals be conducted in a fair and impartial manner and that
12 all taxpayers are entitled to a neutral interpretation of the tax laws of the
13 state of Kansas. The provisions of the tax laws of this state shall be applied
14 impartially to both taxpayers and taxing districts in cases before the board.
15 Valuation appeals before the board shall be decided upon a determination
16 of the fair market value of the fee simple of the property. Nothing in this
17 section shall prohibit a property owner, during a property valuation appeal
18 before the board, from raising arguments regarding classification. Cases
19 before the board shall not be decided upon arguments concerning the
20 shifting of the tax burden or upon any revenue loss or gain which may be
21 experienced by the taxing district.

22 (h) *Notwithstanding any provisions of subsection (a) to the contrary,*
23 *the governor may appoint a former member in good standing of the board*
24 *of tax appeals to serve as a member pro tempore of the board for a period*
25 *not to exceed one year when, after having exercised due diligence, more*
26 *than one vacancy on the board exists. Such member pro tempore may*
27 *exercise any power, duty or function as is necessary to serve as a member*
28 *of the board. Such member pro tempore shall serve at the pleasure of the*
29 *governor and receive compensation for each day of actual attendance or*
30 *work as a member based on a proration of the annual salary provided in*
31 *K.S.A. 74-2434, and amendments thereto. The provisions of this subsection*
32 *shall expire on June 30, 2023.*

33 Sec. 7. K.S.A. 74-2433f is hereby amended to read as follows: 74-
34 2433f. (a) There shall be a division of the state board of tax appeals known
35 as the small claims and expedited hearings division. Hearing officers
36 appointed by the chief hearing officer shall have authority to hear and
37 decide cases heard in the small claims and expedited hearings division.

38 (b) The small claims and expedited hearings division shall have
39 jurisdiction over hearing and deciding applications for the refund of
40 protested taxes under the provisions of K.S.A. 79-2005, and amendments
41 thereto, and hearing and deciding appeals from decisions rendered
42 pursuant to the provisions of K.S.A. 79-1448, and amendments thereto,
43 and of article 16 of chapter 79 of the Kansas Statutes Annotated, and

1 amendments thereto, with regard to single-family residential property. The
2 filing of an appeal with the small claims and expedited hearings division
3 shall be a prerequisite for filing an appeal with the state board of tax
4 appeals for appeals involving single-family residential property.

5 (c) At the election of the taxpayer, the small claims and expedited
6 hearings division shall have jurisdiction over: (1) Any appeal of a decision,
7 finding, order or ruling of the director of taxation, except an appeal,
8 finding, order or ruling relating to an assessment issued pursuant to K.S.A.
9 79-5201 et seq., and amendments thereto, in which the amount of tax in
10 controversy does not exceed \$15,000; (2) hearing and deciding
11 applications for the refund of protested taxes under the provisions of
12 K.S.A. 79-2005, and amendments thereto, where the value of the property,
13 other than property devoted to agricultural use, is less than \$3,000,000 as
14 reflected on the valuation notice; and (3) hearing and deciding appeals
15 from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and
16 amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes
17 Annotated, and amendments thereto, other than those relating to land
18 devoted to agricultural use, wherein the value of the property is less than
19 \$3,000,000 as reflected on the valuation notice.

20 (d) In accordance with the provisions of K.S.A. 74-2438, and
21 amendments thereto, any party may elect to appeal any application or
22 decision referenced in subsection (b) to the state board of tax appeals.
23 Except as provided in subsection (b) regarding single-family residential
24 property, the filing of an appeal with the small claims and expedited
25 hearings division shall not be a prerequisite for filing an appeal with the
26 state board of tax appeals under this section. Final decisions of the small
27 claims and expedited hearings division may be appealed to the state board
28 of tax appeals. An appeal of a decision of the small claims and expedited
29 hearings division to the state board of tax appeals shall be de novo. The
30 county bears the burden of proof in any appeal filed by the county
31 pursuant to this section. *With regard to any matter properly submitted to*
32 *the board relating to the determination of valuation of property for*
33 *taxation purposes pursuant to this subsection, the board shall not increase*
34 *the appraised valuation of the property to an amount greater than the final*
35 *determination of appraised value by the county appraiser from which the*
36 *taxpayer appealed to the small claims and expedited hearings division.*

37 (e) A taxpayer shall commence a proceeding in the small claims and
38 expedited hearings division by filing a notice of appeal in the form
39 prescribed by the rules of the state board of tax appeals which shall state
40 the nature of the taxpayer's claim. The notice of appeal may be signed by
41 the taxpayer, any person with an executed declaration of representative
42 form from the property valuation division of the department of revenue or
43 any person authorized to represent the taxpayer in subsection (f). Notice of

1 appeal shall be provided to the appropriate unit of government named in
2 the notice of appeal by the taxpayer. In any valuation appeal or tax protest
3 commenced pursuant to articles 14 and 20 of chapter 79 of the Kansas
4 Statutes Annotated, and amendments thereto, the hearing shall be
5 conducted in the county where the property is located or a county adjacent
6 thereto. In any appeal from a final determination by the secretary of
7 revenue, the hearing shall be conducted in the county in which the
8 taxpayer resides or a county adjacent thereto.

9 (f) The hearing in the small claims and expedited hearings division
10 shall be informal. The hearing officer may hear any testimony and receive
11 any evidence the hearing officer deems necessary or desirable for a just
12 determination of the case. A hearing officer shall have the authority to
13 administer oaths in all matters before the hearing officer. All testimony
14 shall be given under oath. A party may appear personally or may be
15 represented by an attorney, a certified public accountant, a certified general
16 appraiser, a tax representative or agent, a member of the taxpayer's
17 immediate family or an authorized employee of the taxpayer. A county or
18 unified government may be represented by the county appraiser, designee
19 of the county appraiser, county attorney or counselor or other
20 representatives so designated. No transcript of the proceedings shall be
21 kept.

22 (g) The hearing in the small claims and expedited hearings division
23 shall be conducted within 60 days after the appeal is filed in the small
24 claims and expedited hearings division unless such time period is waived
25 by the taxpayer. A decision shall be rendered by the hearing officer within
26 30 days after the hearing is concluded and, in cases arising from appeals
27 described by subsections (b) and (c)(2) and (3), shall be accompanied by a
28 written explanation of the reasoning upon which such decision is based.
29 Documents provided by a taxpayer or county or district appraiser shall be
30 returned to the taxpayer or the county or district appraiser by the hearing
31 officer and shall not become a part of the board's permanent records.
32 Documents provided to the hearing officer shall be confidential and may
33 not be disclosed, except as otherwise specifically provided.

34 (h) With regard to any matter properly submitted to the division
35 relating to the determination of valuation of property for taxation purposes,
36 it shall be the duty of the county appraiser to initiate the production of
37 evidence to demonstrate, by a preponderance of the evidence, the validity
38 and correctness of such determination. No presumption shall exist in favor
39 of the county appraiser with respect to the validity and correctness of such
40 determination. With regard to leased commercial and industrial property,
41 the burden of proof shall be on the taxpayer unless the taxpayer has
42 furnished the county or district appraiser, within 30 calendar days
43 following the informal meeting required by K.S.A. 79-1448, and

1 amendments thereto, or within 30 calendar days following the informal
2 meeting required by K.S.A. 79-2005, and amendments thereto, a complete
3 income and expense statement for the property for the three years next
4 preceding the year of appeal. Such income and expense statement shall be
5 in such format that is regularly maintained by the taxpayer in the ordinary
6 course of the taxpayer's business. If the taxpayer submits a single property
7 appraisal with an effective date of January 1 of the year appealed, the
8 burden of proof shall return to the county appraiser. *With regard to any*
9 *matter properly submitted to the division relating to the determination of*
10 *valuation of property for taxation purposes, the hearing officer shall not*
11 *increase the appraised valuation of the property to an amount greater than*
12 *the final determination of appraised value by the county appraiser from*
13 *which the taxpayer appealed.*

14 Sec. 8. K.S.A. 79-505 is hereby amended to read as follows: 79-505.

15 (a) The director of property valuation shall adopt ~~rules and regulations or~~
16 ~~appraiser directives~~ prescribing appropriate standards for the performance
17 of appraisals in connection with ad valorem taxation in this state. Such
18 ~~rules and regulations or appraiser directives~~ shall require, at a minimum:

19 (1) That all appraisals be performed in ~~accordance with generally~~
20 ~~accepted appraisal standards as evidenced by the appraisal standards~~
21 *compliance with the uniform standards of professional appraisal practice,*
22 *commonly referred to as "USPAP," promulgated by the appraisal standards*
23 *board of the appraisal foundation; and*

24 (2) that such appraisals shall be written appraisals.

25 (b) The director of property valuation ~~or a county appraiser~~ may
26 require compliance with additional standards if a determination is made in
27 writing that such additional standards are required in order to properly
28 carry out statutory responsibilities *and such additional standards do not*
29 *conflict with the uniform standards of professional appraisal practice,*
30 *commonly referred to as "USPAP," promulgated by the appraisal*
31 *standards board of the appraisal foundation.*

32 Sec. 9. K.S.A. 79-1448 is hereby amended to read as follows: 79-

33 1448. Any taxpayer may complain or appeal to the county appraiser from
34 the classification or appraisal of the taxpayer's property by giving notice to
35 the county appraiser within 30 days subsequent to the date of mailing of
36 the valuation notice required by K.S.A. 79-1460, and amendments thereto,
37 for real property, and on or before May 15 for personal property. The
38 county appraiser or the appraiser's designee shall arrange to hold an
39 informal meeting with the aggrieved taxpayer with reference to the
40 property in question. At such meeting it shall be the duty of the county
41 appraiser or the county appraiser's designee to initiate production of
42 evidence to substantiate the valuation of such property, including, a
43 summary of the reasons that the valuation of the property has been

1 increased over the previous year, any assumptions used by the county
2 appraiser to determine the value of the property and a description of the
3 individual property characteristics, property specific valuation records and
4 conclusions. The taxpayer shall be provided with the opportunity to review
5 the data sheets applicable to the valuation approach utilized for the subject
6 property. The county appraiser shall take into account any evidence
7 provided by the taxpayer which relates to the amount of deferred
8 maintenance and depreciation for the property. In any appeal from the
9 appraisal of leased commercial and industrial property, the county or
10 district appraiser's appraised value shall be presumed to be valid and
11 correct and may only be rebutted by a preponderance of the evidence,
12 unless the property owner furnishes the county or district appraiser a
13 complete income and expense statement for the property for the three
14 years next preceding the year of appeal within 30 calendar days following
15 the informal meeting. In any appeal from the reclassification of property
16 that was classified as land devoted to agricultural use for the preceding
17 year, the taxpayer's classification of the property as land devoted to
18 agricultural use shall be presumed to be valid and correct if the taxpayer
19 provides an executed lease agreement or other documentation
20 demonstrating a commitment to use the property for agricultural use, if no
21 other actual use is evident. The county appraiser may extend the time in
22 which the taxpayer may informally appeal from the classification or
23 appraisal of the taxpayer's property for just and adequate reasons. Except
24 as provided in K.S.A. 79-1404, and amendments thereto, no informal
25 meeting regarding real property shall be scheduled to take place after May
26 15, nor shall a final determination be given by the appraiser after May 20.
27 Any final determination shall be accompanied by a written explanation of
28 the reasoning upon which such determination is based when such
29 determination is not in favor of the taxpayer. *The county appraiser shall*
30 *not increase the appraised valuation of the property as a result of the*
31 *informal meeting.* Any taxpayer who is aggrieved by the final
32 determination of the county appraiser may appeal to the hearing officer or
33 panel appointed pursuant to K.S.A. 79-1611, and amendments thereto, and
34 such hearing officer, or panel, for just cause shown and recorded, is
35 authorized to change the classification or valuation of specific tracts or
36 individual items of real or personal property in the same manner provided
37 for in K.S.A. 79-1606, and amendments thereto. In lieu of appealing to a
38 hearing officer or panel appointed pursuant to K.S.A. 79-1611, and
39 amendments thereto, any taxpayer aggrieved by the final determination of
40 the county appraiser, except with regard to land devoted to agricultural
41 use, wherein the value of the property, is less than \$3,000,000, as reflected
42 on the valuation notice, or the property constitutes single family residential
43 property, may appeal to the small claims and expedited hearings division

1 of the state board of tax appeals within the time period prescribed by
2 K.S.A. 79-1606, and amendments thereto. Any taxpayer who is aggrieved
3 by the final determination of a hearing officer or panel may appeal to the
4 state board of tax appeals as provided in K.S.A. 79-1609, and amendments
5 thereto. An informal meeting with the county appraiser or the appraiser's
6 designee shall be a condition precedent to an appeal to the county or
7 district hearing panel.

8 Sec. 10. K.S.A. 79-1609 is hereby amended to read as follows: 79-
9 1609. Any person aggrieved by any order of the hearing officer or panel,
10 or by the classification and appraisal of an independent appraiser, as
11 provided in K.S.A. 79-5b03, and amendments thereto, may appeal to the
12 state board of tax appeals by filing a written notice of appeal, on forms
13 approved by the state board of tax appeals and provided by the county
14 clerk for such purpose, stating the grounds thereof and a description of any
15 comparable property or properties and the appraisal thereof upon which
16 they rely as evidence of inequality of the appraisal of their property, if that
17 be a ground of the appeal, with the state board of tax appeals and by filing
18 a copy thereof with the county clerk within 30 days after the date of the
19 order from which the appeal is taken. The notice of appeal may be signed
20 by the taxpayer, any person with an executed declaration of representative
21 form from the property valuation division of the department of revenue or
22 any person authorized to represent the taxpayer in K.S.A. 74-2433f(f), and
23 amendments thereto. A county or district appraiser may appeal to the state
24 board of tax appeals from any order of the hearing officer or panel. With
25 regard to any matter properly submitted to the board relating to the
26 determination of valuation of residential property or real property used for
27 commercial and industrial purposes for taxation purposes, it shall be the
28 duty of the county appraiser to initiate the production of evidence to
29 demonstrate, by a preponderance of the evidence, the validity and
30 correctness of such determination. With regard to leased commercial and
31 industrial property, the burden of proof shall be on the taxpayer unless,
32 within 30 calendar days following the informal meeting required by
33 K.S.A. 79-1448, and amendments thereto, the taxpayer furnished to the
34 county or district appraiser a complete income and expense statement for
35 the property for the three years next preceding the year of appeal. Such
36 income and expense statement shall be in such format that is regularly
37 maintained by the taxpayer in the ordinary course of the taxpayer's
38 business. If the taxpayer submits a single property appraisal with an
39 effective date of January 1 of the year appealed, the burden of proof shall
40 return to the county appraiser. *With regard to any matter properly*
41 *submitted to the board relating to the determination of valuation of*
42 *property for taxation purposes, the board shall not increase the appraised*
43 *valuation of the property to an amount greater than the final*

1 *determination of appraised value by the county appraiser from which the*
2 *taxpayer appealed.*

3 Sec. 11. K.S.A. 79-2005 is hereby amended to read as follows: 79-
4 2005. (a) Any taxpayer, before protesting the payment of such taxpayer's
5 taxes, shall be required, either at the time of paying such taxes, or, if the
6 whole or part of the taxes are paid prior to December 20, no later than
7 December 20, or, with respect to taxes paid in whole or in part in an
8 amount equal to at least $\frac{1}{2}$ of such taxes on or before December 20 by an
9 escrow or tax service agent, no later than January 31 of the next year, to
10 file a written statement with the county treasurer, on forms approved by
11 the state board of tax appeals and provided by the county treasurer, clearly
12 stating the grounds on which the whole or any part of such taxes are
13 protested and citing any law, statute or facts on which such taxpayer relies
14 in protesting the whole or any part of such taxes. When the grounds of
15 such protest is an assessment of taxes made pursuant to K.S.A. 79-332a
16 and 79-1427a, and amendments thereto, the county treasurer may not
17 distribute the taxes paid under protest until such time as the appeal is final.
18 When the grounds of such protest is that the valuation or assessment of the
19 property upon which the taxes are levied is illegal or void, the county
20 treasurer shall forward a copy of the written statement of protest to the
21 county appraiser who shall within 15 days of the receipt thereof, schedule
22 an informal meeting with the taxpayer or such taxpayer's agent or attorney
23 with reference to the property in question. At the informal meeting, it shall
24 be the duty of the county appraiser or the county appraiser's designee to
25 initiate production of evidence to substantiate the valuation of such
26 property, including a summary of the reasons that the valuation of the
27 property has been increased over the preceding year, any assumptions used
28 by the county appraiser to determine the value of the property and a
29 description of the individual property characteristics, property specific
30 valuation records and conclusions. The taxpayer shall be provided with the
31 opportunity to review the data sheets applicable to the valuation approach
32 utilized for the subject property. The county appraiser shall take into
33 account any evidence provided by the taxpayer which relates to the
34 amount of deferred maintenance and depreciation of the property. The
35 county appraiser shall review the appraisal of the taxpayer's property with
36 the taxpayer or such taxpayer's agent or attorney and may change the
37 valuation of the taxpayer's property, if in the county appraiser's opinion a
38 change in the valuation of the taxpayer's property is required to assure that
39 the taxpayer's property is valued according to law, and shall, within 15
40 business days thereof, notify the taxpayer in the event the valuation of the
41 taxpayer's property is changed, in writing of the results of the meeting.
42 *The county appraiser shall not increase the appraised valuation of the*
43 *property as a result of the informal meeting.* In the event the valuation of

1 the taxpayer's property is changed and such change requires a refund of
2 taxes and interest thereon, the county treasurer shall process the refund in
3 the manner provided by subsection (l).

4 (b) No protest appealing the valuation or assessment of property shall
5 be filed pertaining to any year's valuation or assessment when an appeal of
6 such valuation or assessment was commenced pursuant to K.S.A. 79-1448,
7 and amendments thereto, nor shall the second half payment of taxes be
8 protested when the first half payment of taxes has been protested.
9 Notwithstanding the foregoing, this provision shall not prevent any
10 subsequent owner from protesting taxes levied for the year in which such
11 property was acquired, nor shall it prevent any taxpayer from protesting
12 taxes when the valuation or assessment of such taxpayer's property has
13 been changed pursuant to an order of the director of property valuation.

14 (c) A protest shall not be necessary to protect the right to a refund of
15 taxes in the event a refund is required because the final resolution of an
16 appeal commenced pursuant to K.S.A. 79-1448, and amendments thereto,
17 occurs after the final date prescribed for the protest of taxes.

18 (d) If the grounds of such protest shall be that the valuation or
19 assessment of the property upon which the taxes so protested are levied is
20 illegal or void, such statement shall further state the exact amount of
21 valuation or assessment which the taxpayer admits to be valid and the
22 exact portion of such taxes which is being protested.

23 (e) If the grounds of such protest shall be that any tax levy, or any
24 part thereof, is illegal, such statement shall further state the exact portion
25 of such tax which is being protested.

26 (f) Upon the filing of a written statement of protest, the grounds of
27 which shall be that any tax levied, or any part thereof, is illegal, the county
28 treasurer shall mail a copy of such written statement of protest to the state
29 board of tax appeals and the governing body of the taxing district making
30 the levy being protested.

31 (g) Within 30 days after notification of the results of the informal
32 meeting with the county appraiser pursuant to subsection (a), the
33 protesting taxpayer may, if aggrieved by the results of the informal
34 meeting with the county appraiser, appeal such results to the state board of
35 tax appeals.

36 (h) After examination of the copy of the written statement of protest
37 and a copy of the written notification of the results of the informal meeting
38 with the county appraiser in cases where the grounds of such protest is that
39 the valuation or assessment of the property upon which the taxes are levied
40 is illegal or void, the board shall conduct a hearing in accordance with the
41 provisions of the Kansas administrative procedure act, unless waived by
42 the interested parties in writing. If the grounds of such protest is that the
43 valuation or assessment of the property is illegal or void the board shall

1 notify the county appraiser thereof.

2 (i) In the event of a hearing, the same shall be originally set not later
3 than 90 days after the filing of the copy of the written statement of protest
4 and a copy, when applicable, of the written notification of the results of the
5 informal meeting with the county appraiser with the board. With regard to
6 any matter properly submitted to the board relating to the determination of
7 valuation of residential property or real property used for commercial and
8 industrial purposes for taxation purposes, it shall be the duty of the county
9 appraiser to initiate the production of evidence to demonstrate, by a
10 preponderance of the evidence, the validity and correctness of such
11 determination except that no such duty shall accrue to the county or
12 district appraiser with regard to leased commercial and industrial property
13 unless the property owner has furnished to the county or district appraiser
14 a complete income and expense statement for the property for the three
15 years next preceding the year of appeal. No presumption shall exist in
16 favor of the county appraiser with respect to the validity and correctness of
17 such determination. In all instances where the board sets a request for
18 hearing and requires the representation of the county by its attorney or
19 counselor at such hearing, the county shall be represented by its county
20 attorney or counselor. The board shall take into account any evidence
21 provided by the taxpayer which relates to the amount of deferred
22 maintenance and depreciation for the property. In any appeal from the
23 reclassification of property that was classified as land devoted to
24 agricultural use for the preceding year, the taxpayer's classification of the
25 property as land devoted to agricultural use shall be presumed to be valid
26 and correct if the taxpayer provides an executed lease agreement or other
27 documentation demonstrating a commitment to use the property for
28 agricultural use, if no other actual use is evident. *With regard to any
29 matter properly submitted to the board relating to the determination of
30 valuation of property for taxation purposes, the board shall not increase
31 the appraised valuation of the property to an amount greater than the
32 appraised value reflected in the notification of the results of the informal
33 meeting with the county appraiser from which the taxpayer appealed.*

34 (j) When a determination is made as to the merits of the tax protest,
35 the board shall render and serve its order thereon. The county treasurer
36 shall notify all affected taxing districts of the amount by which tax
37 revenues will be reduced as a result of a refund.

38 (k) If a protesting taxpayer fails to file a copy of the written statement
39 of protest and a copy, when applicable, of the written notification of the
40 results of the informal meeting with the county appraiser with the board
41 within the time limit prescribed, such protest shall become null and void
42 and of no effect whatsoever.

43 (l) (1) In the event the board orders that a refund be made pursuant to

1 this section or the provisions of K.S.A. 79-1609, and amendments thereto,
2 or a court of competent jurisdiction orders that a refund be made, and no
3 appeal is taken from such order, or in the event a change in valuation
4 which results in a refund pursuant to subsection (a), the county treasurer
5 shall, as soon thereafter as reasonably practicable, refund to the taxpayer
6 such protested taxes and, with respect to protests or appeals commenced
7 after the effective date of this act, interest computed at the rate prescribed
8 by K.S.A. 79-2968, and amendments thereto, minus two percentage points,
9 per annum from the date of payment of such taxes from tax moneys
10 collected but not distributed. Upon making such refund, the county
11 treasurer shall charge the fund or funds having received such protested
12 taxes, except that, with respect to that portion of any such refund
13 attributable to interest the county treasurer shall charge the county general
14 fund. In the event that the state board of tax appeals or a court of
15 competent jurisdiction finds that any time delay in making its decision is
16 unreasonable and is attributable to the taxpayer, it may order that no
17 interest or only a portion thereof be added to such refund of taxes.

18 (2) No interest shall be allowed pursuant to paragraph (1) in any case
19 where the tax paid under protest was inclusive of delinquent taxes.

20 (m) Whenever, by reason of the refund of taxes previously received
21 or the reduction of taxes levied but not received as a result of decreases in
22 assessed valuation, it will be impossible to pay for imperative functions for
23 the current budget year, the governing body of the taxing district affected
24 may issue no-fund warrants in the amount necessary. Such warrants shall
25 conform to the requirements prescribed by K.S.A. 79-2940, and
26 amendments thereto, except they shall not bear the notation required by
27 such section and may be issued without the approval of the state board of
28 tax appeals. The governing body of such taxing district shall make a tax
29 levy at the time fixed for the certification of tax levies to the county clerk
30 next following the issuance of such warrants sufficient to pay such
31 warrants and the interest thereon. All such tax levies shall be in addition to
32 all other levies authorized by law.

33 (n) Whenever a taxpayer appeals to the board of tax appeals pursuant
34 to the provisions of K.S.A. 79-1609, and amendments thereto, or pays
35 taxes under protest related to one property whereby the assessed valuation
36 of such property exceeds 5% of the total county assessed valuation of all
37 property located within such county and the taxpayer receives a refund of
38 such taxes paid under protest or a refund made pursuant to the provisions
39 of K.S.A. 79-1609, and amendments thereto, the county treasurer or the
40 governing body of any taxing subdivision within a county may request the
41 pooled money investment board to make a loan to such county or taxing
42 subdivision as provided in this section. The pooled money investment
43 board is authorized and directed to loan to such county or taxing

1 subdivision sufficient funds to enable the county or taxing subdivision to
2 refund such taxes to the taxpayer. The pooled money investment board is
3 authorized and directed to use any moneys in the operating accounts,
4 investment accounts or other investments of the state of Kansas to provide
5 the funds for such loan. Each loan shall bear interest at a rate equal to the
6 net earnings rate of the pooled money investment portfolio at the time of
7 the making of such loan. The total aggregate amount of loans under this
8 program shall not exceed \$50,000,000 of unencumbered funds pursuant to
9 article 42 of chapter 75 of the Kansas Statutes Annotated, and amendments
10 thereto. Such loan shall not be deemed to be an indebtedness or debt of the
11 state of Kansas within the meaning of section 6 of article 11 of the
12 constitution of the state of Kansas. Upon certification to the pooled money
13 investment board by the county treasurer or governing body of the amount
14 of each loan authorized pursuant to this subsection, the pooled money
15 investment board shall transfer each such amount certified by the county
16 treasurer or governing body from the state bank account or accounts
17 prescribed in this subsection to the county treasurer who shall deposit such
18 amount in the county treasury. Any such loan authorized pursuant to this
19 subsection shall be repaid within four years. The county or taxing
20 subdivision shall make not more than four equal annual tax levies at the
21 time fixed for the certification of tax levies to the county clerk following
22 the making of such loan sufficient to pay such loan within the time period
23 required under such loan. All such tax levies shall be in addition to all
24 other levies authorized by law.

25 (o) The county treasurer shall disburse to the proper funds all portions
26 of taxes paid under protest and shall maintain a record of all portions of
27 such taxes which are so protested and shall notify the governing body of
28 the taxing district levying such taxes thereof and the director of accounts
29 and reports if any tax protested was levied by the state.

30 (p) This statute shall not apply to the valuation and assessment of
31 property assessed by the director of property valuation and it shall not be
32 necessary for any owner of state assessed property, who has an appeal
33 pending before the state board of tax appeals, to protest the payment of
34 taxes under this statute solely for the purpose of protecting the right to a
35 refund of taxes paid under protest should that owner be successful in that
36 appeal.

37 ***{Sec. 12. Section 1 of 2021 Senate Bill No. 13 is hereby amended to***
38 ***read as follows: Section 1. (a) On or before June 15 each year, the***
39 ***county clerk shall calculate the revenue neutral rate for each taxing***
40 ***subdivision and include such revenue neutral rate on the notice of the***
41 ***estimated assessed valuation provided to each taxing subdivision for***
42 ***budget purposes. The director of accounts and reports shall modify the***
43 ***prescribed budget information form to show the revenue neutral rate.***

1 ***(b) No tax rate in excess of the revenue neutral rate shall be levied***
2 ***by the governing body of any taxing subdivision unless a resolution or***
3 ***ordinance has been approved by the governing body according to the***
4 ***following procedure:***

5 ***(1) At least 10 days in advance of the public hearing, the governing***
6 ***body shall publish notice of its proposed intent to exceed the revenue***
7 ***neutral rate by publishing notice: (A) On the website of the governing***
8 ***body, if the governing body maintains a website; and***

9 ***(B) in a weekly or daily newspaper of the county having a general***
10 ***circulation therein. The notice shall include, but not be limited to, its***
11 ***proposed tax rate, its revenue neutral rate and the date, time and***
12 ***location of the public hearing.***

13 ***(2) On or before July 15 20, the governing body shall notify the***
14 ***county clerk of its proposed intent to exceed the revenue neutral rate and***
15 ***provide the date, time and location of the public hearing and its***
16 ***proposed tax rate. For all tax years commencing after December 31,***
17 ***2021, the county clerk shall notify each taxpayer with property in the***
18 ***taxing subdivision, by mail directed to the taxpayer's last known address,***
19 ***of the proposed intent to exceed the revenue neutral rate at least 10 days***
20 ***in advance of the public hearing. Alternatively, the county clerk may***
21 ***transmit the notice to the taxpayer by electronic means at least 10 days***
22 ***in advance of the public hearing, if such taxpayer and county clerk have***
23 ***consented in writing to service by electronic means. The county clerk***
24 ***shall consolidate the required information for all taxing subdivisions***
25 ***relevant to the taxpayer's property on one notice. The notice shall be in a***
26 ***format prescribed by the director of accounts and reports. The notice***
27 ***shall include, but not be limited to:***

28 ***(A) The revenue neutral rate of each taxing subdivision relevant to***
29 ***the taxpayer's property;***

30 ***(B) the proposed property tax revenue needed to fund the proposed***
31 ***budget of the taxing subdivision, if the taxing subdivision notified the***
32 ***county clerk of its proposed intent to exceed its revenue neutral rate;***

33 ***(C) the proposed tax rate based upon the proposed budget and the***
34 ***current year's total assessed valuation of the taxing subdivision, if the***
35 ***taxing subdivision notified the county clerk of its proposed intent to***
36 ***exceed its revenue neutral rate;***

37 ***(D) the tax rate and property tax of each taxing subdivision on the***
38 ***taxpayer's property from the previous year's tax statement;***

39 ***(E) the appraised value and assessed value of the taxpayer's***
40 ***property for the current year;***

41 ***(F) the estimates of the tax for the current tax year on the***
42 ***taxpayer's property based on the revenue neutral rate of each taxing***
43 ***subdivision and any proposed tax rates that exceed the revenue neutral***

1 rates;

2 (G) the difference between the estimates of tax based on the
3 proposed tax rate and the revenue neutral rate on the taxpayer's
4 property described in subparagraph (F) for any taxing subdivision that
5 has a proposed tax rate that exceeds its revenue neutral rate; and

6 (H) the date, time and location of the public hearing of the taxing
7 subdivision, if the taxing subdivision notified the county clerk of its
8 proposed intent to exceed its revenue neutral rate.

9 Although the state of Kansas is not a taxing subdivision for purposes
10 of this section, the notice shall include a statement of the statutory mill
11 levies imposed by the state and the estimate of the tax for the current
12 year on the taxpayer's property based on such levies.

13 (3) The public hearing to consider exceeding the revenue neutral
14 rate shall be held not sooner than August ~~10~~ 20 and not later than
15 September ~~10~~ 20. The governing body shall provide interested taxpayers
16 desiring to be heard an opportunity to present oral testimony within
17 reasonable time limits and without unreasonable restriction on the
18 number of individuals allowed to make public comment. The public
19 hearing may be conducted in conjunction with the proposed budget
20 hearing pursuant to K.S.A. 79-2929, and amendments thereto, if the
21 governing body otherwise complies with all requirements of this section.
22 Nothing in this section shall be construed to prohibit additional public
23 hearings that provide additional opportunities to present testimony or
24 public comment prior to the public hearing required by this section.

25 (4) A majority vote of the governing body, by the adoption of a
26 resolution or ordinance to approve exceeding the revenue neutral rate,
27 shall be required prior to adoption of a proposed budget that will result
28 in a tax rate in excess of the revenue neutral rate. Such vote of the
29 governing body shall be conducted at the public hearing after the
30 governing body has heard from interested taxpayers. If the governing
31 body approves exceeding the revenue neutral rate, the governing body
32 shall not adopt a budget that results in a tax rate in excess of its
33 proposed tax rate as stated in the notice provided pursuant to this
34 section.

35 (c) Any governing body subject to the provisions of this section that
36 does not comply with subsection (b) shall refund to taxpayers any
37 property taxes over-collected based on the amount of the levy that was in
38 excess of the revenue neutral rate. The provisions of this subsection
39 shall not be construed as prohibiting any other remedies available under
40 the law.

41 (d) Notwithstanding any other provision of law to the contrary, if the
42 governing body of a taxing subdivision must conduct a public hearing to
43 approve exceeding the revenue neutral rate under this section, the

1 *governing body of the taxing subdivision shall certify, on or before*
2 *September 20 October 1, to the proper county clerk the amount of ad*
3 *valorem tax to be levied.*

4 *(e) As used in this section:*

5 *(1) "Taxing subdivision" means any political subdivision of the*
6 *state that levies an ad valorem tax on property.*

7 *(2) "Revenue neutral rate" means the tax rate for the current tax*
8 *year that would generate the same property tax revenue as levied the*
9 *previous tax year using the current tax year's total assessed valuation.*

10 *To calculate the revenue neutral rate, the county clerk shall divide the*
11 *property tax revenue for such taxing subdivision levied for the previous*
12 *tax year by the total of all taxable assessed valuation in such taxing*
13 *subdivision for the current tax year, and then multiply the quotient by*
14 *1,000 to express the rate in mills. The revenue neutral rate shall be*
15 *expressed to the third decimal place.*

16 *(f) In the event that a county clerk incurred costs of printing and*
17 *postage that were not reimbursed pursuant to section 7, and*
18 *amendments thereto, such county clerk may seek reimbursement from*
19 *all taxing subdivisions required to send the notice. Such costs shall be*
20 *shared proportionately by all taxing subdivisions that were included on*
21 *the same notice based on the total property tax levied by each taxing*
22 *subdivision. Payment of such costs shall be due to the county clerk by*
23 *December 31.*

24 *(g) The provisions of this section shall take effect and be in force*
25 *from and after January 1, 2021.*

26 *Sec. 13. K.S.A. 79-1801, as amended by section 3 of 2021 Senate*
27 *Bill No. 13, is hereby amended to read as follows: 79-1801. (a) Except as*
28 *provided by subsection (b), each year the governing body of any city, the*
29 *trustees of any township, the board of education of any school district*
30 *and the governing bodies of all other taxing subdivisions shall certify, on*
31 *or before August 25, to the proper county clerk the amount of ad*
32 *valorem tax to be levied. Thereupon, the county clerk shall place the tax*
33 *upon the tax roll of the county, in the manner prescribed by law, and the*
34 *tax shall be collected by the county treasurer. The county treasurer shall*
35 *distribute the proceeds of the taxes levied by each taxing subdivision in*
36 *the manner provided by K.S.A. 12-1678a, and amendments thereto.*

37 *(b) Prior to January 1, 2021, if the governing body of a city or*
38 *county must conduct an election for an increase in property tax to fund*
39 *any appropriation or budget under K.S.A. 2020 Supp. 25-433a, and*
40 *amendments thereto, the governing body of the city or county shall*
41 *certify, on or before October 1, to the proper county clerk the amount of*
42 *ad valorem tax to be levied. On and after January 1, 2021, if the*
43 *governing body of a taxing subdivision must conduct a public hearing to*

1 *approve exceeding the revenue neutral rate under section 1, and*
2 *amendments thereto, the governing body of the taxing subdivision shall*
3 *certify, on or before ~~September 20~~ October 1, to the proper county clerk*
4 *the amount of ad valorem tax to be levied.}*

5 Sec. ~~12~~ *{14.}* K.S.A. 72-5137, 74-2426, 74-2433, 74-2433f, 79-201x,
6 79-505, 79-1448, 79-1609*{, 79-1801, as amended by section 3 of 2021*
7 *Senate Bill No. 13,}* and 79-2005 and K.S.A. 2020 Supp. 19-432 and 72-
8 5142 *{and section 1 of 2021 Senate Bill No. 13}* are hereby repealed.

9 Sec. ~~13~~ *{15.}* This act shall take effect and be in force from and after
10 its publication in the statute book.