

As Amended by House Committee

Session of 2004

HOUSE BILL No. 2921

By Committee on Taxation

3-8

10 AN ACT concerning property taxation; relating to classification of and
11 exemption for property used partially for bed and breakfast purposes;
12 amending K.S.A. 79-1439 and K.S.A. 2003 Supp. 79-201c and repeal-
13 ing the existing sections.
14

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

16 Section 1. K.S.A. 2003 Supp. 79-201c is hereby amended to read as
17 follows: 79-201c. The following described property, to the extent herein
18 specified, shall be and is hereby exempt from all property or ad valorem
19 taxes levied under the laws of the state of Kansas:

20 *First.* The wearing apparel of every person.

21 *Second.* All household goods and personal effects not used for the pro-
22 duction of income. The terms household goods and personal effects when
23 used in this act, except as otherwise specifically provided, shall include
24 all items of furniture, cooking utensils, refrigerators, deep freezers, wash-
25 ing and drying machines, dishwashers, stoves, ranges, ironers, vacuum
26 cleaners, sewing machines, radios, record players, television sets, shop
27 and hobby equipment used in or about the home, fishing equipment (not
28 including boats), bicycles, yard and garden equipment, firearms, golf
29 clubs, photographic equipment, jewelry, luggage, musical instruments, air
30 conditioners if not a part of the central heating and air conditioning sys-
31 tem, sailboards and pick-up truck shells. For the purposes of this para-
32 graph, household goods and personal effects shall not be deemed to be
33 used for the production of income when used in the home for day care
34 home purposes if such home has been registered or licensed pursuant to
35 K.S.A. 65-501 *et seq.*, and amendments thereto, *or when used in the home*
36 *for bed and breakfast home purposes as defined in K.S.A. 79-1439, and*
37 *amendments thereto.*

38 *Third.* All lands used exclusively as graveyards.

39 The provisions of this section shall apply to all taxable years commenc-
40 ing after December 31, ~~1998~~ 2003.

41 Sec. 2. K.S.A. 79-1439 is hereby amended to read as follows: 79-
42 1439. (a) All real and tangible personal property which is subject to gen-
43 eral ad valorem taxation shall be appraised uniformly and equally as to

- 1 class and, unless otherwise specified herein, shall be appraised at its fair
2 market value, as defined in K.S.A. 79-503a, and amendments thereto.
- 3 (b) Property shall be classified into the following classes and assessed
4 at the percentage of value prescribed therefor:
- 5 (1) Real property shall be assessed as to subclass at the following
6 percentages of value:
- 7 (A) Real property used for residential purposes including multi-fam-
8 ily residential real property, real property necessary to accommodate a
9 residential community of mobile or manufactured homes including the
10 real property upon which such homes are located ~~and~~, residential real
11 property used partially for day care home purposes if such home has been
12 registered or licensed pursuant to K.S.A. 65-501 *et seq.*, and amendments
13 thereto, *and residential real property used partially for bed and breakfast*
14 *home purposes at 11.5%. As used in this paragraph “bed and breakfast*
15 *home” means a residence with ~~seven~~ **five** or fewer ~~rooms~~ **bedrooms***
16 *available for overnight guests who stay for not more than 28 consecutive*
17 *days for which there is compliance with all zoning or other applicable*
18 *ordinances or laws which pertain to facilities which lodge and feed guests;*
- 19 (B) land devoted to agricultural use valued pursuant to K.S.A. 79-
20 1476, and amendments thereto, at 30%;
- 21 (C) vacant lots at 12%;
- 22 (D) real property which is owned and operated by a not-for-profit
23 organization not subject to federal income taxation pursuant to section
24 501 of the federal internal revenue code and included herein pursuant to
25 K.S.A. 79-1439a, and amendments thereto, at 12%;
- 26 (E) public utility real property, except railroad property which shall
27 be assessed at the average rate all other commercial and industrial prop-
28 erty is assessed, at 33%. As used in this paragraph, “public utility” shall
29 have the meaning ascribed thereto by K.S.A. 79-5a01, and amendments
30 thereto;
- 31 (F) real property used for commercial and industrial purposes and
32 buildings and other improvements located upon land devoted to agricul-
33 tural use at 25%; and
- 34 (G) all other urban and rural real property not otherwise specifically
35 subclassed at 30%.
- 36 (2) Personal property shall be classified into the following classes and
37 assessed at the percentage of value prescribed therefor:
- 38 (A) Mobile homes used for residential purposes at 11.5%;
- 39 (B) mineral leasehold interests, except oil leasehold interests the av-
40 erage daily production from which is five barrels or less, and natural gas
41 leasehold interests, the average daily production from which is 100 mcf
42 or less, which shall be assessed at 25%, at 30%;
- 43 (C) public utility tangible personal property including inventories

1 thereof, except railroad personal property including inventories thereof,
2 which shall be assessed at the average rate all other commercial and in-
3 dustrial property is assessed, at 33%. As used in this paragraph, “public
4 utility” shall have the meaning ascribed thereto by K.S.A. 79-5a01, and
5 amendments thereto;

6 (D) all categories of motor vehicles listed and taxed pursuant to
7 K.S.A. 79-306d, and amendments thereto, and over-the-road motor ve-
8 hicles defined pursuant to K.S.A. 79-6a01, and amendments thereto, at
9 30%;

10 (E) commercial and industrial machinery and equipment, including
11 rolling equipment defined pursuant to K.S.A. 79-6a01, and amendments
12 thereto, which, if its economic life is seven years or more, shall be valued
13 at its retail cost when new less seven-year straight-line depreciation, or
14 which, if its economic life is less than seven years, shall be valued at its
15 retail cost when new less straight-line depreciation over its economic life,
16 except that, the value so obtained for such property as long as it is being
17 used shall not be less than 20% of the retail cost when new of such
18 property at 25%; and

19 (F) all other tangible personal property not otherwise specifically
20 classified at 30%.

21 Sec. 3. K.S.A. 79-1439 and K.S.A. 2003 Supp. 79-201c are hereby
22 repealed.

23 Sec. 4. This act shall take effect and be in force from and after its
24 publication in the statute book.