

SENATE BILL No. 360

By Senators Petersen, Faust-Goudeau, O'Donnell and Tyson

2-10

1 AN ACT concerning taxation; relating to property tax; homestead
2 destroyed or substantially destroyed by natural disaster; amending
3 K.S.A. 2013 Supp. 79-1613 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2013 Supp. 79-1613 is hereby amended to read as
7 follows: 79-1613. (a) As used in this section:

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

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

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

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

35 (1) If such homestead has been so destroyed or substantially
36 destroyed after January 1 of a particular year but prior to August 15 of

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

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

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

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

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

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

39 (g) The provisions of this section shall be applicable to all taxable
40 years commencing after December 31, 2011, and ~~ending before January 1,~~
41 ~~2014~~ *all taxable years thereafter.*

42 Sec. 2. K.S.A. 2013 Supp. 79-1613 is hereby repealed.

43 Sec. 3. This act shall take effect and be in force from and after its

- 1 publication in the statute book.