

SENATE BILL No. 480

By Committee on Assessment and Taxation

2-7

1 AN ACT concerning taxation; relating to the state board of tax appeals;
2 authorizing teleconference or video conference hearings in the small
3 claims and expedited hearings division; amending K.S.A. 2023 Supp.
4 74-2433f and repealing the existing section.
5

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

7 Section 1. K.S.A. 2023 Supp. 74-2433f is hereby amended to read as
8 follows: 74-2433f. (a) There shall be a division of the state board of tax
9 appeals known as the small claims and expedited hearings division.
10 Hearing officers appointed by the chief hearing officer shall have authority
11 to hear and decide cases heard in the small claims and expedited hearings
12 division.

13 (b) The small claims and expedited hearings division shall have
14 jurisdiction over hearing and deciding applications for the refund of
15 protested taxes under the provisions of K.S.A. 79-2005, and amendments
16 thereto, and hearing and deciding appeals from decisions rendered
17 pursuant to the provisions of K.S.A. 79-1448, and amendments thereto,
18 and of article 16 of chapter 79 of the Kansas Statutes Annotated, and
19 amendments thereto, with regard to single-family residential property. The
20 filing of an appeal with the small claims and expedited hearings division
21 shall be a prerequisite for filing an appeal with the state board of tax
22 appeals for appeals involving single-family residential property.

23 (c) At the election of the taxpayer, the small claims and expedited
24 hearings division shall have jurisdiction over: (1) Any appeal of a decision,
25 finding, order or ruling of the director of taxation, except an appeal,
26 finding, order or ruling relating to an assessment issued pursuant to K.S.A.
27 79-5201 et seq., and amendments thereto, in which the amount of tax in
28 controversy does not exceed \$15,000; (2) hearing and deciding
29 applications for the refund of protested taxes under the provisions of
30 K.S.A. 79-2005, and amendments thereto, where the value of the property,
31 other than property devoted to agricultural use, is less than \$3,000,000 as
32 reflected on the valuation notice; and (3) hearing and deciding appeals
33 from decisions rendered pursuant to the provisions of K.S.A. 79-1448, and
34 amendments thereto, and of article 16 of chapter 79 of the Kansas Statutes
35 Annotated, and amendments thereto, other than those relating to land
36 devoted to agricultural use, wherein the value of the property is less than

1 \$3,000,000 as reflected on the valuation notice.

2 (d) In accordance with the provisions of K.S.A. 74-2438, and
3 amendments thereto, any party may elect to appeal any application or
4 decision referenced in subsection (b) to the state board of tax appeals.
5 Except as provided in subsection (b) regarding single-family residential
6 property, the filing of an appeal with the small claims and expedited
7 hearings division shall not be a prerequisite for filing an appeal with the
8 state board of tax appeals under this section. Final decisions of the small
9 claims and expedited hearings division may be appealed to the state board
10 of tax appeals. An appeal of a decision of the small claims and expedited
11 hearings division to the state board of tax appeals shall be de novo. The
12 county bears the burden of proof in any appeal filed by the county
13 pursuant to this section. With regard to any matter properly submitted to
14 the board relating to the determination of valuation of property for taxation
15 purposes pursuant to this subsection, the board shall not increase the
16 appraised valuation of the property to an amount greater than the final
17 determination of appraised value by the county appraiser from which the
18 taxpayer appealed to the small claims and expedited hearings division.

19 (e) A taxpayer shall commence a proceeding in the small claims and
20 expedited hearings division by filing a notice of appeal in the form
21 prescribed by the rules of the state board of tax appeals which shall state
22 the nature of the taxpayer's claim. The notice of appeal may be signed by
23 the taxpayer, any person with an executed declaration of representative
24 form from the property valuation division of the department of revenue or
25 any person authorized to represent the taxpayer in subsection (f). Notice of
26 appeal shall be provided to the appropriate unit of government named in
27 the notice of appeal by the taxpayer. In any valuation appeal or tax protest
28 commenced pursuant to articles 14 and 20 of chapter 79 of the Kansas
29 Statutes Annotated, and amendments thereto, ~~the hearing shall be~~
30 ~~conducted in the county where the property is located or a county adjacent~~
31 ~~thereto. In~~ or any appeal from a final determination by the secretary of
32 revenue, the hearing ~~shall~~ *may* be conducted ~~in the county in which the~~
33 ~~taxpayer resides or a county adjacent thereto~~ *by teleconference or video*
34 *conference as directed by the chief hearing officer or a designee.*

35 (f) The hearing in the small claims and expedited hearings division
36 shall be informal. The hearing officer may hear any testimony and receive
37 any evidence the hearing officer deems necessary or desirable for a just
38 determination of the case. A hearing officer shall have the authority to
39 administer oaths in all matters before the hearing officer. All testimony
40 shall be given under oath. A party may appear personally or may be
41 represented by an attorney, a certified public accountant, a certified general
42 appraiser, a tax representative or agent, a member of the taxpayer's
43 immediate family or an authorized employee of the taxpayer. A county or

1 unified government may be represented by the county appraiser, designee
2 of the county appraiser, county attorney or counselor or other
3 representatives so designated. No transcript of the proceedings shall be
4 kept.

5 (g) The hearing in the small claims and expedited hearings division
6 shall be conducted within 60 days after the appeal is filed in the small
7 claims and expedited hearings division unless such time period is waived
8 by the taxpayer. A decision shall be rendered by the hearing officer within
9 30 days after the hearing is concluded and, in cases arising from appeals
10 described by subsections (b) and (c)(2) and (3), shall be accompanied by a
11 written explanation of the reasoning upon which such decision is based.
12 Documents provided by a taxpayer or county or district appraiser shall be
13 returned to the taxpayer or the county or district appraiser by the hearing
14 officer and shall not become a part of the board's permanent records.
15 Documents provided to the hearing officer shall be confidential and may
16 not be disclosed, except as otherwise specifically provided.

17 (h) With regard to any matter properly submitted to the division
18 relating to the determination of valuation of property for taxation purposes,
19 it shall be the duty of the county appraiser to initiate the production of
20 evidence to demonstrate, by a preponderance of the evidence, the validity
21 and correctness of such determination. No presumption shall exist in favor
22 of the county appraiser with respect to the validity and correctness of such
23 determination. With regard to leased commercial and industrial property,
24 the burden of proof shall be on the taxpayer unless the taxpayer has
25 furnished the county or district appraiser, within 30 calendar days
26 following the informal meeting required by K.S.A. 79-1448, and
27 amendments thereto, or within 30 calendar days following the informal
28 meeting required by K.S.A. 79-2005, and amendments thereto, a complete
29 income and expense statement for the property for the three years next
30 preceding the year of appeal. Such income and expense statement shall be
31 in such format that is regularly maintained by the taxpayer in the ordinary
32 course of the taxpayer's business. If the taxpayer submits a single property
33 appraisal with an effective date of January 1 of the year appealed, the
34 burden of proof shall return to the county appraiser. With regard to any
35 matter properly submitted to the division relating to the determination of
36 valuation of property for taxation purposes, the hearing officer shall not
37 increase the appraised valuation of the property to an amount greater than
38 the final determination of appraised value by the county appraiser from
39 which the taxpayer appealed.

40 Sec. 2. K.S.A. 2023 Supp. 74-2433f is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its
42 publication in the statute book.