

House Concurrent Resolution No. 5031

By Representatives Gatewood and Faber

1-29

A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

§ 1. System of taxation; classification; exemption. (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, 1993, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. *The legislature may provide by law for limitations upon the increase from one taxable period to the next such period of the appraised valuation of real property used for residential purposes.* The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes in-

1	cluding the real property upon which such homes are located	11½%
2	(2) Land devoted to agricultural use which shall be valued upon the	
3	basis of its agricultural income or agricultural productivity pursuant	
4	to section 12 of article 11 of the constitution.....	30%
5	(3) Vacant lots	12%
6	(4) Real property which is owned and operated by a not-for-profit or-	
7	ganization not subject to federal income taxation pursuant to section	
8	501 of the federal internal revenue code, and which is included in	
9	this subclass by law.....	12%
10	(5) Public utility real property, except railroad real property which shall	
11	be assessed at the average rate that all other commercial and indus-	
12	trial property is assessed	33%
13	(6) Real property used for commercial and industrial purposes and	
14	buildings and other improvements located upon land devoted to ag-	
15	ricultural use.....	25%
16	(7) All other urban and rural real property not otherwise specifically	
17	subclassified	30%
18	Class 2 shall consist of tangible personal property. Such tangible per-	
19	sonal property shall be further classified into six subclasses, shall be de-	
20	fined by law for the purpose of subclassification and assessed uniformly	
21	as to subclass at the following percentages of value:	
22	(1) Mobile homes used for residential purposes.....	11½%
23	(2) Mineral leasehold interests except oil leasehold interests the average	
24	daily production from which is five barrels or less, and natural gas	
25	leasehold interests the average daily production from which is 100	
26	mcf or less, which shall be assessed at 25%	30%
27	(3) Public utility tangible personal property including inventories	
28	thereof, except railroad personal property including inventories	
29	thereof, which shall be assessed at the average rate all other com-	
30	mercial and industrial property is assessed	33%
31	(4) All categories of motor vehicles not defined and specifically valued	
32	and taxed pursuant to law enacted prior to January 1, 1985.....	30%
33	(5) Commercial and industrial machinery and equipment which, if its	
34	economic life is seven years or more, shall be valued at its retail cost	
35	when new less seven-year straight-line depreciation, or which, if its	
36	economic life is less than seven years, shall be valued at its retail cost	
37	when new less straight-line depreciation over its economic life, ex-	
38	cept that, the value so obtained for such property, notwithstanding	
39	its economic life and as long as such property is being used, shall	
40	not be less than 20% of the retail cost when new of such	
41	property.....	25%
42	(6) All other tangible personal property not otherwise specifically	
43	classified	30%

1 (b) All property used exclusively for state, county, municipal, literary,
2 educational, scientific, religious, benevolent and charitable purposes,
3 farm machinery and equipment, merchants' and manufacturers' inven-
4 tories, other than public utility inventories included in subclass (3) of class
5 2, livestock, and all household goods and personal effects not used for
6 the production of income, shall be exempted from property taxation."

7 Sec. 2. The following statement shall be printed on the ballot with
8 the amendment as a whole:

9 "*Explanatory statement.* This amendment would allow the leg-
10 islatre to provide limitations upon the increase of the appraised
11 valuation of real property used for residential purposes subject to
12 taxation.

13 "A vote for this proposition would allow pursuant to enactment
14 by the legislature the limiting of real estate appraised valuation in-
15 creases for real property used for residential purposes from one tax
16 period to another.

17 "A vote against this proposition would maintain the current sys-
18 tem of property taxation."

19 Sec. 3. This resolution, if approved by two-thirds of the members
20 elected (or appointed) and qualified to the House of Representatives, and
21 two-thirds of the members elected (or appointed) and qualified to the
22 Senate shall be entered on the journals, together with the yeas and nays.
23 The secretary of state shall cause this resolution to be published as pro-
24 vided by law and shall cause the proposed amendment to be submitted
25 to the electors of the state at the general election to be held on November
26 2, 2004.

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