

MINUTES OF THE HOUSE COMMITTEE ON ASSESSMENT AND TAXATIONThe meeting was called to order by Representative Jim Braden at
Chairperson7:00 a.m./~~p.m.~~ on March 29, 1983 in room 527S of the Capitol.All members were present ~~except~~

Committee staff present:

Wayne Morris, Research Department
Tom Severn, Research Department
Don Hayward, Revisor of Statutes' Office
Nancy Wolff, Secretary to the Committee

Conferees appearing before the committee:

The meeting was called to order by the Chairman.

The committee discussed Senate Bill 275 which would provide for a statewide reappraisal of all real property.

Representative Rolfs made a motion to amend Senate Bill 275 by striking all language from lines 51 through 88 plus changing the year 1988 to 1987 in line 92. (Attachment I) Representative Schmidt seconded the motion. The motion carried.Representative Jarchow made a conceptual motion to delete all language pertaining to use value appraisal in lines 99 through 191. Representative Rolfs seconded the motion. The motion carried.Representative Rolfs made a conceptual motion to change the number of members on the advisory counsel as set out in lines 192 through 203 of Senate Bill 275 from 18 to 6 along with the method in which they are appointed. These would be appointed as follows: One (1) from Kansas Association of Counties, One (1) from Kansas Association of County Commissioners, One (1) from Kansas Association of Appraisers, Two (2) from the Secretary of Revenue, and the Director of Property Valuation Department would serve as the Chairman of the committee. Representative Lowther seconded the motion.Representative Jarchow made a substitute motion to delete the advisory council completely and add language which would give the Secretary of Property Valuation Department the right to confer with county and district appraisers and other county officials involved in the administration of the property tax laws of the state. Representative Erne seconded the motion. The motion carried.Representative Rolfs made a motion that the language in New Section 4 be stricken and in its place conceptual language be inserted whereby Quarterly reports from appraisers to the Director be filed. Should the Director determine that efforts are insufficient, the Director may take over efforts to bring that county into compliance. Representative Lowther seconded the motion. The motion carried.Representative Jarchow made a motion that Senate Bill 275 be amended in line 219 by striking the word "may" and inserting the word "shall". Representative Reardon seconded the motion. The motion carried.Representative Lowther made a motion that in line 284 the word "shall" should be changed to the word "may". Representative Crowell seconded the motion.Representative Jarchow made a substitute conceptual motion on Line 285 to strike the language "multiple copies of". Representative Miller seconded the motion. The motion failed.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON ASSESSMENT AND TAXATION,

room 527-S, Statehouse, at 7:00 a.m./~~p.m.~~ on March 29, 1983

The Chairman called for the vote on the original motion to strike the word "shall" and insert the word "may" in line 219 of Senate Bill 275. Representative Lowther withdrew the motion and Representative Crowell withdrew the second.

Representative Rolfs made a motion that the Revisor continue through the bill for any technical or clean-up measures that were needed. Representative Vancrum seconded the motion. The motion carried.

Representative Jarchow made a motion that the bill be amended conceptually to make those adjustments necessary to allow taxing entities to go outside the tax lid to maintain the status quo in the aggregate number of dollars produced from their mill levies. The motion died for lack of a second.

Representative Spaniol made a motion that Senate Bill 275 be reported favorable for passage as amended and Representative Aylward seconded the motion. The motion carried. Representative V. Miller voted "No".

The meeting was adjourned.

DATE: March 29, 1983

7:00 a.m.

GUEST REGISTER

HOUSE

ASSESSMENT & TAXATION
COMMITTEE

NAME	ORGANIZATION	ADDRESS
JANICE MARCUM	PVD	Topeka
Debij Mart	PVD	"
Mary Harper	AAM	Healy
Fane E. Thumbrugh	MAPCO Inc	Tulsa, Okla
Garry Smith	Kansas County Appraiser Assn	Topeka Ks.
Chys Wheelen	Legis. Policy Group	"
Ruth Wilkin	Life Savers	"
John Blythe	Ks Farm Bureau	Manhattan
Paul E. Fleener	" " "	"
Gerald Riley	K, A, W. C.	Topeka
D. WAYNE ZIMMERMAN	THE ELECTRIC CO'S ASSOC. OF KS	TOPEKA
JANET STUBBS	HBAK	"
TOM WHITAKER	Ks Motor Carriers Assn	Topeka
JIM SULLINS	Ks Motor Car Dealers Assn	TOPEKA
Roy D. Shenkel	K. C. P. C.	Shawnee
Tim Underwood	KAR	Topeka
Steven Wiechman	Kans. Assn. Counties	Topeka
Lingenke, je	UPI	"
Ron Daches	KACI	TOPEKA

SENATE BILL No. 275

By Committee on Assessment and Taxation

2-14

0021 AN ACT relating to the taxation of tangible property; mandating
0022 a program of statewide reappraisal of real property; providing
0023 for the administration of such program and duties of certain
0024 state and county officers; prescribing limitations upon the
0025 levy of taxes upon tangible property by taxing districts after
0026 implementation of valuations determined under such reap-
0027 praisal program and providing for exemptions therefrom;
0028 amending K.S.A. 79-1412a and 79-1602 and K.S.A. 1982 Supp.
0029 79-1460 and repealing the existing sections; also repealing
0030 K.S.A. 79-1437b and 79-1440 and K.S.A. 1982 Supp. 79-1452 to
0031 79-1454, inclusive.

0032 *Be it enacted by the Legislature of the State of Kansas:*

0033 New Section 1. (a) The director of property valuation is
0034 hereby directed and empowered to administer and supervise a
0035 statewide program of reappraisal of all real property located
0036 within the state. Except as otherwise authorized by K.S.A. 19-
0037 428, each county shall comprise a separate appraisal district
0038 under such program, and the county appraiser shall have the
0039 duty of reappraising all of the real property in the county pursu-
0040 ant to the plan approved under subsection (b) in accordance with
0041 guidelines and timetables prescribed by the director of property
0042 valuation and of updating the same on an annual basis. In the
0043 case of multi-county appraisal districts, the district appraiser
0044 shall have the duty of reappraising all of the real property in each
0045 of the counties comprising the district pursuant to such guide-
0046 lines and timetables and of updating the same on an annual
0047 basis. Following completion of the statewide program of reap-
0048 praisal, every parcel of real property shall be actually viewed and

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0049 inspected by the county or district appraiser once every four
0050 years.]

0051 (b)(1) The director shall submit to the legislature on the first
0052 day of its regular session in 1984, the program of statewide
0053 reappraisal for its approval. If not disapproved by a concurrent
0054 resolution so providing within 45 days after its submission, the
0055 program shall be deemed approved. If such program is not
0056 approved, the director shall submit an amended program to the
0057 legislature within 10 days after the date of adoption of the
0058 resolution so disapproving. (2) Each county or district appraiser
0059 shall submit a plan for the reappraisal of property within the
0060 county or district pursuant to this act to the director of property
0061 valuation, not later than July 15, 1984. Such plan shall include
0062 the schedule for the employment of personnel, acquisition of
0063 data processing equipment and programs and the level of fi-
0064 nancing made available to pay the cost of such program. If the
0065 plan is approved by the director, the county or district appraiser
0066 shall proceed to implement the plan as submitted. If such plan is
0067 not approved by the director, the county may petition the state
0068 board of tax appeals for a review of the plan or may submit an
0069 amended plan to the director. If the state board of tax appeals
0070 approves the plan or the director approves the amended plan, the
0071 county or district appraiser shall proceed to implement the plan
0072 as submitted [*or amended*]. If the director does not approve the
0073 amended plan, the county shall petition the board of tax appeals
0074 for a review of the plan and if the board approves such amended
0075 plan the county or district appraiser shall implement the plan as
0076 amended. If the state board does not approve the plan the board
0077 shall fix a time within which the county or district may submit an
0078 amended plan for approval. If no amended plan is submitted and
0079 approved within the time prescribed by the board, the board
0080 shall order the division of property valuation to conduct the
0081 reappraisal of property within the county or district. If the
0082 reappraisal is conducted by the division of property valuation,
0083 the director shall certify the amount of the cost incurred by the
0084 division in the conduct of the reappraisal to the state treasurer
0085 who shall withhold such amount from distributions of the

0086 ~~county's share of moneys from the county and city revenue~~
0087 ~~sharing fund and the local ad-valorem tax reduction fund and~~
0088 ~~credit the same to the general fund of the state.~~

0089 (c) Compilation of data for the initial preparation or updating
0090 of inventories for each parcel of real property and entry thereof
0091 into the state computer system as provided for in section 2 of this
0092 act shall be completed not later than January 1, 1988. Whenever
0093 the director determines that reappraisal of all real property
0094 within a county is complete, notification thereof shall be given to
0095 the governor and to the state board of tax appeals.

1987

0096 Valuations shall be established for each parcel of real property
0097 at its fair market value in money in accordance with the provi-
0098 sions of K.S.A. 1982 Supp. 79-503a.

0099 In addition thereto valuations shall be established for each
0100 parcel of land devoted to agricultural use upon the basis of the
0101 agricultural income or productivity attributable to the inherent
0102 capabilities of such land in its current usage under a degree of
0103 management reflecting median production levels in the manner
0104 hereinafter provided. A classification system for all land devoted
0105 to agricultural use shall be adopted by the director of property
0106 valuation using criteria established by the United States depart-
0107 ment of agriculture soil conservation service. Productivity of
0108 land devoted to agricultural use shall be determined for all land
0109 classes within each county or homogeneous region based on an
0110 average of the eight calendar years immediately preceding the
0111 calendar year which immediately precedes the year of valuation,
0112 at a degree of management reflecting median production levels.
0113 The director of property valuation shall determine median pro-
0114 duction levels based on information available from state and
0115 federal crop and livestock reporting services, the soil conserva-
0116 tion service, and any other sources of data that the director
0117 considers appropriate.

0118 The share of net income from land in the various land classes
0119 within each county or homogeneous region which is normally
0120 received by the landlord shall be used as the basis for determin-
0121 ing agricultural income for all land devoted to agricultural use
0122 except pasture or rangeland. The net income normally received

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0123 by the landlord from such land shall be determined by deducting
0124 expenses normally incurred by the landlord from the share of the
0125 gross income normally received by the landlord. The net rental
0126 income normally received by the landlord from pasture or
0127 rangeland within each county or homogeneous region shall be
0128 used as the basis for determining agricultural income from such
0129 land. The net rental income from pasture and rangeland which is
0130 normally received by the landlord shall be determined by de-
0131 ducting expenses normally incurred from the gross income nor-
0132 mally received by the landlord. Commodity prices and pasture
0133 and rangeland rental rates and expenses shall be based on an
0134 average of the eight calendar years immediately preceding the
0135 calendar year which immediately precedes the year of valuation.
0136 Net income for every land class within each county or homoge-
0137 neous region shall be capitalized at a rate or rates prescribed by
0138 the legislature.

0139 Based on the foregoing procedures the director of property
0140 valuation shall make an annual determination of the value of
0141 land within each of the various classes of land devoted to agri-
0142 cultural use within each county or homogeneous region and
0143 furnish the same to the several county appraisers who shall
0144 classify such land according to its current usage and apply the
0145 value applicable to such class of land according to the valuation
0146 schedules prepared and adopted by the director of property
0147 valuation under the provisions of this section.

0148 For the purpose of the foregoing provisions of this section the
0149 phrase "land devoted to agricultural use" shall mean and include
0150 land, regardless of whether it is located in the unincorporated
0151 area of the county or within the corporate limits of a city, which is
0152 devoted to the production of plants, animals or horticultural
0153 products, including but not limited to: Forages; grains and feed
0154 crops; dairy animals and dairy products; poultry and poultry
0155 products; beef cattle, sheep, swine and horses; bees and apiary
0156 products; trees and forest products; fruits, nuts, and berries;
0157 vegetables; nursery, floral, ornamental and greenhouse products.
0158 Land devoted to agricultural use shall not include those lands
0159 which are used for recreational purposes, suburban residential

0160 acreages, rural home sites or farm home sites and yard plots
0161 whose primary function is for residential or recreational pur-
0162 poses even though such properties may produce or maintain
0163 some of those plants or animals listed in the foregoing definition.

0164 The term "expenses" shall mean those expenses typically
0165 incurred in producing the plants, animals and horticultural
0166 products described above including management fees, produc-
0167 tion costs, maintenance and depreciation of fences, irrigation
0168 wells, irrigation laterals and real estate taxes, but the term shall
0169 not include those expenses incurred in providing temporary or
0170 permanent buildings used in the production of such plants,
0171 animals and horticultural products.

0172 The valuations established for tangible property under the
0173 program of statewide reappraisal shall not be applied by any
0174 county as a basis for the levy of taxes until expressly authorized
0175 to do so by legislative enactment. The provisions of this act shall
0176 not be construed to conflict with any other provisions of law
0177 relating to the appraisal of tangible property for taxation pur-
0178 poses including the equalization processes of the county and
0179 state board of tax appeals.

0180 New Sec. 2. (a) The secretary of revenue shall provide for
0181 the development of a comprehensive computer program provid-
0182 ing for the processing of such data on tangible property located
0183 in this state as deemed necessary for the effective and efficient
0184 administration of the appraisal, assessment and equalization
0185 laws of the state of Kansas, methods for updating such data on an
0186 annual basis, and such other functions as determined necessary
0187 for the efficient administration of the property tax laws of this
0188 state, including but not limited to the preparation and publishing
0189 of annual statistical reports and ratio studies.

0190 (b) There is hereby established an advisory committee to
0191 confer with and assist the secretary of revenue in the perform-
0192 ance of the duties prescribed in subsection (a). ~~Such committee~~
0193 ~~shall be composed of 18 members to be appointed as follows:~~
0194 ~~Three members shall be appointed by the Kansas association of~~
0195 ~~counties, such members to have expertise in data processing,~~
0196 ~~three members shall be appointed by the Kansas association of~~

029

6 members

- 1) Kansas Assn of Counties (1)
- 2) " " " County Comm. (1)
- (3) " " " Appraisers (1)
- (4) Sec. of Revenue (2)
- (5) Dir. of PVD - Chairman

0197 county commissioners, three members shall be appointed by the
 0198 ~~Kansas appraisers association and nine members shall be ap-~~
 0199 ~~pointed by the secretary of revenue. The director of property~~
 0200 ~~valuation shall call the initial meeting of the committee at which~~
 0201 ~~time it shall elect from its membership a chairperson who shall~~
 0202 ~~call all other meetings necessary to accomplish the duties of the~~
 0203 ~~committee.~~

0204 New Sec. 3. The state shall assume a portion of the costs
 0205 incurred by any county in complying with the provisions of this
 0206 act. The portion of the cost to be paid to each such county by the
 0207 state shall be determined in accordance with a statewide pay-
 0208 ment schedule adopted by the secretary of revenue. Such
 0209 schedule shall contain a specified amount according to class or
 0210 subclass of property as specified in K.S.A. 1982 Supp. 79-1459 to
 0211 be paid by the state to each county on a per parcel basis.
 0212 Payments shall be made to counties as authorized under the
 0213 provisions of this section in accordance with appropriation acts
 0214 of the legislature. No county for which the state board of tax
 0215 appeals has issued an order pursuant to section 4 shall be
 0216 entitled to receive any payment from the state under the provi-
 0217 sions of this section for the period of time such an order is in
 0218 effect.

0219 The state division of property valuation ^{shall} ~~may~~ make assistance
 0220 available to any county in the reappraisal of commercial and
 0221 industrial property located in such county upon such county's
 0222 request. Any county requesting such assistance shall make re-
 0223 imbursement for the costs incurred by the state in providing the
 0224 same. Counties are hereby authorized to contract with private
 0225 appraisal firms to conduct the reappraisal of special character-
 0226 ized property within the county, subject to the approval of the
 0227 director of property valuation.

0228 ~~New Sec. 4. (a) On or before January 5 15 of each year the~~
 0229 ~~county or district appraiser shall submit to the director of prop-~~
 0230 ~~erty valuation a progress report indicating actions taken during~~
 0231 ~~the preceding year for the purpose of implementing the plan~~
 0232 ~~submitted pursuant to section 1 of this act. If any county or~~
 0233 ~~district appraiser fails to submit such report or the director~~

Quarterly reports from appraisers to the Director.
 If director determines efforts are insufficient,
 director may take over efforts to bring that county
 into compliance.

0234 determines that the appraisal is not progressing according to the
0235 plan approved, the director shall petition the state board of tax
0236 appeals for a determination thereof and the state board may take
0237 action to insure implementation of the plan in the same manner
0238 as that authorized for requiring the adoption of the plan or
0239 reappraisal under the provisions of section 1.

0240 (b) On or before January 15 of each year following the utili-
0241 zation of valuations established under the program of statewide
0242 reappraisal as a basis for the levy of taxes, the state board of tax
0243 appeals shall review the program of appraisal of property in each
0244 county or district to determine if property within the county or
0245 district is being appraised or valued in accordance with the
0246 requirements of this act. If the board determines that the prop-
0247 erty in any county or district is not being appraised in accordance
0248 with the requirements of this act, such board shall, within 10
0249 days, direct the director of property valuation to notify the county
0250 or district appraiser and the board of county commissioners of
0251 any county or counties affected that the county has 60 days
0252 within which to submit to the director a plan for bringing the
0253 appraisal of property within the county into compliance or the
0254 director will petition the board of tax appeals for authority for the
0255 division of property valuation to assume control of such appraisal
0256 program and bring it into compliance. If a plan is submitted and
0257 approved by the director the county or district shall proceed to
0258 implement the plan as submitted. The director shall continue to
0259 monitor the program to insure that the plan is implemented as
0260 submitted. If no plan is submitted or if the director does not
0261 approve the plan, the director shall petition the state board of tax
0262 appeals for a review of the plan or if no plan is submitted for
0263 authority for the division of property valuation to assume control
0264 of the appraisal program of the county and to proceed to bring the
0265 same into compliance with the requirements of this act. If the
0266 board of tax appeals approves the plan, the county or district
0267 shall proceed to implement the plan as submitted. If no plan has
0268 been submitted or the plan submitted is not approved, the board
0269 shall fix a time within which the county may submit a plan or an
0270 amended plan for approval. If no plan is submitted and approved

0271 within the time prescribed by the board, the board shall order
0272 the division of property valuation to assume control of the ap-
0273 praisal program of the county and to bring the same into compli-
0274 ance with the provisions of this act. If the division assumes
0275 control of the appraisal program of any county, the director of
0276 property valuation shall certify the amount of the cost incurred
0277 by the division in bringing the program into compliance to the
0278 state treasurer who shall withhold such amount from distribu-
0279 tions of the county's share of moneys from the county and city
0280 revenue sharing fund and the local ad valorem tax reduction fund
0281 and credit the same to the general fund of the state.

0282 New Sec. 5. From and after January 1 of the year in which
0283 valuations for real property determined under the program of
0284 statewide reappraisal are implemented, each county shall main-
0285 tain in the office of the county clerk multiple copies of a listing of
0286 the assessed valuations of each parcel of real property located
0287 within the county. Such listing shall contain separate valuations
0288 for the land and for the buildings located thereon. Such listing
0289 shall be arranged alphabetically by city and street name and
0290 prepared in a manner that each parcel of real property is listed in
0291 progressive order by numerical street address for property lo-
0292 cated within the corporate limits of cities and so far as possible
0293 for property located outside of the corporate limits of cities
0294 within the county. Property for which no street addresses exist
0295 shall be listed separately from property with street addresses and
0296 arranged in alphabetical order by township and owner's name
0297 with information sufficient to disclose the location thereof. Such
0298 listings shall be open to public inspection during all normal
0299 working hours of the office of the county clerk.

0300 New Sec. 6. No county board of equalization shall issue an
0301 order applicable uniformly to all property in any class in any area
0302 or areas of the county, which order changes the assessment of
0303 such class of property in such area or areas, without the approval
0304 of the state board of tax appeals. Whenever any county board of
0305 equalization proposes to issue any such order, it shall make
0306 written application to the state board of tax appeals for a hearing
0307 on such matter. The state board of tax appeals shall set a time and

may

appraisal or

0308 place for a hearing thereon within five days of receipt of such
0309 application. The time set for hearing such matter shall in no
0310 event be more than 30 days following the date of receipt of such
0311 application. The state board of tax appeals shall notify the county
0312 board, the county or district appraiser and the director of prop-
0313 erty valuation, of the time and place set for hearing. The director
0314 of property valuation shall be made a party to such hearing. The
0315 state board of tax appeals shall make its determination upon such
0316 matter within 10 days of the conclusion of the hearing thereon
0317 and notify the county board and director of property valuation by
0318 mail of its determination within five days after the date such
0319 determination is made.

0320 New Sec. 7. The board of county commissioners of each
0321 county is hereby authorized to levy a tax upon all taxable tangi-
0322 ble property in the county in an amount necessary to pay all costs
0323 incurred in conducting programs of countywide reappraisal and
0324 complying with the provisions of this act. Such tax levies shall
0325 not be included in computing the aggregate tax levies of the
0326 county and are exempt from the limitations imposed under the
0327 provisions of K.S.A. 79-5001 to 79-5016, inclusive, and amend-
0328 ments thereto. The proceeds of such tax levies shall be credited
0329 to a special countywide reappraisal fund and shall be used only
0330 for the purposes of implementing the provisions of this act. Such
0331 countywide reappraisal fund shall not be subject to the provi-
0332 sions of K.S.A. 79-2925 to 79-2937, and amendments thereto,
0333 except that in making the budgets of such counties the amounts
0334 credited to, the amount on hand in such special fund, and the
0335 amount expended therefrom shall be shown thereon for the
0336 information of the taxpayers of the county.

0337 Sec. 8. K.S.A. 79-1412a is hereby amended to read as fol-
0338 lows: 79-1412a. County appraisers and district appraisers shall
0339 perform the following duties:

0340 ~~First.~~ (a) Install and maintain such records and data relating
0341 to all property in the county, taxable and exempt, as may be
0342 required by the director of property valuation.

0343 ~~Second.~~ (b) Annually, as of January 1, supervise the listing
0344 and ~~assessment~~ of all real estate and personal property in the

appraisal

0345 county subject to taxation except state-assessed property.

0346 ~~Third.~~ Notify each taxpayer on or before April first by mail
0347 directed to his or her last known address as to the assessed value
0348 placed on each parcel of his or her real property whenever the
0349 assessed value of any parcel has been changed from the assess-
0350 ment shown for the preceding year. Failure to receive such
0351 notice shall in nowise invalidate the assessment.

0352 ~~Fourth.~~ (c) Attend meetings of the county board of equaliza-
0353 tion for the purpose of aiding such board in the proper discharge
0354 of its duties, making all records available to the county board of
0355 equalization.

0356 ~~Fifth.~~ (d) Prepare the assessment roll and certify such rolls to
0357 the county clerk.

0358 ~~Sixth.~~ (e) Supervise the township trustees, assistants, ap-
0359 praisers and other employees appointed by him or her the
0360 appraiser in the performance of their duties.

0361 ~~Seventh.~~ (f) The county appraiser or district appraiser in
0362 setting values for various types of personal property, shall con-
0363 form to the values for such property as shown in the personal
0364 property assessment guides devised and/or prescribed by the
0365 director of property valuation.

0366 ~~Eighth.~~ (g) Carry on continuously throughout the year the
0367 process of appraising real property.

0368 ~~Ninth.~~ (h) If the county appraiser or district appraiser deems
0369 it advisable, he or she such appraiser may appoint one or more
0370 advisory committees of not less than five (5) persons representa-
0371 tive of the various economic interests and geographic areas of the
0372 county to assist him or her in establishing unit land values, unit
0373 values for structures, productivity, classifications for agricultural
0374 lands, adjustments for location factors, and generally to advise on
0375 assessment procedures and methods.

0376 ~~Tenth.~~ (i) Perform such other duties as may be required by
0377 law.

0378 Sec. 9. K.S.A. 1982 Supp. 79-1460 is hereby amended to read
0379 as follows: 79-1460. The county appraiser shall notify each tax-
0380 payer in the county annually on or before April 1 for real
0381 property and May 1 for personal property, by mail directed to the

appraised

appraisal

appraisal

0382 taxpayer's last known address, of any change in the classification
 0383 or appraised valuation of the taxpayer's property. *For the pur-*
 0384 *poses of this section, the term "taxpayer" shall be deemed to be*
 0385 *the person in ownership of the property as indicated on the*
 0386 *records of the office of register of deeds. Such notice shall*
 0387 *specify separately both the previous and current appraised and*
 0388 *assessed values for the land and each of the buildings situated*
 0389 *on such lands. In the year following the year in which valua-*
 0390 *tions for tangible property established under the program of*
 0391 *statewide reappraisal are applied as a basis for the levy of taxes,*
 0392 *and in each year thereafter, such notice shall include the most*
 0393 *recent county sales ratio for the particular subclass of property*
 0394 *to which the notice relates, except that no such ratio shall be*
 0395 *disclosed on any such notices sent in any year when the total*
 0396 *assessed valuation of the county is increased or decreased due to*
 0397 *reappraisal of all of the property within the county. Such notice*
 0398 *shall also contain a statement of the taxpayer's right to appeal.*
 0399 Failure to receive such notice shall in no way invalidate the
 0400 classification or appraised valuation as changed.

0401 Sec. 10. K.S.A. 79-1602 is hereby amended to read as fol-
 0402 lows: 79-1602. The county board thus constituted, or a majority
 0403 of the members thereof, may on and after January 15 of each year,
 0404 meet at any time that such board may deem necessary. All
 0405 meetings of such board shall be held in a suitable place in the
 0406 county courthouse. Such board shall on the first business day in
 0407 April of each year meet for the purpose of inquiring into the
 0408 valuation of real property and shall, on ~~the fifteenth day in~~ May
 0409 15 or the next following business day if such date shall fall on a
 0410 day other than a regular business day, meet for the purpose of
 0411 inquiring into the valuation of tangible personal property in the
 0412 county, and shall review the ~~assessment~~ rolls of the county as to
 0413 accuracy, completeness and uniformity of ~~assessment~~, and shall
 0414 make such changes in the ~~assessment~~ of property as shall be
 0415 necessary in order to secure uniform and equal ~~assessment~~ of all
 0416 property.

0417 In all cases where it shall become necessary to increase the
 0418 ~~assessment~~ of specific tracts or individual items of real or per-

~~assessment~~ appraisal
~~assessment~~ appraisal
~~assessment~~ appraisal
~~assessment~~ application to

~~assessment~~ appraisal value

0419 sonal property, except where the ~~assessment~~ of a class or classes
 0420 of property in any area or areas of the county is raised by a
 0421 general order applicable to all property in such class or classes
 0422 for the purpose of equalization, the county clerk shall, at least ten
 0423 ~~(10)~~ 10 days prior to hearing, mail or cause to be mailed a notice
 0424 to the person to be affected thereby at his or her such person's
 0425 post-office address as shown by the assessment rolls, stating in
 0426 substance that it is proposed to increase the assessment of such
 0427 specific tracts or individual items of his or her such person's real
 0428 or personal property, and fixing the time and place when a
 0429 hearing thereon will be had.

0430 The board shall hear and determine any appeal made by any
 0431 taxpayer as to the ~~assessment and~~ valuation of any property in the
 0432 county which may be made to the board by the owner of such
 0433 property or his or her such owner's agent or attorney, and shall
 0434 perform the duties ~~hereinbefore set out~~ prescribed in this sec-
 0435 tion. The session of the board held for the purpose of considering
 0436 the valuation of real property shall commence not later than the
 0437 first business day in April and shall remain in session until the
 0438 last business day in April, during which time the board may
 0439 adjourn from time to time as may be necessary, and at the
 0440 expiration of the last business day in April, the board shall
 0441 adjourn until May ~~fifth~~ 5, when it shall again reconvene for the
 0442 purpose of hearing appeals from persons who have been notified
 0443 by the county clerk of pending changes in the valuation of their
 0444 real property as provided above, but such adjourned session
 0445 shall not continue for more than ~~ten~~ (10) 10 days, after which the
 0446 board shall adjourn sine die, which adjournment must be taken
 0447 on or before the 15th day of May 15, or if such day shall fall on
 0448 Sunday, then such final adjournment shall be taken on the 16th
 0449 day of May 16 and the board shall have no authority to be in
 0450 session thereafter; and after such final adjournment the board
 0451 shall not change the ~~assessed valuation of the real property of~~
 0452 any person or reduce the aggregate amount of the assessed
 0453 valuation of the taxable real property of the county.
 0454 The session of the board held for the purpose of considering
 0455 the valuation of personal property shall commence not later than

appraised value
 by the Board of Tax Appeals

(strike)

appraised or
 appraised or
 excepting for clerical error authorized
 by law

0456 the fifteenth day in May 15 or the next following business day if
 0457 such date shall fall on a day other than a regular business day and
 0458 shall remain in session until the last business day in May, during
 0459 which time the board may adjourn from time to time as may be
 0460 necessary, and at the expiration of the last business day in May,
 0461 the board shall adjourn until June ~~fifth~~ 5, when it shall again
 0462 reconvene for the purpose of hearing appeals from persons who
 0463 have been notified by the county clerk of pending changes in the
 0464 valuation of their personal property as provided above, but such
 0465 adjourned session shall not continue for more than ~~ten~~ (10) 10
 0466 days, after which the board shall adjourn sine die, which ad-
 0467 journment must be taken on or before the 15th day of June 15, or
 0468 if such day shall fall on Sunday, then such final adjournment
 0469 shall be taken on the 16th day of June 16 and the board shall have
 0470 no authority to be in session thereafter; and after such final
 0471 adjournment the board shall not change the assessed valuation of
 0472 the personal property of any person or reduce the aggregate
 0473 amount of the assessed valuation of the taxable personal property
 0474 of the county.

0475 *The board shall provide for sufficient evening and Saturday*
 0476 *meetings during the sessions hereinbefore prescribed for the*
 0477 *performance of its duties as shall be necessary to hear all parties*
 0478 *making requests for such evening or Saturday meetings.*

0479 New Sec. 11. As used in sections 11 to 25, inclusive, "taxing
 0480 subdivision" means every taxing district in the state of Kansas
 0481 other than the state.

0482 New Sec. 12. In the year in which the valuations established
 0483 under the program of statewide reappraisal are used as a basis for
 0484 the levy of taxes and in each year thereafter, all existing statutory
 0485 fund and aggregate levy limitations on taxing subdivisions are
 0486 hereby suspended. Except as otherwise hereinafter provided, in
 0487 such year and in each year thereafter, any taxing subdivision is
 0488 authorized to levy taxes upon tangible property which in the
 0489 aggregate produces an amount not in excess of the amount which
 0490 was authorized to be levied by such taxing subdivision in the
 0491 next preceding year, but no taxing subdivision shall certify to the
 0492 county clerk of the county any tax levies upon tangible property,

appraised or
 excepting for clerical error authorized by Law
 appraised or

0493 excluding taxes levied as special assessments and excluding
0494 levies specified in section 18, which in the aggregate will pro-
0495 duce an amount in excess of the amount which was levied by
0496 such taxing subdivision in the next preceding year.

0497 New Sec. 13. Whenever any taxing subdivision shall certify
0498 aggregate tangible property tax levies in excess of that permitted
0499 under the provisions of sections 11 to 25, inclusive, the county
0500 clerk shall forthwith adjust the aggregate amount of such levies
0501 to the maximum levy authorized under the provisions of this act
0502 and notify the taxing subdivision certifying the same. It is the
0503 intent of this act to prescribe a limitation, with specified excep-
0504 tions, upon the aggregate amount which may be levied upon
0505 tangible property by each of the several taxing subdivisions of
0506 the state and not to prescribe a limitation upon the amount
0507 produced by each of the several levies imposed by such taxing
0508 subdivisions for their various tax supported funds. It shall be the
0509 duty of the governing body of each taxing subdivision to adjust
0510 legally authorized levies for separate funds or functions of the
0511 taxing subdivision within the aggregate limitation imposed
0512 under the provisions of sections 11 to 25, inclusive, of this act.

0513 Whenever a county clerk shall disagree with the governing
0514 body of a taxing subdivision concerning the maximum amount of
0515 the aggregate tangible property tax levies permitted under sec-
0516 tions 11 to 25, inclusive, of this act for such taxing subdivision,
0517 the disagreement may be submitted to the state board of tax
0518 appeals by any such county clerk or by the governing body of
0519 such taxing subdivision, and the disagreement shall thereupon
0520 be promptly and conclusively determined by the state board of
0521 tax appeals.

0522 New Sec. 14. Whenever the taxable assessed tangible valu-
0523 ation of any taxing subdivision is increased by new improve-
0524 ments on real estate and by added personal property in the year
0525 in which valuations established under the program of statewide
0526 reappraisal are used as a basis for the levy of taxes or in any year
0527 thereafter, the amount which would be produced by the aggre-
0528 gate tax levy limitation of such taxing subdivision computed in
0529 accordance with section 12 shall be divided by the taxable

0530 assessed tangible valuation of such taxing subdivision in the
0531 current year, omitting the assessed valuation of such new im-
0532 provements and added personal property, to derive a levy rate.
0533 The levy rate so computed shall then be applied to the assessed
0534 valuation of such new improvements and added personal prop-
0535 erty, and such taxing subdivision may then levy the amount
0536 permitted under section 12 and in addition thereto the amount
0537 produced by the levy on such new improvements and added
0538 personal property as provided in this section.

0539 New Sec. 15. In the event that any territory is added to an
0540 existing taxing subdivision, the amount which would be pro-
0541 duced by the aggregate tax levy otherwise authorized under
0542 sections 12 and 14 shall be adjusted to increase the amount
0543 authorized in the proportion that the assessed valuation of the
0544 tangible taxable property in the territory added bears to the total
0545 taxable assessed tangible valuation of the taxing subdivision,
0546 excluding the property in such added territory.

0547 New Sec. 16. In the event that any taxable tangible property
0548 is excluded from the boundaries of any taxing subdivision, the
0549 amount which would be produced by the aggregate tax levy
0550 authorized under the provisions of sections 12 and 14 shall be
0551 adjusted to decrease the amount authorized in the proportion
0552 that the assessed valuation of the tangible property excluded
0553 bears to the total taxable assessed valuation of the taxing sub-
0554 division, including such excluded property.

0555 New Sec. 17. (a) Whenever the authority and responsibility
0556 for the performance of any function or for providing any service,
0557 for which a tax levy is specifically authorized and provided by
0558 law, is transferred to any taxing subdivision, the aggregate limi-
0559 tation imposed under the provisions of sections 11 to 25, inclu-
0560 sive, upon the tax levies of the taxing subdivisions to which such
0561 authority or responsibility is transferred shall be increased by an
0562 amount equal to that levied for such purpose, by the political or
0563 taxing subdivision from which such authority or responsibility
0564 was transferred, in the year next preceding the year in which
0565 such transfer shall become effective and the aggregate limitation
0566 upon the tax levies of any taxing subdivision from which such

0567 authority or responsibility is transferred shall be reduced by
0568 such amount.

0569 (b) Whenever the authority and responsibility for the per-
0570 formance of any function or the providing of any service, for
0571 which a tax levy, subject to the aggregate limitation prescribed
0572 by sections 11 to 25, inclusive, is specifically authorized and
0573 provided by law, is transferred from any taxing subdivision to the
0574 state of Kansas, the aggregate limitation imposed under the
0575 provisions of this act upon the tax levies of the taxing subdivision
0576 from which such authority and responsibility is transferred shall
0577 be reduced by an amount equal to that levied for such purpose
0578 by the taxing subdivision in the year next preceding the year in
0579 which such transfer shall become effective.

0580 New Sec. 18. The provisions of sections 11 to 25, inclusive,
0581 shall not apply to or limit the levy of taxes for the payment of:

0582 (a) Principal and interest upon bonds and temporary notes;

0583 (b) no-fund warrants authorized by the state board of tax
0584 appeals subject to the conditions and requirements of K.S.A.
0585 79-2938, 79-2941 and 79-2951 and K.S.A. 1982 Supp. 79-2939 and
0586 where such board in addition specifically has found that an
0587 extreme emergency exists;

0588 (c) judgments rendered against taxing subdivisions;

0589 (d) expenses for legal counsel and defense of legal actions
0590 against officers or employees of taxing subdivisions or premiums
0591 on insurance providing such protection as authorized by article
0592 61 of chapter 75 of the Kansas Statutes Annotated and amend-
0593 ments thereto;

0594 (e) employer contributions for social security, workmen's
0595 compensation, unemployment insurance and employee retire-
0596 ment and pension programs; or

0597 (f) added expenditures which are specifically mandated or
0598 required by state or federal law and which are initially incurred
0599 by the taxing subdivision after the effective date of this act, less
0600 any expenditures which were specifically mandated or required
0601 by state or federal law prior to the effective date of this act and
0602 are no longer mandated or required.

0603 Amounts produced from any levy specified in this section shall

0604 not be used in computing any aggregate limitation under the
5 provisions of this act.

0606 New Sec. 19. The limitation imposed by this act upon the
0607 amount produced by the aggregate levy of taxes upon tangible
0608 property by any taxing subdivision may be suspended for any
0609 one year or for a specified number of years, and levies may be
0610 made for such year or years which will produce an amount in
0611 excess of that prescribed by sections 11 to 25, inclusive, when-
0612 ever a majority of the electors of such taxing subdivision voting
0613 on a proposition to suspend such limitation at an election pro-
0614 vided for herein shall vote in favor thereof. Any individual levy
0615 or levies for a particular purpose or purposes may be exempted
0616 from the limitation imposed by sections 11 to 25, inclusive, for
0617 any one year or a specified number of years whenever a majority
0618 of the electors of such taxing subdivision voting on a proposition
0619 to exempt such levy or levies from such limitation at an election
0620 provided for herein shall vote in favor thereof. On motion of the
0621 governing body of such taxing subdivision, any such proposition
0622 may be submitted at either a special election to be held on the
0623 first Tuesday in June, at any general election held in April or
0624 November or at any primary election, and any such proposition
0625 shall be submitted at any such election whenever a petition
0626 requesting the same, signed by electors of such subdivision
0627 equal in number to not less than 5% of the qualified electors of
0628 such taxing subdivision, shall be filed in the office of the county
0629 election officer at least 60 days prior to the date of such election.

0630 New Sec. 20. When it is apparent to the governing body of
0631 any taxing subdivision that the maximum aggregate tax levy
0632 permitted under the provisions of sections 11 to 25, inclusive, is
0633 insufficient to finance the necessary operations of such subdivi-
0634 sion, such governing body may make application to the state
0635 board of tax appeals for authority to levy taxes in excess of the
0636 aggregate amount permitted under the provisions of sections 11
0637 to 25. The application shall contain a detailed statement showing
0638 why the expenditures of such taxing subdivisions cannot be
0639 financed within the limitations prescribed by sections 11 to 25,
0640 inclusive, shall state the exact increase requested, and the period

0641 of time for which such increase is requested.

0642 If the state board of tax appeals shall find and determine that
0643 the evidence submitted in support of the application shows an
0644 extreme emergency need for the increase requested and that the
0645 cost of an election to approve the increase would be dispropor-
0646 tionate to the amount of the increase sought, such board is
0647 hereby empowered to authorize such taxing subdivision to levy
0648 taxes in excess of the aggregate amount permitted under the
0649 provisions of sections 11 to 25, inclusive. The term "extreme
0650 emergency need" shall include, but not be limited to, amounts
0651 required to comply with state or federal requirements in such
0652 areas as sewage treatment and solid waste disposal and to pro-
0653 vide police protection, fire protection, ambulance service, or
0654 similar services essential to the public health and safety. The
0655 order of the board of tax appeals shall state the exact amount of
0656 the increase authorized and that the authorization is for a period
0657 of time, the length of which shall be specified. Any increase in
0658 tax levy authority granted by the board of tax appeals shall be
0659 added to the aggregate limitations computed under sections 11 to
0660 25, inclusive, for the period of time specified by the board.

0661 The county election officer shall cause a notice of any order of
0662 the board of tax appeals issued ~~after the effective date of this act~~
0663 *[pursuant to this section]* to be published once each week for
0664 three consecutive weeks in the official newspaper of the taxing
0665 subdivision, or if none, in a newspaper of general circulation in
0666 such subdivision. If within 30 days next following the date of the
0667 last publication of such notice a petition signed by not less than
0668 10% of the qualified electors of the taxing subdivision requesting
0669 an election upon the proposition to levy such increased taxes is
0670 filed in the office of the county election officer, no such in-
0671 creased levy shall be made without first receiving the approval of
0672 a majority of the electors of such taxing subdivision voting at an
0673 election called and held thereon.

0674 New Sec. 21. The state board of tax appeals shall not autho-
0675 rize the issuance of no-fund warrants by any taxing subdivision
0676 of the state under the provisions of K.S.A. 79-2938, 79-2941 or
0677 79-2951 and K.S.A. 1982 Supp. 79-2939, except upon the basis of

a finding of extreme emergency need.

0679 New Sec. 22. Whenever any taxing subdivision of this state
0680 shall be required by law to levy taxes for the financing of the
0681 budget of any political or governmental subdivision of this state
0682 which is not authorized by law to levy taxes on its own behalf,
0683 and the governing body of such taxing subdivision is not autho-
0684 rized or empowered to modify or reduce the amount of taxes
0685 levied therefor, the tax levies of such political or governmental
0686 subdivision shall not be included in or considered in computing
0687 the aggregate limitations upon the property tax levies of the
0688 taxing subdivisions levying taxes for such political or govern-
0689 mental subdivision.

0690 New Sec. 23. The state board of tax appeals may upon com-
0691 plaint filed within 30 days after the public hearing held pursuant
0692 to K.S.A. 1982 Supp. 79-2929 by any taxpayer inquire into the
0693 levy of taxes by any taxing subdivision for the purpose of deter-
0694 mining if such taxing subdivision is operating in compliance
0695 with the limitations and provisions of sections 11 to 25, inclusive.
0696 If upon preliminary inquiry it shall appear that such subdivision
0697 is failing to comply with the requirements of sections 11 to 25,
0698 inclusive, the board of tax appeals shall fix a time and place for a
0699 hearing upon such matter and shall notify the governing body of
0700 the taxing subdivision thereof. If upon the basis of such hearing
0701 the state board of tax appeals shall determine that such taxing
0702 subdivision is operating in violation of the limitations and pro-
0703 visions of sections 11 to 25, inclusive, such board may order the
0704 adjustment of any tax levies to be adjusted in such manner as to
0705 comply with the requirements of this act.

0706 New Sec. 24. Any election held under the provisions of
0707 sections 11 to 25, inclusive, shall be called and held in accord-
0708 ance with the provisions of K.S.A. 10-120.

0709 New Sec. 25. The provisions of sections 11 to 24, inclusive,
0710 shall not be applicable to the general fund levies of unified
0711 school districts.

0712 New Sec. 26. (a) The governing body of any city, in the year
0713 next following the year in which the valuations established assessed
0714 under the program of statewide reappraisal are used as a basis for

the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of section 5 of article 12 of the Kansas Constitution, to exempt such city from the provisions of sections 11 to 23, inclusive.

(b) The governing body of any county, in the year next following the year in which the valuations established under the program of statewide reappraisal are used as a basis for the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of K.S.A. 19-101b, and amendments thereto, to exempt such county from the provisions of sections 11 to 23, inclusive.

(c) The governing body of any other taxing subdivision subject to the provisions of sections 11 to 23, inclusive, in the year next following the year in which the valuations established under the program of statewide reappraisal are used as a basis for the levy of taxes or in any year thereafter, may elect, in the manner prescribed by and subject to the limitations of K.S.A. 19-101b, and amendments thereto, insofar as such section may be made applicable, to exempt such subdivision from the provisions of sections 11 to 23, inclusive.

New Sec. 27. Upon implementation for purposes of levying taxes of valuations for real property derived under the program of statewide reappraisal, all existing statutory debt limitations computed on the basis of a percentage of assessed valuation are hereby suspended. In such year of implementation and in all years thereafter any indebtedness of a taxing district governed by such statutory limitations shall be limited to a percentage of assessed valuation, which percentage is determined by dividing the amount of indebtedness authorized for such taxing district in the year before implementation of such valuations by the assessed valuation in the year of implementation.

New Sec. 28. The secretary of revenue shall adopt rules and regulations providing for the administration of this act ~~subject to review and approval of the reappraisal review board~~. The director of property valuation shall prescribe and furnish forms to the county appraisers necessary to their duties hereunder.

New Sec. 29. If any sentence, clause, subsection or section

assessed

assessed

(Strike)

0752 of this act is held unconstitutional or invalid by any court of
0753 competent jurisdiction, it shall be conclusively presumed that
0754 the legislature would have enacted the remainder of the act not
0755 so held unconstitutional or invalid.

0756 Sec. 30. K.S.A. 79-1412a, 79-1437b, 79-1440 and 79-1602 and
0757 K.S.A. 1982 Supp. 79-1452 to 79-1454, inclusive, and 79-1460 are
0758 hereby repealed.

0759 Sec. 31. This act shall take effect and be in force from and
0760 after its publication in the statute book.