

Approved March 22, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT & TAXATION

The meeting was called to order by Senator Fred A. Kerr at
Chairperson

11:00 a.m./~~p.m.~~ on March 18, 1988 in room 519-9 of the Capitol.

All members were present except:

Senator Leroy Hayden

Committee staff present:

Tom Severn, Research
Chris Courtwright, Research
Don Hayward, Revisor's Office
Sue Pettet, Secretary to the Committee

Conferees appearing before the committee:

Terry Hamblin, Director of Property Valuation Dept.

HOUSE BILL 2702

Chairman Kerr called the meeting to order and said the agenda was to have committee discussion on H.B. 2702.

Terry Hamblin gave explanation to the Committee regarding amendments drafted by the PVD. (Att. 1 & 2)

Mr. Hamblin and the Committee proceeded to go through the proposed amendments. (See attachments) One of the main topics of discussion was the 15 day time period allowed to taxpayers once they have received their valuation notice. The committee spent the entire hour with Mr. Hamblin.

Senator Thiessen called attention to the minutes of March 17 and requested a minor change in Bev Bradley, Ks. Assoc. of Counties testimony.

Senator Montgomery made a motion to adopt the minutes of the March 17 meeting, as amended. Senator Thiessen seconded. Motion carried.

Meeting adjourned.

ASSESSMENT AND TAXATION

OBSERVERS
(PLEASE PRINT)

DATE	NAME	ADDRESS	REPRESENTING
11/15/85	Dana Fend	Topeka	Budget
✓	Theresa S. Hamill	Topeka	PVD
✓	Bill Waters	Topeka	PVD
✓	GWEN LONGBINE	EMPORIA	PVD
	H Duca	Topeka	PVD
	Kim Mahan	Topeka	KS Assoc of Counties
	BOB BRADLEY	Topeka	Johnson Co.
	GERRY RAY	Olathe	observer
	Jim M. Burke	TOPEKA	KCCF
	GERHARD METZ	HAYS	ELLIS
	WALTER J STARB	HAYS	YMCA
	Worold G. Kraus	"	YMCA
	George Surbas	"	Complete Property Heritage Manage
	Paul Sullivan		
	Ron Heia		

HOUSE BILL 2702 CHANGES

Underlined wording is to be inserted.
{Bracketed wording} is to be deleted.

*K.S.A. 79-1448

Line 33 . . .to the county appraiser within 15 days of receipt of valuation notice.

The change is necessary to specify the exact time a property owner has to file the initial appeal to the county appraiser. Without this change, the informal hearing process will not work.

Line 37 . . . property in question. The county appraiser may extend the time in which the taxpayer may informally appeal from the classification or appraisal of the taxpayer's property for just and adequate reasons.

This language will provide for those taxpayers who are unable to comply within the 15 day timeframe and it will preserve the intent of House Bill 2702.

Lines 37 & 38 In no event shall an informal meeting regarding real property be scheduled to take place after April 1 nor a final determination be given by the property appraiser after April 15 in the year in which valuations

Amended to exclude personal property appeals from the April 1 deadline in the year of reappraisal and requires the county appraiser to notify all property owners of his determination by April 15. This change also allows informal personal property hearings to go until May 1, which is the current deadline.

Lines 55 & 56 {All such appeals shall be heard by the board de novo.} Each step in the county's established informal and formal appeal process must be completed before the taxpayer may appeal to the next level except as prescribed in K.S.A. 79-1609.

Deletion: All formal hearings should be on the record; the statutes clearly provide for this. However, to have a de novo hearing at each county level causes duplication of time and effort. In addition, it creates an atmosphere in which the county can never be adequately prepared to present its case because the property owner has no restriction on the evidence which may be presented.

Insert: Added to insure that property owners follow all of the steps in the counties' established informal and formal appeals process. K.S.A. 79-1609 addresses the procedure to be followed upon payment under protest.

Line 201 . . . equalization {and all appeals shall be heard de novo}.

See Line 55-56 deletion for explanation.

*K.S.A. 79-1606

Line 318 . . . within 15 days of the date that a notice of change in value or final determination was mailed by the county appraiser, hearing officer or panel or board of equalization . .

Amended to stipulate that the property owner or county appraiser has 15 days from notice of change in value or notice of final determination to appeal to the next level. By inserting county appraiser, clarification is given to the timeframe the property owner has to file an appeal at all levels.

Line 345 Disposition of the appeal shall be mailed by the county clerk to the taxpayer and county appraiser within five days after the determination.

"County appraiser" was added so that the appraiser has the same appeal rights as the property owner if there is a disagreement with a determination of the hearing panel or BOE. Adding "county clerk" clarifies the duty of who is to notify the parties involved.

*K.S.A. 79-1610

Line 450 . . . mailed to the taxpayer and county appraiser within five days after the date . . .

This provides that the county appraiser also be notified of the BOE decision so that, in the event of a disagreement over a value or classification, a timely appeal may be filed with the State Board of Tax Appeals.

00001 Sec. 13. K.S.A. 1987 Supp. 79-2005 is amended as follows:

00002

00003 (a) Any taxpayer, before protesting the payment of such taxpayer's taxes,
00004 shall be required, either at the time of paying such taxes, or, if the whole
00005 or part of the taxes are paid prior to December 20, no later than December
00006 20, to file a written statement with the county treasurer, on forms approved
00007 by the director of property valuation and provided by the county treasurer,
00008 clearly stating the grounds on which the whole or any part of such taxes are
00009 protested and citing any law, statute or facts on which such taxpayer relies
00010 in protesting the whole or any part of such taxes. *The county treasurer*
00011 *shall forward a copy of the written statement of protest to the county*
00012 *appraiser who shall within 15 days of the receipt thereof, schedule an*
00013 *informal meeting with the taxpayer with reference to the property in*
00014 *question. The county appraiser shall review the appraisal of the taxpayer's*
00015 *property with the taxpayer and shall within 5 days thereof, notify the*
00016 *taxpayer of the results of the informal meeting.*

00017 (b) If the grounds of such protest shall be that the valuation or
00018 assessment of the property upon which the taxes so protested are levied is
00019 illegal or void, such statement shall further state the exact amount of
00020 valuation or assessment which the taxpayer admits to be valid and the exact
00021 portion of such taxes which is being protested.

00022 (c) If the grounds of such protest shall be that any tax levy, or any
00023 part thereof, is illegal, such statement shall further state the exact
00024 portion of such tax which is being protested.

00025 (d) Upon the filing of a written statement of protest, the grounds of
00026 which shall be that any tax levied, or any part thereof, is illegal, the
00027 county treasurer shall mail a copy of such protest to the governing body of
00028 the taxing district making the levy being protested.

00029 (e) ~~Within 30 days after filing the written statement of protest,~~
00030 *Within 30 days after notification of the results of the informal meeting,*
00031 the protesting taxpayer must file an application for refund with the state
00032 board of tax appeals and provided by the county treasurer, together with a
00033 copy of the written statement of protest.

00034 (f) Upon receipt of the application for refund, the board shall docket
00035 the same and notify the taxpayer and the county treasurer of such fact. In
00036 addition thereto if the grounds of such protest is that the valuation or
00037 assessment of the property is illegal or void the board shall notify the
00038 county appraiser thereof.

00039 (g) After examination of the application for refund, the board shall fix
00040 a time and place for hearing, unless waived by the interested parties in
00041 writing, and shall notify the taxpayer and the county treasurer of the time
00042 and place so fixed. The county treasurer shall then notify the clerk,
00043 secretary or presiding officer of the governing body of any taxing district
00044 affected by such application for refund, of the time and place for hearing.
00045 In addition thereto if the grounds of such protest is that the valuation or
00046 assessment of the property is illegal or void the board shall notify the
00047 county appraiser thereof.

00048 (h) In the event of a hearing, the same shall be originally set not later
00049 than 90 days after the filing of the application with the board. In all
00050 instances where the board sets a request for hearing and requires the
00051 representation of the county by its attorney or counselor at such hearing,
00052 the county shall be represented by its county attorney or counselor.

00053 (i) When a determination is made as to the merits of an application for
00054 refund, the board shall enter its order thereon and give notice of the same
00055 to the taxpayer, county treasurer, county appraiser and county attorney or
00056 county counselor by mailing to each a certified copy of its order. The
00057 county treasurer shall notify all affected taxing districts of the amount by
00058 which tax revenues will be reduced as a result of ~~the date of an~~

00059 order, for purposes of filing an appeal to the district court, shall be the
00060 date of the certification.

00061 (j) If a protesting taxpayer fails to file such application for refund
00062 with the board within the time limit prescribed, such protest shall become
00063 null and void and of no effect whatsoever.

00064 (k) In the event the board orders that a refund be made and no appeal is
00065 taken from such order, the county treasurer shall, as soon thereafter as
00066 reasonably practicable, refund to the taxpayer such protested taxes from tax
00067 moneys collected but not distributed. Upon making such refund, the county
00068 treasurer shall charge the fund or funds having received such protested
00069 taxes.

00070 (l) Whenever, by reason of the refund of taxes from any fund, it will be
00071 impossible to pay for the imperative functions of such fund for the current
00072 budget year, the governing body of the taxing district affected shall issue
00073 no-fund warrants in an amount necessary to pay such refund. Such warrants
00074 shall conform to the requirements prescribed by K.S.A. 79-2940, and
00075 amendments thereto, except they shall not bear the notation required by such
00076 section and may be issued without the approval of the state board of tax
00077 appeals. The governing body of such taxing district shall make a tax levy
00078 at the time fixed for the certification of tax levies to the county clerk
00079 next following the issuance of such warrants sufficient to pay such warrants
00080 and the interest thereon. all such tax levies shall be in addition to all
00081 other levies authorized or limited by law and the tax levy limitations
00082 imposed by article 19 of chapter 79 of the Kansas Statutes Annotated, and
00083 amendments thereto, and K.S.A. 79-5001 to 79-5016, inclusive, and amendments
00084 thereto, shall not apply to such levies.

00085 (m) The county treasurer shall disburse to the proper funds all portions
00086 of taxes paid under protest and shall maintain a record of all portions of
00087 such taxes which are so protested and shall notify the governing body of the
00088 taxing district levying such taxes thereof and the director of accounts and
00089 reports if any tax protested was levied by the state.

00090 (n) This statute shall not apply to the valuation and assessment of
00091 property assessed by the director of property valuation and it shall not be
00092 necessary for any owner of state assessed property, who has an appeal
00093 pending before the board of tax appeals, to protest the payment of taxes
00094 under this statute solely for the purpose of protecting the right of refund
00095 of taxes paid under protest should that owner be successful in that appeal.

00096

00097 Delete Sec. 11 from HB2702 {As Amended by House Committee of the whole}.