

Senate Concurrent Resolution No. 1621

By Committee on Assessment and Taxation

3-25

1 A PROPOSITION to amend section 1 of article 11 of the constitution of
2 the state of Kansas; relating to property taxation; authorizing the
3 legislature to limit property tax increases or provide property tax
4 exemptions for residential property owned by and the principal place
5 of residence of lawful permanent residents of Kansas who are 62 years
6 of age or older or disabled.

7
8 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
9 *members elected (or appointed) and qualified to the Senate and two-*
10 *thirds of the members elected (or appointed) and qualified to the*
11 *House of Representatives concurring therein:*

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

16 **"§ 1. System of taxation; classification; exemption.** (a) The
17 provisions of this subsection shall govern the assessment and
18 taxation of property on and after January 1, 2013, and each year
19 thereafter. Except as otherwise hereinafter specifically provided,
20 the legislature shall provide for a uniform and equal basis of
21 valuation and rate of taxation of all property subject to taxation.
22 The legislature may provide for the classification and the taxation
23 uniformly as to class of recreational vehicles and watercraft, as
24 defined by the legislature, or may exempt such class from property
25 taxation and impose taxes upon another basis in lieu thereof. The
26 provisions of this subsection shall not be applicable to the taxation
27 of motor vehicles, except as otherwise hereinafter specifically
28 provided, mineral products, money, mortgages, notes and other
29 evidence of debt and grain.

30 *The legislature may provide by law to limit tax increases on*
31 *residential property that is owned by and the principal place of*
32 *residence of a lawful permanent resident of Kansas who is 62*
33 *years of age or older or disabled while such property remains*
34 *owned by and the principal place of residence of such eligible*
35 *person or such eligible person's surviving spouse, or the*
36 *legislature may exempt all or any portion of the appraised*

1 valuation of such property from ad valorem taxation. The
 2 legislature may provide for the transfer of all or any portion of the
 3 amount of a tax limitation or exemption for an eligible person who
 4 establishes a different qualifying property. The legislature may
 5 enact legislation to limit the application of this provision and enact
 6 such other legislation as is necessary to administer any limitation
 7 or exemption pursuant to this provision.

8 Property shall be classified into the following classes for the
 9 purpose of assessment and assessed at the percentage of value
 10 prescribed therefor:

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

- 15 (1) Real property used for residential purposes including multi-
 16 family residential real property and real property necessary to
 17 accommodate a residential community of mobile or manufactured
 18 homes including the real property upon which such homes are
 19 located.....11½%
- 20 (2) Land devoted to agricultural use which shall be valued upon
 21 the basis of its agricultural income or agricultural productivity
 22 pursuant to section 12 of article 11 of the constitution.....30%
- 23 (3) Vacant lots.....12%
- 24 (4) Real property which is owned and operated by a not-for-profit
 25 organization not subject to federal income taxation pursuant to
 26 section 501 of the federal internal revenue code, and which is
 27 included in this subclass by law.....12%
- 28 (5) Public utility real property, except railroad real property
 29 which shall be assessed at the average rate that all other
 30 commercial and industrial property is assessed.....33%
- 31 (6) Real property used for commercial and industrial purposes
 32 and buildings and other improvements located upon land devoted
 33 to agricultural use.....25%
- 34 (7) All other urban and rural real property not otherwise
 35 specifically subclassified.....30%

36 Class 2 shall consist of tangible personal property. Such tangible
 37 personal property shall be further classified into six subclasses,
 38 shall be defined by law for the purpose of subclassification and
 39 assessed uniformly as to subclass at the following percentages of
 40 value:

- 41 (1) Mobile homes used for residential purposes.....11½%
- 42 (2) Mineral leasehold interests except oil leasehold interests the
 43 average daily production from which is five barrels or less, and

- 1 natural gas leasehold interests the average daily production from
- 2 which is 100 mcf or less, which shall be assessed at 25%.....30%
- 3 (3) Public utility tangible personal property including inventories
- 4 thereof, except railroad personal property including inventories
- 5 thereof, which shall be assessed at the average rate all other
- 6 commercial and industrial property is assessed.....33%
- 7 (4) All categories of motor vehicles not defined and specifically
- 8 valued and taxed pursuant to law enacted prior to January 1, 1985
- 930%
- 10 (5) Commercial and industrial machinery and equipment which,
- 11 if its economic life is seven years or more, shall be valued at its
- 12 retail cost when new less seven-year straight-line depreciation, or
- 13 which, if its economic life is less than seven years, shall be valued
- 14 at its retail cost when new less straight-line depreciation over its
- 15 economic life, except that, the value so obtained for such property,
- 16 notwithstanding its economic life and as long as such property is
- 17 being used, shall not be less than 20% of the retail cost when new
- 18 of such property.....25%
- 19 (6) All other tangible personal property not otherwise specifically
- 20 classified.....30%
- 21 (b) All property used exclusively for state, county, municipal,
- 22 literary, educational, scientific, religious, benevolent and charitable
- 23 purposes, farm machinery and equipment, merchants' and
- 24 manufacturers' inventories, other than public utility inventories
- 25 included in subclass (3) of class 2, livestock, and all household
- 26 goods and personal effects not used for the production of income,
- 27 shall be exempted from property taxation."

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

30 "*Explanatory statement.* This amendment would authorize the
 31 legislature to limit property tax increases for residential
 32 property that is owned by and the principal place of
 33 residence of a lawful permanent resident of Kansas who is
 34 62 years of age or older or disabled or to exempt all or any
 35 portion of the appraised valuation of such property from ad
 36 valorem taxation.

37 "A vote for this proposition would authorize the legislature to
 38 limit property tax increases for residential property that is
 39 owned by and the principal place of residence of a lawful
 40 permanent resident of Kansas who is 62 years of age or older
 41 or disabled while such property remains owned by and the
 42 principal place of residence of such eligible person or such
 43 eligible person's surviving spouse or to exempt all or any

1 portion of the appraised valuation of such property from ad
2 valorem taxation. The amendment would also authorize the
3 legislature to limit the application of the proposed provision,
4 and to enact such other legislation as is necessary to
5 administer any limitation or exemption pursuant to such
6 provision.

7 "A vote against this proposition would provide no change to the
8 Kansas constitution."

9 Sec. 3. This resolution, if approved by two-thirds of the members
10 elected (or appointed) and qualified to the Senate and two-thirds of the
11 members elected (or appointed) and qualified to the House of
12 Representatives, shall be entered on the journals, together with the yeas
13 and nays. The secretary of state shall cause this resolution to be published
14 as provided by law and shall cause the proposed amendment to be
15 submitted to the electors of the state at the general election in November
16 in the year 2024, unless a special election is called at a sooner date by
17 concurrent resolution of the legislature, in which case the proposed
18 amendment shall be submitted to the electors of the state at the special
19 election.