

## HOUSE BILL No. 2014

By Committee on Taxation

Requested by Representative Fairchild

1-15

1 AN ACT concerning property taxation; relating to exemptions; providing  
2 exemptions for certain personal property including watercraft, marine  
3 equipment, off-road vehicles, motorized bicycles and certain trailers;  
4 amending K.S.A. 79-213 and 79-5501 and repealing the existing  
5 sections.  
6

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

8 New Section 1. (a) The following described property, to the extent  
9 herein specified, is hereby exempt from all property or ad valorem taxes  
10 levied under the laws of the state of Kansas:

11 (1) Any off-road vehicle that is not operated upon any highway;

12 (2) any motorized bicycle, electric-assisted bicycle, electric-assisted  
13 scooter, electric personal assistive mobility device and motorized  
14 wheelchair as such terms are defined in K.S.A. 8-126, and amendments  
15 thereto;

16 (3) any trailer having a gross weight of 15,000 pounds or less that is  
17 used exclusively for personal use and not for the production of income;  
18 and

19 (4) any marine equipment.

20 (b) For purposes of this section:

21 (1) "Marine equipment" means any watercraft trailer designed to  
22 launch, retrieve, transport and store watercraft and any watercraft motor  
23 designed to operate watercraft on the water;

24 (2) "off-road motorcycle" means any motorcycle as defined in K.S.A.  
25 8-126, and amendments thereto, that has been manufactured for off-road  
26 use only and is used exclusively off roads and highways; and

27 (3) "off-road vehicle" means:

28 (A) Any all-terrain vehicle, recreational off-highway vehicle and golf  
29 cart as such terms are defined in K.S.A. 8-126, and amendments thereto;  
30 and

31 (B) any off-road motorcycle and snowmobile.

32 (c) The provisions of this section shall apply to all taxable years  
33 commencing after December 31, 2025.

34 Sec. 2. K.S.A. 79-213 is hereby amended to read as follows: 79-213.

35 (a) Any property owner requesting an exemption from the payment of ad

1 valorem property taxes assessed, or to be assessed, against their property  
2 shall be required to file an initial request for exemption, on forms  
3 approved by the state board of tax appeals and provided by the county  
4 appraiser.

5 (b) The initial exemption request shall identify the property for which  
6 the exemption is requested and state, in detail, the legal and factual basis  
7 for the exemption claimed.

8 (c) The request for exemption shall be filed with the county appraiser  
9 of the county where such property is principally located.

10 (d) After a review of the exemption request, and after a preliminary  
11 examination of the facts as alleged, the county appraiser shall recommend  
12 that the exemption request either be granted or denied, and, if necessary,  
13 that a hearing be held. If a denial is recommended, a statement of the  
14 controlling facts and law relied upon shall be included on the form.

15 (e) The county appraiser, after making such written recommendation,  
16 shall file the request for exemption and the recommendations of the county  
17 appraiser with the state board of tax appeals. With regard to a request for  
18 exemption from property tax pursuant to the provisions of K.S.A. 79-201g  
19 and 82a-409, and amendments thereto, not filed with the board of tax  
20 appeals by the county appraiser on or before the effective date of this act,  
21 if the county appraiser recommends the exemption request be granted, the  
22 exemption shall be provided in the amount recommended by the county  
23 appraiser and the county appraiser shall not file the request for exemption  
24 and recommendations of the county appraiser with the state board of tax  
25 appeals. The county clerk or county assessor shall annually make such  
26 adjustment in the taxes levied against the real property as the owner may  
27 be entitled to receive under the provisions of K.S.A. 79-201g, and  
28 amendments thereto, as recommended by the county appraiser, beginning  
29 with the first period, following the date of issue of the certificate of  
30 completion on which taxes are regularly levied, and during the years  
31 which the landowner is entitled to such adjustment.

32 (f) Upon receipt of the request for exemption, the board shall docket  
33 the same and notify the applicant and the county appraiser of such fact.

34 (g) After examination of the request for exemption and the county  
35 appraiser's recommendation related thereto, the board may fix a time and  
36 place for hearing, and shall notify the applicant and the county appraiser of  
37 the time and place so fixed. A request for exemption pursuant to: (1)  
38 Section 13 of article 11 of the constitution of the state of Kansas; or (2)  
39 K.S.A. 79-201a *Second*, and amendments thereto, for property constructed  
40 or purchased, in whole or in part, with the proceeds of revenue bonds  
41 under the authority of K.S.A. 12-1740 through 12-1749, and amendments  
42 thereto, prepared in accordance with instructions and assistance which  
43 shall be provided by the department of commerce, shall be deemed

1 approved unless scheduled for hearing within 30 days after the date of  
2 receipt of all required information and data relating to the request for  
3 exemption, and such hearing shall be conducted within 90 days after such  
4 date. Such time periods shall be determined without regard to any  
5 extension or continuance allowed to either party to such request. In any  
6 case where a party to such request for exemption requests a hearing  
7 thereon, the same shall be granted. Hearings shall be conducted in  
8 accordance with the provisions of the Kansas administrative procedure act.  
9 In all instances where the board sets a request for exemption for hearing,  
10 the county shall be represented by its county attorney or county counselor.

11 (h) Except as otherwise provided by subsection (g), in the event of a  
12 hearing, the same shall be originally set not later than 90 days after the  
13 filing of the request for exemption with the board.

14 (i) During the pendency of a request for exemption, no person, firm,  
15 unincorporated association, company or corporation charged with real  
16 estate or personal property taxes pursuant to K.S.A. 79-2004 and 79-  
17 2004a, and amendments thereto, on the tax books in the hands of the  
18 county treasurer shall be required to pay the tax from the date the request  
19 is filed with the county appraiser until the expiration of 30 days after the  
20 board issued its order thereon and the same becomes a final order. In the  
21 event that taxes have been assessed against the subject property, no interest  
22 shall accrue on any unpaid tax for the year or years in question nor shall  
23 the unpaid tax be considered delinquent from the date the request is filed  
24 with the county appraiser until the expiration of 30 days after the board  
25 issued its order thereon. In the event the board determines an application  
26 for exemption is without merit and filed in bad faith to delay the due date  
27 of the tax, the tax shall be considered delinquent as of the date the tax  
28 would have been due pursuant to K.S.A. 79-2004 and 79-2004a, and  
29 amendments thereto, and interest shall accrue as prescribed therein.

30 (j) In the event the board grants the initial request for exemption, the  
31 same shall be effective beginning with the date of first exempt use except  
32 that, with respect to property the construction of which commenced not to  
33 exceed 24 months prior to the date of first exempt use, the same shall be  
34 effective beginning with the date of commencement of construction.

35 (k) In conjunction with its authority to grant exemptions, the board  
36 shall have the authority to abate all unpaid taxes that have accrued from  
37 and since the effective date of the exemption. In the event that taxes have  
38 been paid during the period where the subject property has been  
39 determined to be exempt, the board shall have the authority to order a  
40 refund of taxes for the year immediately preceding the year in which the  
41 exemption application is filed in accordance with subsection (a).

42 (l) The provisions of this section shall not apply to: (1) Farm  
43 machinery and equipment exempted from ad valorem taxation by K.S.A.

1 79-201j, and amendments thereto; (2) personal property exempted from ad  
2 valorem taxation by K.S.A. 79-215, and amendments thereto; (3) wearing  
3 apparel, household goods and personal effects exempted from ad valorem  
4 taxation by K.S.A. 79-201c, and amendments thereto; (4) livestock; (5) all  
5 property exempted from ad valorem taxation by K.S.A. 79-201d, and  
6 amendments thereto; (6) merchants' and manufacturers' inventories  
7 exempted from ad valorem taxation by K.S.A. 79-201m, and amendments  
8 thereto; (7) grain exempted from ad valorem taxation by K.S.A. 79-201n,  
9 and amendments thereto; (8) property exempted from ad valorem taxation  
10 by K.S.A. 79-201a *Seventeenth*, and amendments thereto, including all  
11 property previously acquired by the secretary of transportation or a  
12 predecessor in interest, which is used in the administration, construction,  
13 maintenance or operation of the state system of highways. The secretary of  
14 transportation shall at the time of acquisition of property notify the county  
15 appraiser in the county in which the property is located that the acquisition  
16 occurred and provide a legal description of the property acquired; (9)  
17 property exempted from ad valorem taxation by K.S.A. 79-201a *Ninth*,  
18 and amendments thereto, including all property previously acquired by the  
19 Kansas turnpike authority which is used in the administration,  
20 construction, maintenance or operation of the Kansas turnpike. The Kansas  
21 turnpike authority shall at the time of acquisition of property notify the  
22 county appraiser in the county in which the property is located that the  
23 acquisition occurred and provide a legal description of the property  
24 acquired; (10) aquaculture machinery and equipment exempted from ad  
25 valorem taxation by K.S.A. 79-201j, and amendments thereto. As used in  
26 this section, "aquaculture" has the same meaning ascribed thereto by  
27 K.S.A. 47-1901, and amendments thereto; (11) Christmas tree machinery  
28 and equipment exempted from ad valorem taxation by K.S.A. 79-201j, and  
29 amendments thereto; (12) property used exclusively by the state or any  
30 municipality or political subdivision of the state for right-of-way purposes.  
31 The state agency or the governing body of the municipality or political  
32 subdivision shall at the time of acquisition of property for right-of-way  
33 purposes notify the county appraiser in the county in which the property is  
34 located that the acquisition occurred and provide a legal description of the  
35 property acquired; (13) machinery, equipment, materials and supplies  
36 exempted from ad valorem taxation by K.S.A. 79-201w, and amendments  
37 thereto; (14) vehicles owned by the state or by any political or taxing  
38 subdivision thereof and used exclusively for governmental purposes; (15)  
39 property used for residential purposes which is exempted pursuant to  
40 K.S.A. 79-201x, and amendments thereto, from the property tax levied  
41 pursuant to K.S.A. 72-5142, and amendments thereto; (16) from and after  
42 July 1, 1998, vehicles which are owned by an organization having as one  
43 of its purposes the assistance by the provision of transit services to the

1 elderly and to disabled persons and which are exempted pursuant to  
2 K.S.A. 79-201 *Ninth*, and amendments thereto; (17) from and after July 1,  
3 1998, motor vehicles exempted from taxation by K.S.A. 79-5107(e), and  
4 amendments thereto; (18) commercial and industrial machinery and  
5 equipment exempted from property or ad valorem taxation by K.S.A. 79-  
6 223, and amendments thereto; (19) telecommunications machinery and  
7 equipment and railroad machinery and equipment exempted from property  
8 or ad valorem taxation by K.S.A. 79-224, and amendments thereto; (20)  
9 property exempted from property or ad valorem taxation by K.S.A. 79-  
10 234, and amendments thereto; (21) recreational vehicles exempted from  
11 property or ad valorem taxation by K.S.A. 79-5121(e), and amendments  
12 thereto; (22) property acquired by a land bank exempt from property or ad  
13 valorem taxation pursuant to K.S.A. 12-5909 or K.S.A. 19-26,111, and  
14 amendments thereto; ~~and~~ (23) property belonging exclusively to the  
15 United States and exempted from ad valorem taxation by K.S.A. 79-201a  
16 *First*, and amendments thereto, except that the provisions of this  
17 subsection (1)(23) shall not apply to any such property that the congress of  
18 the United States has expressly declared to be subject to state and local  
19 taxation; (24) *watercraft exempted from property or ad valorem taxation*  
20 *by K.S.A. 79-5501, and amendments thereto; and (25) property exempted*  
21 *from property or ad valorem taxation by section 1, and amendments*  
22 *thereto.*

23 (m) The provisions of this section shall apply to property exempt  
24 pursuant to the provisions of section 13 of article 11 of the constitution of  
25 the state of Kansas.

26 (n) The provisions of subsection (k) as amended by this act shall be  
27 applicable to all exemption applications filed in accordance with  
28 subsection (a) after December 31, 2001.

29 (o) No exemption authorized by K.S.A. 79-227, and amendments  
30 thereto, of property from the payment of ad valorem property taxes  
31 assessed shall be granted unless the requesting property owner files an  
32 initial request for exemption pursuant to this section within two years of  
33 the date in which construction of a new qualifying pipeline property  
34 began. The provisions of this subsection shall be applicable to all requests  
35 for exemptions filed in accordance with subsection (a) after June 30, 2017.

36 Sec. 3. K.S.A. 79-5501 is hereby amended to read as follows: 79-  
37 5501. (a) ~~On and after~~ *Commencing* July 1, 2013, *and through December*  
38 *31, 2025*, watercraft shall be appraised at fair market value determined  
39 therefor pursuant to K.S.A. 79-503a, and amendments thereto, and  
40 assessed at the percentage of value as follows: (1) 11.5% in tax year 2014;  
41 and (2) 5% in tax ~~year~~ *years* 2015 ~~and all tax years thereafter~~ *through*  
42 *2025*. On and after January 1, 2014, the levy used to calculate the tax on  
43 watercraft shall be the county average tax rate. In no case shall the

1 assessed value of any watercraft, as determined under the provisions of  
2 this section, cause the tax upon such watercraft to be less than \$12.

3 (b) As used in this section, the term "watercraft" means any  
4 watercraft designed to be propelled by machinery, oars, paddles or wind  
5 action upon a sail for navigation on the water which, if not for the  
6 provisions of this section, would be properly classified under subclass 5 or  
7 6 of class 2 of section 1 of article 11 of the Kansas constitution. This  
8 section shall not be construed as taxing any watercraft which otherwise  
9 would be exempt from property taxation under the laws of the state of  
10 Kansas. Each watercraft may include one trailer which is designed to  
11 launch, retrieve, transport and store such watercraft and any nonelectric  
12 motor or motors which are necessary to operate such watercraft on the  
13 water.

14 (c) Any watercraft which is designed to be propelled through the  
15 water through human power alone shall be exempt from all property or ad  
16 valorem taxes levied under the laws of the state of Kansas.

17 (d) The "county average tax rate" means the total amount of general  
18 property taxes levied within the county by the state, county and all other  
19 taxing subdivisions divided by the total assessed valuation of all taxable  
20 property within the county as of November 1 of the year prior to the year  
21 of valuation as certified by the secretary of revenue.

22 (e) *On and after January 1, 2026, all watercraft shall be exempt from*  
23 *all property or ad valorem taxes levied under the laws of the state of*  
24 *Kansas.*

25 Sec. 4. K.S.A. 79-213 and 79-5501 are hereby repealed.

26 Sec. 5. This act shall take effect and be in force from and after its  
27 publication in the statute book.