

As Amended by House Committee

Session of 2011

HOUSE BILL No. 2403

By Committee on Taxation

3-30

1 AN ACT concerning property taxation; relating to exemptions and  
2 classification; bed and breakfast homes; amending K.S.A. ~~2010~~ 2011  
3 Supp. 79-1439 and repealing the existing section.  
4

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

6 Section 1. K.S.A. ~~2010~~ 2011 Supp. 79-1439 is hereby amended to  
7 read as follows: 79-1439. (a) All real and tangible personal property which  
8 is subject to general ad valorem taxation shall be appraised uniformly and  
9 equally as to class and, unless otherwise specified herein, shall be  
10 appraised at its fair market value, as defined in K.S.A. 79-503a, and  
11 amendments thereto.

12 (b) Property shall be classified into the following classes and assessed  
13 at the percentage of value prescribed therefor:

14 (1) Real property shall be assessed as to subclass at the following  
15 percentages of value:

16 (A) Real property used for residential purposes including multi-  
17 family residential real property, real property necessary to accommodate a  
18 residential community of mobile or manufactured homes including the real  
19 property upon which such homes are located, residential real property used  
20 partially for day care home purposes if such home has been registered or  
21 licensed pursuant to K.S.A. 65-501 *et seq.*, and amendments thereto, and  
22 *applicable to all taxable years commencing after December 31, 2004*,  
23 residential real property used partially for bed and breakfast home  
24 purposes at 11.5%. As used in this paragraph, "bed and breakfast home"  
25 means a residence with ~~five~~ **ten** or fewer bedrooms available for overnight  
26 guests who stay for not more than 28 consecutive days for which there is  
27 compliance with all zoning or other applicable ordinances or laws which  
28 pertain to facilities which lodge and feed guests, ~~and includes structures~~  
29 ~~adjacent to the main bed and breakfast home when located on the same~~  
30 ~~property or on land contiguous to the land on which the bed and breakfast~~  
31 ~~home is located;~~

32 (B) land devoted to agricultural use valued pursuant to K.S.A. 79-  
33 1476, and amendments thereto, at 30%;

34 (C) vacant lots at 12%;

35 (D) real property which is owned and operated by a not-for-profit  
36 organization not subject to federal income taxation pursuant to section 501

1 of the federal internal revenue code and included herein pursuant to K.S.A.  
2 79-1439a, and amendments thereto, at 12%;

3 (E) public utility real property, except railroad property which shall  
4 be assessed at the average rate all other commercial and industrial property  
5 is assessed, at 33%. As used in this paragraph, "public utility" shall have  
6 the meaning ascribed thereto by K.S.A. 79-5a01, and amendments thereto;

7 (F) real property used for commercial and industrial purposes and  
8 buildings and other improvements located upon land devoted to  
9 agricultural use at 25%; and

10 (G) all other urban and rural real property not otherwise specifically  
11 subclassed at 30%.

12 (2) Personal property shall be classified into the following classes and  
13 assessed at the percentage of value prescribed therefor:

14 (A) Mobile homes used for residential purposes at 11.5%;

15 (B) mineral leasehold interests, except oil leasehold interests the  
16 average daily production from which is five barrels or less, and natural gas  
17 leasehold interests, the average daily production from which is 100 mcf or  
18 less, which shall be assessed at 25%, at 30%;

19 (C) public utility tangible personal property including inventories  
20 thereof, except railroad personal property including inventories thereof,  
21 which shall be assessed at the average rate all other commercial and  
22 industrial property is assessed, at 33%. As used in this paragraph, "public  
23 utility" shall have the meaning ascribed thereto by K.S.A. 79-5a01, and  
24 amendments thereto;

25 (D) all categories of motor vehicles listed and taxed pursuant to  
26 K.S.A. 79-306d, and amendments thereto, and over-the-road motor  
27 vehicles defined pursuant to K.S.A. 79-6a01, and amendments thereto, at  
28 30%;

29 (E) commercial and industrial machinery and equipment, including  
30 rolling equipment defined pursuant to K.S.A. 79-6a01, and amendments  
31 thereto, which, if its economic life is seven years or more, shall be valued  
32 at its retail cost when new less seven-year straight-line depreciation, or  
33 which, if its economic life is less than seven years, shall be valued at its  
34 retail cost when new less straight-line depreciation over its economic life,  
35 except that, the value so obtained for such property as long as it is being  
36 used shall not be less than 20% of the retail cost when new of such  
37 property at 25%; and

38 (F) all other tangible personal property not otherwise specifically  
39 classified at 30%.

40 Sec. 2. K.S.A. ~~2010~~ **2011** Supp. 79-1439 is hereby repealed.

41 Sec. 3. This act shall take effect and be in force from and after its  
42 publication in the Kansas register.