

SENATE BILL No. 91

By Senators Holland, Baumgardner, Doll, Faust-Goudeau, Haley, Hawk, Lynn,
Petey and Sykes

2-4

1 AN ACT concerning taxation; relating to income tax; establishing the
2 golden years homestead property tax freeze act, residential property tax
3 refunds; providing homestead property tax refund to renters; amending
4 K.S.A. 2018 Supp. 79-4501, 79-4502, 79-4508, 79-4509, 79-4511 and
5 79-4522 and repealing the existing sections.
6

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

8 New Section 1. The provisions of sections 1 through 17, and
9 amendments thereto, shall be known as and may be cited as the golden
10 years homestead property tax freeze act. The purpose of this act shall be to
11 provide refunds arising from increased ad valorem tax assessments to: (a)
12 Certain persons who are of qualifying age and who own their homesteads;
13 or (b) certain persons who have a disability as a result of military service
14 and who own their homesteads.

15 New Sec. 2. As used in this act:

16 (a) "Act" means the golden years homestead property tax freeze act.

17 (b) "Base year" means the year in which an individual becomes an
18 eligible claimant and who is also eligible for a claim for refund pursuant to
19 section 16, and amendments thereto. For any individual who would
20 otherwise be an eligible claimant prior to 2018, such base year shall be
21 deemed to be 2018 for the purposes of this act. In the event an individual
22 is no longer an eligible claimant under this act, the individual shall
23 establish a new base year in the year that the individual becomes an
24 eligible claimant.

25 (c) "Claimant" means a person who has filed a claim under the
26 provisions of this act and was, during the entire calendar year preceding
27 the year in which such claim was filed for refund under this act, except as
28 provided in section 3, and amendments thereto, both domiciled in this state
29 and was: (1) A person who is 65 years of age or older; or (2) a disabled
30 veteran. The surviving spouse of a person 65 years of age or older or a
31 disabled veteran who was receiving benefits pursuant to this section at the
32 time of the claimant's death, shall be eligible to continue to receive
33 benefits until such time the surviving spouse remarries.

34 (d) "Disabled veteran" means a person who is a resident of Kansas
35 and has been honorably discharged from active service in any branch of

Proposed Amendments to Senate Bill No. 91
Committee on Assessment & Taxation
February 25, 2019
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Office of Revisor of Statutes
Disabled Veterans

1 contained in such record to the county treasurer in lieu of paying that
2 portion of the first half of taxes on the claimant's homestead in the current
3 year, which equals the amount of the golden years homestead property tax
4 freeze refund received by the claimant for taxes levied in the preceding
5 year up to the amount of the first half of the property taxes due.

6 (d) The county treasurer shall certify and return the electronic record
7 referred to in subsection (a), including any changes made by the county
8 clerk pursuant to subsection (c), to the director of taxation by December 31
9 of each year. After receiving a claim of any claimant who is listed in the
10 electronic record submitted by the county treasurer, the director shall
11 examine the same, and, if the claim is valid, the director of accounts and
12 reports shall draw a warrant in favor of the county in which the claimant's
13 homestead is located upon a voucher approved by the director of taxation
14 in the amount of the allowable claim for refund. Sufficient information to
15 identify the claimant shall be directed to the county treasurer with each
16 warrant. Any taxes levied in any year on the homestead of any claimant
17 who has obtained the eligibility herein provided for in excess of the
18 amount paid to the county by the state and by the claimant on or before
19 December 20 of such year shall be paid by the claimant on or before May
20 10 of the succeeding year.

21 (e) For the purposes of this section, "electronic record" shall have the
22 meaning ascribed to it in K.S.A. 16-1602, and amendments thereto.

23 New Sec. 16. A claimant shall only be eligible for a claim for refund
24 under this act if: (a) The household income for the year in which the claim
25 is filed is \$50,000 or less; (b) the appraised value of the homestead is
26 \$350,000 or less; and (c) the homestead is not subject to a mortgage or any
27 other security interest.

28 New Sec. 17. If there are delinquent property taxes on the claimant's
29 homestead, the refund shall be paid to the county treasurer of the county in
30 which such homestead is located and applied first to the oldest of such
31 delinquent property taxes and applied forward to the most recent
32 delinquent property taxes and then to any other property taxes due on the
33 claimant's homestead.

34 Sec. 18. K.S.A. 2018 Supp. 79-4501 is hereby amended to read as
35 follows: 79-4501. The title of this act shall be the homestead property tax
36 refund act. The purpose of this act shall be to provide ad valorem tax
37 refunds to: (a) Certain persons who are of qualifying age who own ~~[a person]~~
38 their homestead; (b) certain persons who have a disability, who own ~~or~~
39 ~~rent~~ their homestead; and (c) certain persons other than persons included
40 under the provisions of *subsection* (a) or (b) who have low incomes and
41 dependent children and own ~~an~~ their homestead.

42 Sec. 19. K.S.A. 2018 Supp. 79-4502 is hereby amended to read as
43 follows: 79-4502. As used in this act, unless the context clearly indicates

1 claim.
 2 (k) "Rent constituting property taxes accrued" means 15% of the
 3 gross rent actually paid in cash or its equivalent in 2019 or any taxable
 4 year thereafter by a claimant and claimant's household solely for the right
 5 of occupancy of a Kansas homestead on which ad valorem property taxes
 6 were levied in full for that year. When a household occupies two or more
 7 different homesteads in the same calendar year, rent constituting property
 8 taxes accrued shall be computed by adding the rent constituting property
 9 taxes accrued for each property rented by the household while occupied
 10 by the household as its homestead during the year. For the provisions of
 11 this subsection, a claimant shall only include those persons satisfying the
 12 requirements of subsection (e) ~~(2) or~~ (3).

13 Sec. 20. K.S.A. 2018 Supp. 79-4508 is hereby amended to read as
 14 follows: 79-4508. (a) Commencing in ~~the tax year beginning after~~
 15 ~~December 31, 2005~~ 2019, the amount of any claim pursuant to this act
 16 shall be computed by deducting the amount computed under column (2)
 17 from the amount of claimant's property tax accrued *or rent constituting*
 18 *property tax accrued, or both.*

	(1)	(2)
19	Claimants household	Deduction from property tax
20	income	accrued <i>or rent constituting property</i>
21		<i>tax accrued, or both</i>
22		
23	But not	
24	At least	more than
25	\$0	\$6,000
26	6,001	7,000
27	7,001	16,000
28		4% plus 4% of every \$1,000 or
29		fraction thereof, of income in
30	16,001	27,000
31		excess of \$7,001
32		40% plus 5% of every \$1,000,
33	27,001	27,600
34		95%

35 (b) The director of taxation shall prepare a table under which claims
 36 under this act shall be determined. The amount of claim for each bracket
 37 shall be computed only to the nearest \$1.

38 (c) The claimant may elect not to record the amount claimed on the
 39 claim. The claim allowable to persons making this election shall be
 40 computed by the department which shall notify the claimant by mail of the
 41 amount of the allowable claim.

42 (d) ~~In the case of all tax years commencing after December 31, 2004,~~
 43 The upper limit threshold amount prescribed in this section, shall be
 increased by an amount equal to such threshold amount multiplied by the

