

Senate Substitute for HOUSE BILL No. 2118

By Committee on Assessment and Taxation

5-21

1 AN ACT concerning property taxation; relating to tax rates, truth in
2 taxation, establishing notice and public hearing requirements prior to
3 approval to exceed revenue neutral rate, discontinuing the city and
4 county tax lid; relating to time for payment of real property and
5 personal property taxes, providing for waiver of interest and fees for a
6 certain period of time, listing delinquent real estate subject to sale,
7 publication, *payment plans*; relating to valuation of real property,
8 prohibiting valuation increase solely as the result of normal repair,
9 replacement or maintenance; *establishing the golden years homestead*
10 *property tax freeze act; providing for expiration of selective*
11 *assistance for effective senior relief (SAFESR) credit;* amending
12 K.S.A. 79-1460, 79-1801, *{79-2024,}* 79-2302, 79-2303 ~~and,~~ 79-
13 2925c *{and 79-32,263}* and repealing the existing sections.
14

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

16 New Section 1. (a) On or before June 15 each year, the county clerk
17 shall calculate the revenue neutral rate for each taxing subdivision and
18 include such revenue neutral rate on the notice of the estimated assessed
19 valuation provided to each taxing subdivision for budget purposes. The
20 director of accounts and reports shall modify the prescribed budget
21 information form to show the revenue neutral rate.

22 (b) No tax rate in excess of the revenue neutral rate shall be levied by
23 the governing body of any taxing subdivision unless a resolution or
24 ordinance has been approved by the governing body according to the
25 following procedure:

26 (1) The governing body shall publish notice of its proposed intent to
27 exceed the revenue neutral rate on the website of the governing body, if
28 the governing body maintains a website, at least 10 days in advance of the
29 public hearing. The notice shall include, but not be limited to, its proposed
30 tax rate, its revenue neutral rate and the date, time and location of the
31 public hearing.

32 (2) On or before July 15, the governing body shall notify the county
33 clerk of its proposed intent to exceed the revenue neutral rate and provide
34 the date, time and location of the public hearing and its proposed tax rate.
35 The county clerk shall notify each taxpayer with property in the taxing
36 subdivision, by mail directed to the taxpayer's last known address, of the

1 proposed intent to exceed the revenue neutral rate at least 10 days in
2 advance of the public hearing. Alternatively, the county clerk may transmit
3 the notice to the taxpayer by electronic means at least 10 days in advance
4 of the public hearing, if such taxpayer and county clerk have consented in
5 writing to service by electronic means. Costs associated with the notice
6 shall be borne by the taxing subdivision with payment due to the county
7 clerk by December 31. The county clerk shall consolidate the required
8 information for all taxing subdivisions relevant to the taxpayer's property
9 on one notice. The notice shall include, but not be limited to:

- 10 (A) The revenue neutral rate;
- 11 (B) the proposed property tax revenue needed to fund the proposed
12 budget;
- 13 (C) the proposed tax rate based upon the proposed budget and the
14 current year's total assessed valuation;
- 15 (D) the tax rate and property tax of the taxing subdivision on the
16 taxpayer's property from the previous year's tax statement;
- 17 (E) the proposed percent change in the tax rate between the previous
18 year's tax rate and the proposed tax rate for the current year;
- 19 (F) the appraised value and assessed value of the taxpayer's property
20 for the current year;
- 21 (G) the estimates of the tax for the current tax year on the taxpayer's
22 property based on the revenue neutral rate and the proposed tax rate; and
23 (H) the date, time and location of the public hearing.

24 (3) The public hearing to consider exceeding the revenue neutral rate
25 shall be held on or before September 10. The governing body shall provide
26 interested taxpayers desiring to be heard an opportunity to present oral
27 testimony within reasonable time limits and without unreasonable
28 restriction on the number of individuals allowed to make public comment.
29 The public hearing may be conducted in conjunction with the proposed
30 budget hearing pursuant to K.S.A. 79-2929, and amendments thereto, if
31 the governing body otherwise complies with all requirements of this
32 section.

33 (4) A majority vote of the governing body, by the adoption of a
34 resolution or ordinance to approve exceeding the revenue neutral rate,
35 shall be required prior to adoption of a proposed budget that will result in a
36 tax rate in excess of the revenue neutral rate. Such vote of the governing
37 body shall be conducted at the public hearing after the governing body has
38 heard from interested taxpayers.

39 (c) Any governing body subject to the provisions of this section that
40 does not comply with subsection (b) shall refund to taxpayers any property
41 taxes over-collected based on the amount of the levy that was in excess of
42 the revenue neutral rate. The provisions of this subsection shall not be
43 construed as prohibiting any other remedies available under the law.

1 (d) The provisions of this section shall not apply to school districts
2 organized and operating under the laws of this state.

3 (e) If the governing body of a taxing subdivision must conduct a
4 public hearing to approve exceeding the revenue neutral rate under this
5 section, the governing body of the taxing subdivision shall certify, on or
6 before September 20, to the proper county clerk the amount of ad valorem
7 tax to be levied.

8 ~~(f) The provisions of this section shall not apply to a taxing~~
9 ~~subdivision, other than a city or county, that receives \$5,000 or less in~~
10 ~~revenue from property taxes in the current year.~~

11 ~~(g)~~ As used in this section:

12 (1) "Taxing subdivision" means any political subdivision of the state
13 that levies an ad valorem tax on property.

14 (2) "Revenue neutral rate" means the tax rate for the current tax year
15 that would generate the same property tax revenue as levied the previous
16 tax year using the current tax year's total assessed valuation. To calculate
17 the revenue neutral rate, the county clerk shall divide the property tax
18 revenue for such taxing subdivision levied for the previous tax year by the
19 total of all taxable assessed valuation in such taxing subdivision for the
20 current tax year, and then multiply the quotient by 1,000 to express the rate
21 in mills. The revenue neutral rate shall be expressed to the third decimal
22 place.

23 ~~(h)~~~~(g)~~ The provisions of this section shall take effect and be in force
24 from and after January 1, 2021.

25 New Sec. 2. (a) Notwithstanding any provision of law to the contrary,
26 no interest shall accrue on any unpaid property tax for tax year 2019
27 pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, from
28 May 10, 2020, through August 10, 2020, nor shall the unpaid tax for tax
29 year 2019 be considered delinquent during this period.

30 (b) With respect to any unpaid property tax for tax year 2019 due
31 pursuant to K.S.A. 79-2004 and 79-2004a, and amendments thereto, the
32 county shall waive any fees, expenses and costs relating to delinquent
33 property tax collection procedures that the county charged to the taxpayer
34 prior to August 11, 2020.

35 Sec. 3. K.S.A. 79-1460 is hereby amended to read as follows: 79-
36 1460. (a) The county appraiser shall notify each taxpayer in the county
37 annually on or before March 1 for real property and May 1 for personal
38 property, by mail directed to the taxpayer's last known address, of the
39 classification and appraised valuation of the taxpayer's property, except
40 that, the valuation for all real property shall not be increased unless the
41 record of the latest physical inspection was reviewed by the county or
42 district appraiser, and documentation exists to support such increase in
43 valuation in compliance with the directives and specifications of the

1 director of property valuation, and such record and documentation is
2 available to the affected taxpayer. *The valuation for all real property also*
3 *shall not be increased solely as the result of normal repair, replacement or*
4 *maintenance of existing structures, equipment or improvements on the*
5 *property. For purposes of this section, "normal repair, replacement or*
6 *maintenance" does not include new construction as defined in this section.*
7 For the next two taxable years following the taxable year that the valuation
8 for commercial real property has been reduced due to a final determination
9 made pursuant to the valuation appeals process, the county appraiser shall
10 review the computer-assisted mass-appraisal of the property and if the
11 valuation in either of those two years exceeds the value of the previous
12 year by more than 5%, excluding new construction, change in use or
13 change in classification, the county appraiser shall either: (1) Adjust the
14 valuation of the property based on the information provided in the
15 previous appeal; or (2) order an independent fee simple appraisal of the
16 property to be performed by a Kansas certified real property appraiser. As
17 used in this section, "new construction" means the construction of any new
18 structure or improvements or the remodeling or renovation of any existing
19 structures or improvements on real property. When the valuation for real
20 property has been reduced due to a final determination made pursuant to
21 the valuation appeals process for the prior year, and the county appraiser
22 has already certified the appraisal rolls for the current year to the county
23 clerk pursuant to K.S.A. 79-1466, and amendments thereto, the county
24 appraiser may amend the appraisal rolls and certify the changes to the
25 county clerk to implement the provisions of this subsection and reduce the
26 valuation of the real property to the prior year's final determination, except
27 that such changes shall not be made after October 31 of the current year.
28 For the purposes of this section and in the case of real property, the term
29 "taxpayer" shall be deemed to be the person in ownership of the property
30 as indicated on the records of the office of register of deeds or county clerk
31 and, in the case where the real property or improvement thereon is the
32 subject of a lease agreement, such term shall also be deemed to include the
33 lessee of such property if the lease agreement has been recorded or filed in
34 the office of the register of deeds. Such notice shall specify separately both
35 the previous and current appraised and assessed values for each property
36 class identified on the parcel. Such notice shall also contain the uniform
37 parcel identification number prescribed by the director of property
38 valuation. Such notice shall also contain a statement of the taxpayer's right
39 to appeal, the procedure to be followed in making such appeal and the
40 availability without charge of the guide devised pursuant to subsection (b).
41 Such notice may, and if the board of county commissioners so require,
42 shall provide the parcel identification number, address and the sale date
43 and amount of any or all sales utilized in the determination of appraised

1 value of residential real property. In any year in which no change in
2 appraised valuation of any real property from its appraised valuation in the
3 next preceding year is determined, an alternative form of notification
4 which has been approved by the director of property valuation may be
5 utilized by a county. Failure to timely mail or receive such notice shall in
6 no way invalidate the classification or appraised valuation as changed. The
7 secretary of revenue shall adopt rules and regulations necessary to
8 implement the provisions of this section.

9 (b) For all taxable years commencing after December 31, 1999, there
10 shall be provided to each taxpayer, upon request, a guide to the property
11 tax appeals process. The director of the division of property valuation shall
12 devise and publish such guide, and shall provide sufficient copies thereof
13 to all county appraisers. Such guide shall include but not be limited to: (1)
14 A restatement of the law which pertains to the process and practice of
15 property appraisal methodology, including the contents of K.S.A. 79-503a
16 and 79-1460, and amendments thereto; (2) the procedures of the appeals
17 process, including the order and burden of proof of each party and time
18 frames required by law; and (3) such other information deemed necessary
19 to educate and enable a taxpayer to properly and competently pursue an
20 appraisal appeal.

21 Sec. 4. K.S.A. 79-1801 is hereby amended to read as follows: 79-
22 1801. (a) Except as provided by subsection (b), each year the governing
23 body of any city, the trustees of any township, the board of education of
24 any school district and the governing bodies of all other taxing
25 subdivisions shall certify, on or before August 25, to the proper county
26 clerk the amount of ad valorem tax to be levied. Thereupon, the county
27 clerk shall place the tax upon the tax roll of the county, in the manner
28 prescribed by law, and the tax shall be collected by the county treasurer.
29 The county treasurer shall distribute the proceeds of the taxes levied by
30 each taxing subdivision in the manner provided by K.S.A. 12-1678a, and
31 amendments thereto.

32 (b) *Prior to January 1, 2021*, if the governing body of a city or
33 county must conduct an election for an increase in property tax to fund any
34 appropriation or budget under K.S.A. 2019 Supp. 25-433a, and
35 amendments thereto, the governing body of the city or county shall certify,
36 on or before October 1, to the proper county clerk the amount of ad
37 valorem tax to be levied. *On and after January 1, 2021, if the governing*
38 *body of a taxing subdivision must conduct a public hearing to approve*
39 *exceeding the revenue neutral rate under section 1, and amendments*
40 *thereto, the governing body of the taxing subdivision shall certify, on or*
41 *before September 20, to the proper county clerk the amount of ad valorem*
42 *tax to be levied.*

43 Sec. 5. K.S.A. 79-2302 is hereby amended to read as follows: 79-

1 2302. (a) *Except as provided in subsection (b)*, between July 1 and July 10
2 of each year, the county treasurer shall prepare a list of all real estate
3 subject to sale, describing the real estate in the same manner as described
4 of record in the office of the county clerk or the register of deeds of the
5 county in which the real estate is located. The county treasurer also shall
6 prepare an accompanying notice stating that the county treasurer will sell
7 the real estate described in the list to the county for the amount of the
8 delinquent taxes and legal charges due on the real estate and that the sale
9 will be on or after the first Tuesday of September following publication of
10 the notice under K.S.A. 79-2303, and amendments thereto. The list shall
11 show the names of the owners of the real estate, as shown of record in the
12 office of the county clerk or the register of deeds of the county in which
13 the real estate is located, the description and address, if available, of each
14 tract or parcel of land and the total of the amount of unpaid taxes upon
15 each tract or parcel. If any county treasurer at any time discovers that any
16 tract or lot of real estate has not been put on the list of delinquent taxes and
17 not sold for any preceding year, the treasurer shall be required to place the
18 omitted tract or lot on the list of delinquent taxes for the current year, and
19 sell the tract or lot as directed by this act in other cases.

20 (b) *For tax year 2019, between August 11, 2020, and August 21,*
21 *2020, the county treasurer shall prepare such list of all real estate subject*
22 *to sale that lists all real estate for which the 2019 taxes have not been paid*
23 *in full on or before August 10, 2020.*

24 Sec. 6. K.S.A. 79-2303 is hereby amended to read as follows: 79-
25 2303. (a) The county treasurer shall cause the notice and list prepared
26 under K.S.A. 79-2302, and amendments thereto, to be published in the
27 official county newspaper or in a newspaper of general circulation in the
28 county in accordance with the provisions of K.S.A. 64-101, and
29 amendments thereto. *Except as provided in subsection (b)*, the notice and
30 list shall be submitted to the newspaper on or before August 1 of each year
31 and shall be published once each week for three consecutive weeks
32 immediately prior to the week when the day of sale will occur. The county
33 treasurer also shall cause a copy of the list and notice to be posted in some
34 conspicuous place in the county treasurer's office. The cost of publication
35 of the notice and list shall be paid from the general fund of the county, and
36 a \$15 fee for each tract or lot shall be added to the tax due for the tract or
37 lot as part of the costs of collection. The fee shall be collected in the
38 manner provided for the collection of the unpaid taxes.

39 (b) *With respect to tax year 2019, the notice and list shall be*
40 *submitted to the newspaper on or before September 1, 2020, and shall be*
41 *published once each week for three consecutive weeks immediately prior*
42 *to the week when the day of sale will occur. The county treasurer shall*
43 *advertise and sell such real estate on or before the fourth Monday of*

1 *October 2020, and such advertisement and sale shall conform in all*
2 *respects to the provisions of this act and shall be as binding and valid as if*
3 *such sale had been made on the first Tuesday of September.*

4 Sec. 7. K.S.A. 79-2925c is hereby amended to read as follows: 79-
5 2925c. (a) (1) On and after January 1, 2017, *and prior to January 1, 2021*,
6 the governing body of any city or county shall not approve any
7 appropriation or budget which provides for funding by property tax
8 revenues in an amount exceeding that of the next preceding year as
9 adjusted to reflect the average changes in the consumer price index for all
10 urban consumers as published by the United States department of labor for
11 the preceding five calendar years, which shall not be less than zero, unless
12 the city or county approves the appropriation or budget with the adoption
13 of a resolution and such resolution has been submitted to and approved by
14 a majority of the qualified electors of the city or county voting at an
15 election called and held thereon, except as otherwise provided.

16 (2) The election shall be called and held in the manner provided by
17 K.S.A. 10-120, and amendments thereto, and may be:

18 (A) Held at the next regularly scheduled election to be held in August
19 or November;

20 (B) may be a mail ballot election, conducted in accordance with
21 K.S.A. 25-431 et seq., and amendments thereto; or

22 (C) may be a special election called by the city or county. Nothing in
23 this subsection shall prevent any city or county from holding more than
24 one election in any year. The city or county requesting the election shall be
25 responsible for paying all costs associated with conducting the election.

26 (b) A resolution by the governing body of a city or county otherwise
27 required by the provisions of this section shall not be required to be
28 approved by an election required by subsection (a) under the following
29 circumstances:

30 (1) Increased property tax revenues that, in the current year, are
31 produced and attributable to the taxation of:

32 (A) The construction of any new structures or improvements or the
33 remodeling or renovation of any existing structures or improvements on
34 real property, which shall not include any ordinary maintenance or repair
35 of any existing structures or improvements on the property;

36 (B) increased personal property valuation;

37 (C) real property located within added jurisdictional territory;

38 (D) real property which has changed in use;

39 (E) expiration of any abatement of property from property tax; or

40 (F) expiration of a tax increment financing district, rural housing
41 incentive district, neighborhood revitalization area or any other similar
42 property tax rebate or redirection program.

43 (2) Increased property tax revenues that will be spent on:

1 (A) Bond, temporary notes, no fund warrants, state infrastructure
2 loans and interest payments not exceeding the amount of ad valorem
3 property taxes levied in support of such payments, and payments made to a
4 public building commission and lease payments but only to the extent such
5 payments were obligations that existed prior to July 1, 2016;

6 (B) payment of special assessments not exceeding the amount of ad
7 valorem property taxes levied in support of such payments;

8 (C) court judgments or settlements of legal actions against the city or
9 county and legal costs directly related to such judgments or settlements;

10 (D) expenditures of city or county funds that are specifically
11 mandated by federal or state law with such mandates becoming effective
12 on or after July 1, 2015, and loss of funds from federal sources after
13 January 1, 2017, where the city or county is contractually obligated to
14 provide a service;

15 (E) expenses relating to a federal, state or local disaster or federal,
16 state or local emergency, including, but not limited to, a financial
17 emergency, declared by a federal or state official. The board of county
18 commissioners may request the governor to declare such disaster or
19 emergency; or

20 (F) increased costs above the consumer price index for law
21 enforcement, fire protection or emergency medical services.

22 (3) Any increased property tax revenues generated for law
23 enforcement, fire protection or emergency medical services shall be
24 expended exclusively for these purposes but shall not be used for the
25 construction or remodeling of buildings.

26 (4) The property tax revenues levied by the city or county have
27 declined:

28 (A) In one or more of the next preceding three calendar years and the
29 increase in the amount of funding for the budget or appropriation from
30 revenue produced from property taxes does not exceed the average amount
31 of funding from such revenue of the next preceding three calendar years,
32 adjusted to reflect changes in the consumer price index for all urban
33 consumers as published by the United States department of labor for the
34 preceding calendar year; or

35 (B) the increase in the amount of ad valorem tax to be levied is less
36 than the change in the consumer price index plus the loss of assessed
37 property valuation that has occurred as the result of legislative action,
38 judicial action or a ruling by the board of tax appeals.

39 (5) Whenever a city or county is required by law to levy taxes for the
40 financing of the budget of any political or governmental subdivision of this
41 state that is not authorized by law to levy taxes on its own behalf, and the
42 governing body of such city or county is not authorized or empowered to
43 modify or reduce the amount of taxes levied therefore, the tax levies of the

1 political or governmental subdivision shall not be included in or
2 considered in computing the aggregate limitation upon the property tax
3 levies of the city or county.

4 (6) Any tax levy increase as a result of another taxing entity being
5 dissolved and all powers, responsibilities, duties and liabilities of the
6 taxing entity have been transferred to a city located in the county in which
7 the taxing entity is located, or to the county in which the taxing entity is
8 located, to carry on the function and responsibilities of the dissolved
9 taxing entity, so long as the levy increase does not exceed the levy of the
10 dissolved taxing entity.

11 *{New Sec. 8. The provisions of sections 8 through 24, and*
12 *amendments thereto, shall be known and may be cited as the golden*
13 *years homestead property tax freeze act. The purpose of this act shall be*
14 *to provide refunds arising from increased ad valorem tax assessments to:*
15 *(a) Certain persons who are of qualifying age and who own their*
16 *homesteads; or (b) certain persons who have a disability as a result of*
17 *military service and who own their homesteads.*

18 *New Sec. 9. As used in this act:*

19 (a) *"Act" means the golden years homestead property tax freeze*
20 *act.*

21 (b) *"Base year" means the year in which an individual becomes an*
22 *eligible claimant and who is also eligible for a claim for refund pursuant*
23 *to section 23, and amendments thereto. For any individual who would*
24 *otherwise be an eligible claimant prior to 2019, such base year shall be*
25 *deemed to be 2019 for the purposes of this act. In the event an individual*
26 *is no longer an eligible claimant under this act, the individual shall*
27 *establish a new base year in the year that the individual becomes an*
28 *eligible claimant.*

29 (c) *"Claimant" means a person who has filed a claim under the*
30 *provisions of this act and was, during the entire calendar year preceding*
31 *the year in which such claim was filed for refund under this act, except*
32 *as provided in section 10, and amendments thereto, both domiciled in*
33 *this state and was: (1) A person who is 65 years of age or older; or (2) a*
34 *disabled veteran. The surviving spouse of a person 65 years of age or*
35 *older or a disabled veteran who was receiving benefits pursuant to this*
36 *section at the time of the claimant's death, shall be eligible to continue to*
37 *receive benefits until such time the surviving spouse remarries.*

38 (d) *"Disabled veteran" means a person who is a resident of Kansas*
39 *and has been honorably discharged from active service in any branch of*
40 *the armed forces of the United States or the Kansas national guard and*
41 *who has been certified by the United States department of veterans*
42 *affairs or its successor to have a 50% permanent disability sustained*
43 *through military action or accident or resulting from a disease*

1 *contracted while in such active service.*

2 (e) *"Homestead" means the dwelling, or any part thereof, owned*
3 *and occupied as a residence by the household and so much of the land*
4 *surrounding it, as defined as a home site for ad valorem tax purposes,*
5 *and may consist of a part of a multi-dwelling or multi-purpose building*
6 *and a part of the land upon which it is built or a manufactured home or*
7 *mobile home and the land upon which it is situated. "Owned" includes*
8 *one or more joint tenants or tenants in common.*

9 *When a homestead is occupied by two or more individuals and more*
10 *than one of the individuals is able to qualify as a claimant, the*
11 *individuals may determine between them as to who the claimant will be.*
12 *If they are unable to agree, the matter shall be referred to the secretary*
13 *of revenue, whose decision shall be final.*

14 (f) *"Household" means a claimant, a claimant and spouse who*
15 *occupy the homestead or a claimant and one or more individuals not*
16 *related as married individuals who together occupy a homestead.*

17 (g) *"Household income" means all income received by all persons*
18 *of a household in a calendar year while members of such household.*

19 (h) *"Income" means the sum of adjusted gross income under the*
20 *Kansas income tax act effective for tax year 2020, and tax years*
21 *thereafter, without regard to any maintenance, support money, cash*
22 *public assistance and relief, not including any refund granted under this*
23 *act, the gross amount of any pension or annuity, including all monetary*
24 *retirement benefits from whatever source derived, including, but not*
25 *limited to, all payments received under the railroad retirement act,*
26 *except disability payments, payments received under the federal social*
27 *security act, except that for determination of what constitutes income,*
28 *such amount shall not exceed 50% of any such social security payments*
29 *and shall not include any social security payments to a claimant who,*
30 *prior to attaining full retirement age, had been receiving disability*
31 *payments under the federal social security act in an amount not to*
32 *exceed the amount of such disability payments or 50% of any such social*
33 *security payments, whichever is greater, all dividends and interest from*
34 *whatever source derived not included in adjusted gross income, workers*
35 *compensation and the gross amount of loss of time insurance. Income*
36 *does not include gifts from nongovernmental sources or surplus food or*
37 *other relief in kind supplied by a governmental agency, nor shall net*
38 *operating losses and net capital losses be considered in the*
39 *determination of income. Income does not include veterans disability*
40 *pensions or disability payments received under the federal social security*
41 *act.*

42 (i) *"Property taxes accrued" means property taxes, exclusive of*
43 *special assessments, delinquent interest and charges for service, levied*

1 *on a claimant's homestead in 2019 or any calendar year thereafter by*
2 *the state of Kansas and the political and taxing subdivisions of the state.*
3 *When a homestead is owned by two or more persons or entities as joint*
4 *tenants or tenants in common and one or more of the persons or entities*
5 *is not a member of the claimant's household, "property taxes accrued"*
6 *is that part of property taxes levied on the homestead that reflects the*
7 *ownership percentage of the claimant's household. For purposes of this*
8 *act, property taxes are levied when the tax roll is delivered to the local*
9 *treasurer with the treasurer's warrant for collection. When a claimant*
10 *and household own their homestead for only a part of a calendar year,*
11 *"property taxes accrued" means only taxes levied on the homestead*
12 *when both owned and occupied as a homestead by the claimant's*
13 *household at the time of the levy, multiplied by the percentage of 12*
14 *months that the property was owned and occupied by the household as*
15 *its homestead in that year. When a household owns and occupies two or*
16 *more different homesteads in the same calendar year, property taxes*
17 *accrued shall be the sum of the taxes allocable to those several*
18 *properties while occupied by the household as its homesteads during the*
19 *year. Whenever a homestead is an integral part of a larger unit such as a*
20 *multi-purpose or multi-dwelling building, property taxes accrued shall*
21 *be that percentage of the total property taxes that is equal to the*
22 *percentage of the value of the homestead compared to the total unit's*
23 *value. For the purpose of this act, the word "unit" refers to that parcel*
24 *of property covered by a single tax statement of which the homestead is a*
25 *part.*

26 *New Sec. 10. The right to file a claim under this act may be*
27 *exercised on behalf of a claimant by such person's legal guardian,*
28 *conservator or attorney-in-fact. When a claimant dies after having filed*
29 *a timely claim, the amount thereof shall be disbursed to another member*
30 *of the household as determined by the director of taxation. If the*
31 *claimant was the only member of such person's household, the claim*
32 *may be paid to such person's executor or administrator, but if neither is*
33 *appointed and qualified, the amount of the claim may be paid upon a*
34 *claim duly made to any heir at law. In the absence of any such claim*
35 *within two years of the filing of the claim, the amount of the claim shall*
36 *escheat to the state. When a person who would otherwise be entitled to*
37 *file a claim under the provisions of this act dies prior to filing such*
38 *claim, another member of such person's household may file such claim*
39 *in the name of such decedent, subject to the deadline prescribed by*
40 *section 12, and amendments thereto, and the director shall pay the*
41 *amount to which the decedent would have been entitled to such person*
42 *filing the claim. If the decedent was the only member of such person's*
43 *household, the decedent's executor or administrator may file such claim*

1 *in the name of the decedent, and the claim shall be paid to the executor*
2 *or administrator. In the event that neither an executor or administrator*
3 *is appointed and qualified, such claim may be made by any heir at law*
4 *and the claim shall be payable to such heir at law. Any of the foregoing*
5 *provisions shall be applicable in any case where the decedent dies in the*
6 *calendar year preceding the year in which a claim may be made under*
7 *the provisions of this act, if such decedent was a resident of or domiciled*
8 *in this state during the entire part of such year that such decedent was*
9 *living. Where the decedent's death occurs during the calendar year*
10 *preceding the year in which a claim may be made, the amount of the*
11 *claim that would have been allowable if the decedent had been a resident*
12 *of or domiciled in this state the entire calendar year of such person's*
13 *death shall be reduced in a proportionate amount equal to a fraction of*
14 *the claim otherwise allowable, the numerator of which fraction is the*
15 *number of months in such calendar year following the month of the*
16 *decedent's death, and the denominator of which is 12.*

17 *New Sec. 11. A claimant may claim property tax relief under this*
18 *act with respect to property taxes accrued and, after audit by the director*
19 *of taxation with respect to this act, the allowable amount of such claim*
20 *shall be paid, except as otherwise provided in sections 13, 22 and 24, and*
21 *amendments thereto, to the claimant from the income tax refund fund*
22 *upon warrants of the director of accounts and reports pursuant to*
23 *vouchers approved by the director of taxation or by any person*
24 *designated by the claimant, but no warrant issued shall be drawn in an*
25 *amount of less than \$5. No interest shall be allowed on any payment*
26 *made to a claimant pursuant to this act.*

27 *New Sec. 12. Except as provided in section 21, and amendments*
28 *thereto, no claim in respect of property taxes levied in any year shall be*
29 *paid or allowed unless such claim is actually filed with and in the*
30 *possession of the department of revenue on or before April 15 of the year*
31 *next succeeding the year in which such taxes were levied.*

32 *New Sec. 13. The amount of any claim otherwise payable under*
33 *this act may be applied by the director of taxation against any liability*
34 *outstanding on the books of the department of revenue against the*
35 *claimant, or against any other individual who was a member of such*
36 *person's household in the year that the claim relates.*

37 *New Sec. 14. Only one claimant per household per year shall be*
38 *entitled to relief under this act.*

39 *New Sec. 15. (a) Commencing in tax year 2020, and all tax years*
40 *thereafter, the amount of any claim pursuant to this act shall be*
41 *computed by deducting the homestead ad valorem tax amount in the tax*
42 *year the refund is sought from the amount of a claimant's base year*
43 *homestead ad valorem tax amount.*

1 ***(b) The amount of claim shall be computed only to the nearest \$1.***

2 ***(c) A taxpayer shall not be eligible for a claim pursuant to this act if***
3 ***such taxpayer has received for such property for such tax year a***
4 ***homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and***
5 ***amendments thereto.***

6 ***(d) The maximum amount of a claim that may be claimed by a***
7 ***claimant in any one tax year pursuant to this act shall be \$2,500.***

8 ***New Sec. 16. In administering this act, the director of taxation shall***
9 ***make available suitable forms with instructions for claimants. Copies of***
10 ***such forms shall also be made available to all county clerks and county***
11 ***treasurers in sufficient numbers to supply claimants residing in their***
12 ***respective counties. It shall be the duty of the county clerk to assist any***
13 ***claimant seeking assistance in the filing of a claim under the provisions***
14 ***of this act. The county treasurer of each county shall mail to each***
15 ***taxpayer, with the property tax statement of such taxpayer, information***
16 ***on eligibility for relief under this act to be provided by the secretary of***
17 ***revenue.***

18 ***The secretary of revenue is hereby authorized to adopt such rules and***
19 ***regulations as may be necessary for the administration of the provisions***
20 ***of this act.***

21 ***New Sec. 17. (a) Every claimant under this act shall supply to the***
22 ***director of taxation, in support of a claim, reasonable proof of age and***
23 ***changes of homestead, household membership, household income,***
24 ***household assets and size and nature of property claimed as the***
25 ***homestead.***

26 ***(b) Every claimant who is a homestead owner, or whose claim is***
27 ***based wholly or partly upon homestead ownership at some time during***
28 ***the calendar year, shall supply to the director of taxation, in support of a***
29 ***claim, the amount of property taxes levied upon the property claimed as***
30 ***a homestead and a statement that the property taxes accrued used for***
31 ***purposes of this act have been or will be paid by the claimant. Upon***
32 ***request by the director, such claimant shall provide a copy of the***
33 ***statement of property taxes levied upon the property claimed as a***
34 ***homestead. The amount of personal property taxes levied on a***
35 ***manufactured home or mobile home shall be set out on the personal***
36 ***property tax statement showing the amount of such tax as a separate***
37 ***item.***

38 ***(c) The information required to be furnished under subsection (b)***
39 ***shall be in addition to that required under subsection (a).***

40 ***New Sec. 18. In any case in which it is determined that a claim is or***
41 ***was excessive and was filed with fraudulent intent, the claim shall be***
42 ***disallowed in full, and, if the claim has been paid, the amount paid may***
43 ***be recovered by assessment as income taxes are assessed, and such***

1 *assessment shall bear interest from the date of payment or credit of the*
2 *claim, until recovered, at the rate of 1% per month. The claimant in*
3 *such case and any person who assisted in the preparation or filing of*
4 *such excessive claim, or supplied information upon which such*
5 *excessive claim was prepared, with fraudulent intent, shall be guilty of a*
6 *class B misdemeanor. In any case in which it is determined that a claim*
7 *is or was excessive and was negligently prepared, 10% of the corrected*
8 *claim shall be disallowed, and, if the claim has been paid, the proper*
9 *portion of any amount paid shall be similarly recovered by assessment as*
10 *income taxes are assessed, and such assessment shall bear interest at the*
11 *rate of 1% per month from the date of payment until recovered. In any*
12 *case in which it is determined that a claim is or was excessive due to the*
13 *fact that the claimant neglected to include certain income received*
14 *during the year, the claim shall be corrected and the excess disallowed,*
15 *and, if the claim has been paid, the proper portion of any amount paid*
16 *shall be similarly recovered by assessment as income taxes are assessed.*

17 *New Sec. 19. No claim for relief under the provisions of this act*
18 *shall be allowed to any claimant who is a recipient of public funds*
19 *specifically designated for the payment of taxes during the period for*
20 *which the claim is filed.*

21 *New Sec. 20. A claim shall be disallowed if the director of taxation*
22 *finds that the claimant received title to such person's homestead*
23 *primarily for the purpose of receiving benefits under this act.*

24 *New Sec. 21. For claims in respect to property taxes levied in any*
25 *year, the director of taxation may extend the time for filing any claim or*
26 *accept a claim filed after the filing deadline when good cause exists, if*
27 *the claim has been filed within four years of the deadline.*

28 *New Sec. 22. (a) The director of taxation shall issue to the county*
29 *clerk by October 1 of each year an electronic record containing the*
30 *name of each eligible claimant who received a refund of property taxes*
31 *under this act for the prior year.*

32 *(b) When initially filing a claim under this act, the claimant shall*
33 *be given an election to receive such refund directly from the director of*
34 *taxation or have such refund applied to the claimant's ad valorem taxes*
35 *in the county. The claimant shall make the election on a form supplied*
36 *by the director of taxation. Such refund shall not be applied to any*
37 *special assessment.*

38 *(c) After the electronic record under subsection (a) has been*
39 *received from the director of taxation, the county clerk of the county in*
40 *which the property is located shall make any corrections needed, if any,*
41 *based upon information known by the county clerk concerning any*
42 *change in eligibility of any claimant listed in such record. After any*
43 *needed corrections have been made to the electronic record, the county*

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

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

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

25 *New Sec. 23. A claimant shall only be eligible for a claim for*
26 *refund under this act if: (a) The household income for the year in which*
27 *the claim is filed is \$50,000 or less; and (b) the appraised value of the*
28 *homestead is \$350,000 or less.*

29 *New Sec. 24. If there are delinquent property taxes on the*
30 *claimant's homestead, the refund shall be paid to the county treasurer of*
31 *the county in which such homestead is located and applied first to the*
32 *oldest of such delinquent property taxes and applied forward to the most*
33 *recent delinquent property taxes and then to any other property taxes*
34 *due on the claimant's homestead.*

35 *Sec. 25. K.S.A. 79-2024 is hereby amended to read as follows: 79-*
36 *2024. Notwithstanding any other provision of law to the contrary, the*
37 *county treasurer of every county may accept partial payment—~~of~~ or*
38 *establish a payment plan for delinquent or nondelinquent real property*
39 *tax or personal property tax in accordance with payment guidelines*
40 *established therefor by the county treasurer. Nothing in this section shall*
41 *be construed to modify any consequences of untimely payment.*

42 *Sec. 26. K.S.A. 79-32,263 is hereby amended to read as follows: 79-*
43 *32,263. This act shall be known and may be cited as the selective*

1 *assistance for effective senior relief (SAFESR). There shall be allowed*
 2 *as a credit against the tax liability of a taxpayer imposed under the*
 3 *Kansas income tax act, the following: (a) For tax years 2008, 2009 and*
 4 *2010, an amount equal to 45% of the amount of property and ad*
 5 *valorem taxes actually and timely paid as described in this section; and*
 6 *(b) for tax year 2011 and all tax years thereafter through tax year 2019, an*
 7 *amount equal to 75% of the amount of property and ad valorem taxes*
 8 *actually and timely paid by a taxpayer who is 65 years of age or older*
 9 *and who has household income equal to or less than 120% of the federal*
 10 *poverty level for two persons if such taxes were paid upon real or*
 11 *personal property used for residential purposes of such taxpayer which*
 12 *is the taxpayer's principal place of residence for the tax year in which*
 13 *the tax credit is claimed. The amount of any such credit for any such*
 14 *taxpayer shall not exceed the amount of property and ad valorem taxes*
 15 *paid by such taxpayer as specified in this section. A taxpayer shall not*
 16 *take the credit pursuant to this section if such taxpayer has received a*
 17 *homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and*
 18 *amendments thereto, for such property for such tax year. Subject to the*
 19 *provisions of this section, if the amount of such tax credit exceeds the*
 20 *taxpayer's income tax liability for the taxable year, the amount of such*
 21 *excess credit which exceeds such tax liability shall be refunded to the*
 22 *taxpayer. The secretary of revenue shall adopt rules and regulations*
 23 *regarding the filing of documents that support the amount of the credit*
 24 *claimed pursuant to this section. For purposes of this section,*
 25 *"household income" means all income as defined in K.S.A. 79-4502(a),*
 26 *and amendments thereto, including any payments received under the*
 27 *federal social security act, received by persons of a household in a*
 28 *calendar year while members of such household. The provisions of this*
 29 *act shall be part of and supplemental to the homestead property tax*
 30 *refund act.}*

31 ~~Sec. 27.~~ {27.} K.S.A. 79-1460, 79-1801, {~~79-2024,~~} 79-2302, 79-2303
 32 ~~and,~~ {79-2925c {and 79-32,263}} are hereby repealed.

33 ~~Sec. 28.~~ {28.} This act shall take effect and be in force from and after
 34 its publication in the Kansas register.