

**SENATE BILL No. 177**

By Committee on Assessment and Taxation

2-13

1 AN ACT concerning taxation; relating to the state board of tax appeals;  
2 concerning appeal procedure and judicial review; amending K.S.A. 74-  
3 2426 and repealing the existing section.

4  
5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 74-2426 is hereby amended to read as follows: 74-  
7 2426. (a) Orders of the state board of tax appeals on any appeal, in any  
8 proceeding under the tax protest, tax grievance or tax exemption statutes  
9 or in any other original proceeding before the board shall be rendered and  
10 served in accordance with the provisions of the Kansas administrative  
11 procedure act. Notwithstanding the provisions of K.S.A. 77-526(g), and  
12 amendments thereto, a written summary decision shall be rendered by the  
13 board and served within 14 days after the matter was fully submitted to the  
14 board unless this period is waived or extended with the written consent of  
15 all parties or for good cause shown. Any aggrieved party, within 14 days of  
16 receiving after service of the board's decision, may file with the board a  
17 request for a full and complete opinion to be issued by the board in which the  
18 board explains its decision. ~~Except as provided in subsection (c)(4),~~ This  
19 full opinion shall be served by the board within 90 days of being  
20 requested. If the board has not rendered a summary decision or a full and  
21 complete opinion within the time periods described in this subsection, and  
22 such period has not been waived by the parties nor can the board show  
23 good cause for the delay, then the board shall refund any filing fees paid  
24 by the taxpayer.

25 (b) Final orders of the board shall be subject to review pursuant to  
26 subsection (c) except that the aggrieved party may first file a petition for  
27 reconsideration of a full and complete opinion with the board in  
28 accordance with the provisions of K.S.A. 77-529, and amendments  
29 thereto.

30 (c) Any action of the board pursuant to this section is subject to  
31 review in accordance with the Kansas judicial review act, except that:

32 (1) The parties to the action for judicial review shall be the same  
33 parties as appeared before the board in the administrative proceedings  
34 before the board. The board shall not be a party to any action for judicial  
35 review of an action of the board.

36 (2) There is no right to review of any order issued by the board in a

1 no-fund warrant proceeding pursuant to K.S.A. 12-110a, 12-1662 et seq.,  
2 19-2752a, 79-2938, 79-2939 and 79-2951, and amendments thereto, and  
3 statutes of a similar character.

4 (3) In addition to the cost of the preparation of the transcript, the  
5 appellant shall pay to the state board of tax appeals the other costs of  
6 certifying the record to the reviewing court. Such payment shall be made  
7 prior to the transmission of the agency record to the reviewing court.

8 (4) Appeal of an order of the board shall be to the court of appeals as  
9 provided in subsection (c)(4)(A), unless a taxpayer who is a party to the  
10 order requests review in district court pursuant to subsection (c)(4)(B).

11 (A) Any aggrieved party may file a petition for review of the board's  
12 order in the court of appeals. For purposes of such an appeal, the board's  
13 order shall become final only after the issuance of a full and complete  
14 opinion pursuant to subsection (a).

15 ~~(B) At the election of a taxpayer, any summary decision or full and  
16 complete opinion of the board of tax appeals issued after June 30, 2014,  
17 may be appealed by filing a petition for review in the district court. Any  
18 appeal to the district court shall be a trial de novo. Notwithstanding K.S.A.  
19 77-619, and amendments thereto, the trial de novo shall include an  
20 evidentiary hearing at which issues of law and fact shall be determined  
21 anew. District court review of orders issued by the board relating to the  
22 valuation or assessment of property for ad valorem tax purposes or relating  
23 to the tax protest shall be conducted by the court of the county in which  
24 the property is located, or, if located in more than one county, the court of  
25 any county in which any portion of the property is located.~~

26 ~~(C) If a taxpayer requests review of a summary decision or full and  
27 complete opinion in district court pursuant to subsection (c)(4)(B), the  
28 taxpayer shall provide notice to the board as well as the parties. Upon  
29 receipt of the notice, the board's jurisdiction shall terminate,  
30 notwithstanding any prior request for a full and complete opinion under  
31 subsection (a), and the board shall not issue such opinion. *The court of  
32 appeals has jurisdiction for review of all final orders of the board issued  
33 after June 30, 2019, except as provided in subsection (c)(2). Before any  
34 action for judicial review may be brought, any party aggrieved by a  
35 summary decision shall first file a request for a full and complete opinion  
36 in accordance with the provisions of subsection (a). For purposes of an  
37 action for judicial review, the board's summary decision order shall  
38 become final only after the issuance of a full and complete opinion.*~~

39 (d) If review of an order of the state board of tax appeals to the court  
40 of appeals relating to excise, income or estate taxes, is sought by a person  
41 other than the director of taxation, such person shall give bond for costs at  
42 the time the petition is filed. The bond shall be in the amount of 125% of  
43 the amount of taxes assessed or a lesser amount approved by the court of

1 appeals and shall be conditioned on the petitioner's prosecution of the  
2 review without delay and payment of all costs assessed against the  
3 petitioner.

4 Sec. 2. K.S.A. 74-2426 is hereby repealed.

5 Sec. 3. This act shall take effect and be in force from and after its  
6 publication in the statute book.