

**Senate Substitute for HOUSE BILL No. 2313**

By Committee on Assessment and Taxation

5-3

1 AN ACT concerning taxation; relating to property taxation; establishing  
2 the COVID-19 retail storefront property tax relief act to provide partial  
3 refunds to certain businesses impacted by COVID-19-related  
4 shutdowns and restrictions; relating to the reimbursement of property  
5 taxes to certain property owners and operators resulting from a forced  
6 shutdown or capacity limitation by the state, county, city or other  
7 political subdivision of the state; allowing Kansas national guard and  
8 reservist members who are in good standing to receive a property tax  
9 exemption for up to two motor vehicles; authorizing continuation of the  
10 statewide levy for schools and the exemption of a portion of residential  
11 property from such levy; relating to the board of tax appeals and  
12 authorizing appointment by the governor of a member pro tempore  
13 when a vacancy on the board exists; directing a post audit study of  
14 taxation and exemption issues relating to non-profit and governmental  
15 entities competing against for-profit businesses; *{establishing the*  
16 *golden years homestead property tax freeze act providing certain*  
17 *residential property tax refunds; providing for the expiration of the*  
18 *selective assistance for effective senior relief (SAFESR) credit;}*  
19 amending K.S.A. 74-2433, as amended by section 5 of 2021 House Bill  
20 No. 2104, 79-201x, *{ 79-32,263}* and 79-5107 and K.S.A. 2020 Supp.  
21 72-5142 and repealing the existing sections.

22

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

24

25 New Section 1. The provisions of sections 1 through 14, and  
26 amendments thereto, shall be known and may be cited as the COVID-19  
27 retail storefront property tax relief act. The purpose of this act shall be to  
28 provide refunds to certain businesses impacted by COVID-19 related  
29 shutdowns and restrictions during tax years 2020 and 2021 based on a  
30 portion of property taxes accrued on retail storefront property.

31

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

33

34 (a) "Act" means the COVID-19 retail storefront property tax relief  
35 act.

36

37 (b) (1) "Claimant" means a for-profit business, regardless of legal  
38 structure, who has filed a claim under the provisions of this act and who:

39

40 (A) Conducts a majority of its retail sales through customers'  
41 physical, on-site presence at a retail storefront property;

42

1 (B) was in operation on or prior to July 1, 2019, and filed a 2019 tax  
2 return;

3 (C) had at least \$10,000 but less than \$2,500,000 in annual revenues,  
4 including gross sales and receipts, in 2019;

5 (D) received less gross revenue in 2020 or 2021, as applicable,  
6 compared to 2019;

7 (E) was in active operations as of March 1, 2020; and

8 (F) has not received more than a total of \$150,000 in prior COVID-  
9 19-related local, state or federal funding or any combination thereof.

10 (2) "Claimant" shall not include:

11 (A) Grocery stores and pharmacies;

12 (B) hardware stores and home improvement businesses;

13 (C) retail liquor stores;

14 (D) manufacturers and food processors;

15 (E) schools, such as pre-kindergarten, kindergarten through grade 12,  
16 post-secondary, higher education, technical education and training;

17 (F) hospitals and healthcare providers, including, but not limited to,  
18 physicians, surgeons, psychologists and psychoanalysts, but not including  
19 personal services providers such as massage therapists and chiropractors;

20 (G) property management and real estate services, including owners  
21 or operators of short-term rental properties;

22 (H) professional services, including, but not limited to, accounting,  
23 insurance, legal, financial services and firms, information technology,  
24 engineering and architecture;

25 (I) agriculture and aquaculture producers, including farms, ranches  
26 and fisheries, but not including their retail storefronts used to conduct  
27 retail sales to customers;

28 (J) hosts or operators of a vacation or short-term rental unit;

29 (K) passive businesses, investment companies and investors who file  
30 a schedule E on their individual tax returns;

31 (L) financial businesses primarily engaged in the business of lending,  
32 such as banks, finance companies and factoring companies;

33 (M) cable companies, telephone companies, utilities and other similar  
34 businesses; and

35 (N) energy production, generation and distribution companies.

36 (3) When a retail storefront is occupied by two or more businesses  
37 and more than one of the businesses is able to qualify as a claimant, the  
38 businesses may determine between them as to whom the claimant will be.  
39 If they are unable to agree, the matter shall be referred to the secretary of  
40 revenue whose decision shall be final.

41 (c) "Gross rent" means the rental paid at arm's length solely for the  
42 right of occupancy of a retail storefront paid to a landlord, as expressly set  
43 out in the rental agreement, exclusive of charges for any utilities, services,

1 furniture and furnishings or personal property appliances furnished by the  
2 landlord as a part of the rental agreement, whether or not expressly set out  
3 in the rental agreement. Whenever the director of taxation finds that the  
4 landlord and tenant have not dealt with each other at arm's length and that  
5 the gross rent charge was excessive, the director may adjust the gross rent  
6 to a reasonable amount for the purpose of the claim.

7 (d) "Property taxes accrued" means property taxes, exclusive of  
8 special assessments, delinquent interest and charges for service, levied on  
9 a claimant's retail storefront in 2020 or 2021, as applicable, by the state of  
10 Kansas and the political and taxing subdivisions of the state. When a retail  
11 storefront is owned by two or more persons or entities as joint tenants or  
12 tenants in common and one or more of the persons or entities is not a part  
13 of claimant's business, "property taxes accrued" is that part of property  
14 taxes levied on the retail storefront that reflects the ownership percentage  
15 of the claimant's business. For purposes of this act, property taxes are  
16 "levied" when the tax roll is delivered to the local treasurer with the  
17 treasurer's warrant for collection. When a claimant owns its retail  
18 storefront part of a calendar year, "property taxes accrued" means only  
19 taxes levied on the retail storefront when both owned and occupied as a  
20 retail storefront by the claimant's business at the time of the levy,  
21 multiplied by the percentage of 12 months that the property was owned  
22 and occupied by the business as its retail storefront in the year. When a  
23 business owns and occupies two or more different retail storefronts in the  
24 same calendar year, property taxes accrued shall be the sum of the taxes  
25 allocable to those several properties while occupied by the business as its  
26 retail storefront during the year. Whenever a retail storefront is an integral  
27 part of a larger unit such as a multi-purpose or multi-retail storefront  
28 building, property taxes accrued shall be that percentage of the total  
29 property taxes accrued as the value of the retail storefront is of the total  
30 value. For the purpose of this act, the word "unit" refers to that parcel of  
31 property covered by a single tax statement of which the retail storefront is  
32 a part.

33 (e) "Rent constituting property taxes accrued" means 15% of the  
34 gross rent actually paid in cash or its equivalent in 2020 or 2021, as  
35 applicable, by a claimant solely for the right of occupancy of a retail  
36 storefront on which ad valorem property taxes were levied in full for that  
37 year. When a claimant occupies two or more different retail storefronts in  
38 the same calendar year, rent constituting property taxes accrued shall be  
39 computed by adding the rent constituting property taxes accrued for each  
40 property rented by the claimant while occupied by the claimant as its retail  
41 storefront during the year.

42 (f) "Retail storefront" means the real property in this state, whether  
43 owned or rented, that is occupied by the claimant's business and where the

1 claimant conducts retail sales through customers' physical, on-site  
 2 presence. "Retail storefront" may consist of a part of a multi-purpose or  
 3 multi-retail storefront building. "Owned" includes a vendee in possession  
 4 under a land contract, a life tenant, a beneficiary under a trust and one or  
 5 more joint tenants or tenants in common.

6 New Sec. 3. (a) For tax years 2020 and 2021, a claimant shall be  
 7 eligible for a claim for refund under this act if the claimant's eligible  
 8 business operated at the retail storefront was operationally shut down or  
 9 restricted by a COVID-19-related order or action imposed by the state, a  
 10 local unit of government or a local health officer, including, but not limited to,  
 11 by an executive order issued by the governor pursuant to K.S.A. 48-  
 12 925, and amendments thereto, or any action taken by a local unit of  
 13 government related to a state of disaster emergency declared pursuant to  
 14 K.S.A. 48-924, and amendments thereto, or a state of local disaster  
 15 emergency declared pursuant to K.S.A. 48-932, and amendments thereto.

16 (b) The amount of refund under this act shall be equal to 33% of the  
 17 COVID-19 qualifying sum. The COVID-19 qualifying sum shall be the  
 18 sum of the COVID-19 ordered shutdown days gross rebate amount  
 19 calculated pursuant to subsection (c) and the COVID-19 ordered restricted  
 20 operations days gross rebate amount calculated pursuant to subsection (d).

21 (c) The COVID-19 ordered shutdown days gross rebate amount shall  
 22 be the amount of the claimant's property taxes accrued or rent constituting  
 23 property taxes accrued for the tax year divided by the applicable factor set  
 24 forth in the following schedule:

25		Divide property taxes accrued
26	Number of ordered	or rent constituting property taxes
27	shutdown days	accrued by:
28	91 or more	3
29	61 to 90	4
30	31 to 60	6
31	1 to 30	12

32 (d) The COVID-19 ordered restricted operations days gross rebate  
 33 amount shall be the amount of the claimant's property taxes accrued or rent  
 34 constituting property taxes accrued for the tax year divided by the  
 35 applicable factor set forth in the following schedule:

36		Divide property taxes accrued
37	Number of ordered	or rent constituting property taxes
38	restricted operations days	accrued by:
39	211 or more	2
40	181 to 210	2.289
41	151 to 180	2.667
42	121 to 150	3.2
43	91 to 120	4

1	61 to 90	5.333
2	31 to 60	8
3	1 to 30	16

4 (e) For purposes of subsections (c) and (d), an eligible calendar day  
5 may be counted only once as either an ordered shutdown day or an ordered  
6 restricted operations day.

7 (f) A claimant with a qualifying business at a retail storefront that  
8 ceased operations after March 1, 2020, and before January 1, 2021, is  
9 eligible for a rebate only for tax year 2020.

10 (g) The maximum amount of a refund that may be claimed by a  
11 claimant in any single tax year pursuant to this act shall be \$7,500.

12 New Sec. 4. A claimant may claim property tax relief under this act  
13 with respect to property taxes accrued or rent constituting property taxes  
14 accrued and, after audit by the director of taxation with respect to this act,  
15 the allowable amount of such claim shall be paid, except as otherwise  
16 provided in section 9, and amendments thereto, to the claimant from the  
17 income tax refund fund. Such payment shall be made upon warrants of the  
18 director of accounts and reports pursuant to vouchers approved by the  
19 director of taxation or by any person designated by the claimant, but no  
20 warrant issued shall be drawn in an amount of less than \$5. No interest  
21 shall be allowed on any payment made to a claimant pursuant to this act.

22 New Sec. 5. Only one claimant per retail storefront per year shall be  
23 entitled to relief under this act.

24 New Sec. 6. For tax years 2020 and 2021, no claim shall be paid or  
25 allowed unless such claim is filed with and in the possession of the  
26 department of revenue on or before April 15, 2022, except that the director  
27 of taxation may extend the time for filing any claim or accept a claim filed  
28 after the filing deadline when good cause exists, if the claim has been filed  
29 within four years of the deadline.

30 New Sec. 7. (a) In administering this act, the director of taxation shall  
31 make available suitable forms with instructions for claimants.

32 (b) The secretary of revenue is hereby authorized to adopt such rules  
33 and regulations as may be necessary for the administration of the  
34 provisions of this act.

35 New Sec. 8. (a) Every claimant under this act shall provide to the  
36 director of taxation, in support of a claim, reasonable proof of eligibility  
37 for the refund.

38 (b) Every claimant who is a retail storefront owner, or whose claim is  
39 based wholly or partly upon retail storefront ownership at some time  
40 during the calendar year, shall supply to the director of taxation, in support  
41 of a claim, the amount of property taxes levied upon the property claimed  
42 as a retail storefront and a statement that the property taxes accrued used  
43 for purposes of this act have been or will be paid by the claimant. Upon

1 request by the director, such claimant shall provide a copy of the statement  
2 of property taxes levied upon the property claimed as a retail storefront.

3 (c) Every claimant who is a retail storefront renter, or whose claim is  
4 based wholly or partly upon retail storefront rental at some time during the  
5 calendar year, shall supply to the division, in support of a claim, a  
6 statement prescribed by the director certifying the amount of gross rent  
7 paid and that ad valorem property taxes were levied in full for that year on  
8 the property, all or a part of which was rented by the claimant.

9 (d) The information required to be furnished under subsection (b) or  
10 (c) shall be in addition to that required under subsection (a).

11 New Sec. 9. (a) The amount of any claim otherwise payable under  
12 this act may be applied by the director of taxation against any liability  
13 outstanding on the books of the department of revenue against the claimant  
14 in the year that the claim relates.

15 (b) If there are delinquent property taxes for tax year 2020 or 2021 on  
16 a retail storefront owned by the claimant, the refund shall be paid to the  
17 county treasurer of the county in which such retail storefront is located and  
18 applied to such delinquent property taxes.

19 New Sec. 10. If there are delinquent property taxes for a tax year  
20 commencing prior to January 1, 2020, on a retail storefront owned by the  
21 claimant, the claimant shall not be eligible for the refund pursuant to this  
22 act for such retail storefront.

23 New Sec. 11. In any case in which it is determined that a claim is or  
24 was excessive and was filed with fraudulent intent, the claim shall be  
25 disallowed in full, and, if the claim has been paid, the amount paid may be  
26 recovered by assessment as income taxes are assessed, and such  
27 assessment shall bear interest from the date of payment or credit of the  
28 claim, until recovered, at the rate of 1% per month. The claimant in such  
29 case and any person who assisted in the preparation or filing of such  
30 excessive claim or supplied information upon which such excessive claim  
31 was prepared, with fraudulent intent, shall be guilty of a class B  
32 misdemeanor. In any case in which it is determined that a claim is or was  
33 excessive and was negligently prepared, 10% of the corrected claim shall  
34 be disallowed, and, if the claim has been paid, the proper portion of any  
35 amount paid shall be similarly recovered by assessment as income taxes  
36 are assessed, and such assessment shall bear interest at the rate of 1% per  
37 month from the date of payment until recovered. In any case in which it is  
38 determined that a claim is or was excessive due to the fact that the  
39 claimant neglected to include certain income received during the year, the  
40 claim shall be corrected and the excess disallowed, and, if the claim has  
41 been paid, the proper portion of any amount paid shall be similarly  
42 recovered by assessment as income taxes are assessed.

43 New Sec. 12. A claim shall be disallowed if the director of taxation

1 finds that the claimant received title to such claimant's retail storefront  
2 primarily for the purpose of receiving benefits under this act.

3 New Sec. 13. Each county shall pay to the state an amount equal to  
4 33% of the refund claims paid pursuant to this act for eligible property  
5 located in such county. A county may expend moneys from the county  
6 general fund to pay the state pursuant to this section.

7 New Sec. 14. To the extent applicable, the provisions of K.S.A. 79-  
8 3226, and amendments thereto, shall apply to claims for refunds allowable  
9 pursuant to this act that may become in dispute.

10 New Sec. 15. (a) The owner of any building listed and assessed for  
11 property taxation purposes as real property that maintains a business on the  
12 property that was shut down or limited in any capacity from conducting  
13 operations by the state, county, city or other political subdivision of the  
14 state pursuant to an executive order issued by the governor pursuant to  
15 K.S.A. 48-925, and amendments thereto, or any action taken by a county,  
16 city or other political subdivision of the state related to a state of disaster  
17 emergency declared pursuant to K.S.A. 48-924, and amendments thereto,  
18 or state of local disaster emergency declared pursuant to K.S.A. 48-932,  
19 and amendments thereto, may make application to the board of county  
20 commissioners of the county in which such property is located for the  
21 reimbursement of the property taxes levied upon such property during the  
22 shutdown or capacity limitation. The county treasurer shall reimburse from  
23 the county general fund any owner who makes an application or operator  
24 that joins in an application that is determined to be valid for the period of  
25 time that the shutdown or capacity limitation remained in effect. For  
26 shutdowns, the reimbursement shall be calculated as a  $\frac{1}{365}$  amount of the  
27 total ad valorem real property taxes levied by the state, county and all  
28 other taxing subdivisions due for the property for the year multiplied by  
29 the number of calendar days the shutdown was in effect. For capacity  
30 limitations, the reimbursement shall be calculated as a  $\frac{1}{365}$  amount of the  
31 total ad valorem real property taxes levied by the state, county and all  
32 other taxing subdivisions due for the property for the year multiplied by  
33 the percentage of the capacity limitation and further multiplied by the  
34 number of calendar days the capacity limitation was in effect.

35 (b) If the owner is the operator of the business on the property that  
36 was shut down or limited in any capacity from conducting operations, the  
37 owner shall be entitled to 100% of such reimbursement amount. If the  
38 owner is not the operator of such business that was shut down or limited in  
39 any capacity from conducting operations: (1) The owner shall disclose and  
40 attest to the identity of the operator of such business on the application  
41 form; (2) the owner shall be entitled to 50% of such reimbursement  
42 amount; (3) the operator of such business shall be entitled to 50% of such  
43 reimbursement amount if such operator joins in the owner's application;

1 and (4) such operator that joins in the owner's application may elect to  
2 assign such operator's share of the reimbursement amount to the owner to  
3 be credited against any delinquent rent due to the owner.

4 (c) If the state, a city or other political subdivision of the state was the  
5 governmental entity that shut down or limited the capacity of the business  
6 resulting in a reimbursement to an owner or operator pursuant to this  
7 section, such governmental entity that shut down or limited the capacity of  
8 the business shall reimburse the county for the cost of such  
9 reimbursement.

10 (d) The provisions of this section shall be applicable on and after  
11 January 1, 2022.

12 New Sec. 16. The legislative post audit committee shall direct the  
13 legislative division of post audit to conduct a study of the economic impact  
14 of taxation and exemption issues relating to non-profit organizations and  
15 governmental entities competing against for-profit businesses. The study  
16 shall be conducted during calendar year 2021, and the final study report  
17 shall be submitted to the legislature on or before January 15, 2022.

18 *{New Sec. 17. The provisions of sections 17 through 33, and*  
19 *amendments thereto, shall be known as and may be cited as the golden*  
20 *years homestead property tax freeze act. The purpose of this act shall be*  
21 *to provide refunds arising from increased ad valorem tax assessments to:*  
22 *(a) Certain persons who are of qualifying age and who own their*  
23 *homesteads; or (b) certain persons who have a disability as a result of*  
24 *military service and who own their homesteads.*

25 *New Sec. 18. As used in sections 17 through 33, and amendments*  
26 *thereto:*

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

29 *(b) "Base year" means the earliest year in which: (1) An individual*  
30 *was, during the entire calendar year, both domiciled in this state and*  
31 *was: (A) A person who is 65 years of age or older; or (B) a disabled*  
32 *veteran; and (2) the appraised value of the homestead is \$395,000 or*  
33 *less. A claimant shall only be eligible for a claim for refund under this*  
34 *act if the appraised value of the homestead in the base year is \$395,000*  
35 *or less. For any individual who satisfies paragraph (1) prior to 2020,*  
36 *such base year shall be deemed to be 2020 for purposes of this act if the*  
37 *appraised value of the homestead for tax year 2020 is \$395,000 or less.*  
38 *No year prior to 2020 shall be established as a base year. Once*  
39 *established for a claimant, the base year for the homestead shall not*  
40 *change if such claimant fails to satisfy the household income*  
41 *requirement to be eligible for a refund claim for any particular year or*  
42 *years. In the case of all tax years commencing after December 31, 2020,*  
43 *the upper limit homestead appraised value threshold amount prescribed*



1 *in this section shall be increased by an amount equal to such threshold*  
2 *amount multiplied by a cost-of-living adjustment determined by the*  
3 *department of revenue by averaging the percent change in statewide*  
4 *residential valuation of existing residential property for the preceding 10*  
5 *years.*

6 (c) *"Claimant" means a person who has filed a claim under the*  
7 *provisions of this act and was, during the entire calendar year preceding*  
8 *the year in which such claim was filed for refund under this act, except*  
9 *as provided in section 19, and amendments thereto, both domiciled in*  
10 *this state and was: (1) A person who is 65 years of age or older; or (2) a*  
11 *disabled veteran. The surviving spouse of a person 65 years of age or*  
12 *older or a disabled veteran who was receiving benefits pursuant to this*  
13 *section at the time of the claimant's death, shall be eligible to continue to*  
14 *receive benefits until such time the surviving spouse remarries.*

15 (d) *"Disabled veteran" means a person who is a resident of Kansas*  
16 *and has been honorably discharged from active service in any branch of*  
17 *the armed forces of the United States or the Kansas national guard and*  
18 *who has been certified by the United States department of veterans*  
19 *affairs or its successor to have a 50% or greater permanent disability*  
20 *sustained through military action or accident or resulting from a disease*  
21 *contracted while in such active service.*

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

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

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

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

39 (h) *"Income" means the sum of adjusted gross income under the*  
40 *Kansas income tax act effective for tax year 2021, and tax years*  
41 *thereafter, without regard to any maintenance, support money, cash*  
42 *public assistance and relief, not including any refund granted under this*  
43 *act, the gross amount of any pension or annuity, including all monetary*

1 *retirement benefits from whatever source derived, including, but not*  
2 *limited to, all payments received under the railroad retirement act,*  
3 *except disability payments, payments received under the federal social*  
4 *security act, except that for determination of what constitutes income,*  
5 *such amount shall not exceed 50% of any such social security payments*  
6 *and shall not include any social security payments to a claimant who,*  
7 *prior to attaining full retirement age, had been receiving disability*  
8 *payments under the federal social security act in an amount not to*  
9 *exceed the amount of such disability payments or 50% of any such social*  
10 *security payments, whichever is greater, all dividends and interest from*  
11 *whatever source derived not included in adjusted gross income, workers*  
12 *compensation and the gross amount of loss of time insurance. Income*  
13 *does not include gifts from nongovernmental sources or surplus food or*  
14 *other relief in kind supplied by a governmental agency, nor shall net*  
15 *operating losses and net capital losses be considered in the*  
16 *determination of income. Income does not include veterans disability*  
17 *pensions or disability payments received under the federal social security*  
18 *act.*

19 *(i) "Property taxes accrued" means property taxes, exclusive of*  
20 *special assessments, delinquent interest and charges for service, levied*  
21 *on a claimant's homestead in 2020 or any calendar year thereafter by*  
22 *the state of Kansas and the political and taxing subdivisions of the state.*  
23 *When a homestead is owned by two or more persons or entities as joint*  
24 *tenants or tenants in common and one or more of the persons or entities*  
25 *is not a member of the claimant's household, "property taxes accrued"*  
26 *is that part of property taxes levied on the homestead that reflects the*  
27 *ownership percentage of the claimant's household. For purposes of this*  
28 *act, property taxes are levied when the tax roll is delivered to the local*  
29 *treasurer with the treasurer's warrant for collection. When a claimant*  
30 *and household own their homestead for only a part of a calendar year,*  
31 *"property taxes accrued" means only taxes levied on the homestead*  
32 *when both owned and occupied as a homestead by the claimant's*  
33 *household at the time of the levy, multiplied by the percentage of 12*  
34 *months that the property was owned and occupied by the household as*  
35 *its homestead in that year. When a household owns and occupies two or*  
36 *more different homesteads in the same calendar year, property taxes*  
37 *accrued shall be the sum of the taxes allocable to those several*  
38 *properties while occupied by the household as its homesteads during the*  
39 *year. Whenever a homestead is an integral part of a larger unit such as a*  
40 *multi-purpose or multi-dwelling building, property taxes accrued shall*  
41 *be that percentage of the total property taxes that is equal to the*  
42 *percentage of the value of the homestead compared to the total unit's*  
43 *value. For the purpose of this act, the word "unit" refers to that parcel*

1 *of property covered by a single tax statement of which the homestead is a*  
2 *part.*

3 *New Sec. 19. The right to file a claim under this act may be*  
4 *exercised on behalf of a claimant by such person's legal guardian,*  
5 *conservator or attorney-in-fact. When a claimant dies after having filed*  
6 *a timely claim, the amount thereof shall be disbursed to another member*  
7 *of the household as determined by the director of taxation. If the*  
8 *claimant was the only member of such person's household, the claim*  
9 *may be paid to such person's executor or administrator, but if neither is*  
10 *appointed and qualified, the amount of the claim may be paid upon a*  
11 *claim duly made to any heir at law. In the absence of any such claim*  
12 *within two years of the filing of the claim, the amount of the claim shall*  
13 *escheat to the state. When a person who would otherwise be entitled to*  
14 *file a claim under the provisions of this act dies prior to filing such*  
15 *claim, another member of such person's household may file such claim*  
16 *in the name of such decedent, subject to the deadline prescribed by*  
17 *section 21, and amendments thereto, and the director shall pay the*  
18 *amount to which the decedent would have been entitled to such person*  
19 *filing the claim. If the decedent was the only member of such person's*  
20 *household, the decedent's executor or administrator may file such claim*  
21 *in the name of the decedent, and the claim shall be paid to the executor*  
22 *or administrator. In the event that neither an executor or administrator*  
23 *is appointed and qualified, such claim may be made by any heir at law*  
24 *and the claim shall be payable to such heir at law. Any of the foregoing*  
25 *provisions shall be applicable in any case where the decedent dies in the*  
26 *calendar year preceding the year in which a claim may be made under*  
27 *the provisions of this act, if such decedent was a resident of or domiciled*  
28 *in this state during the entire part of such year that such decedent was*  
29 *living. Where the decedent's death occurs during the calendar year*  
30 *preceding the year in which a claim may be made, the amount of the*  
31 *claim that would have been allowable if the decedent had been a resident*  
32 *of or domiciled in this state the entire calendar year of such person's*  
33 *death shall be reduced in a proportionate amount equal to a fraction of*  
34 *the claim otherwise allowable, the numerator of which fraction is the*  
35 *number of months in such calendar year following the month of the*  
36 *decedent's death, and the denominator of which is 12.*

37 *New Sec. 20. A claimant may claim property tax relief under this*  
38 *act with respect to property taxes accrued and, after audit by the director*  
39 *of taxation with respect to this act, the allowable amount of such claim*  
40 *shall be paid, except as otherwise provided in sections 22, 31 and 33, and*  
41 *amendments thereto, to the claimant from the income tax refund fund*  
42 *upon warrants of the director of accounts and reports pursuant to*  
43 *vouchers approved by the director of taxation or by any person*

1 *designated by the claimant, but no warrant issued shall be drawn in an*  
2 *amount of less than \$5. No interest shall be allowed on any payment*  
3 *made to a claimant pursuant to this act.*

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

9 *New Sec. 22. The amount of any claim otherwise payable under*  
10 *this act may be applied by the director of taxation against any liability*  
11 *outstanding on the books of the department of revenue against the*  
12 *claimant, or against any other individual who was a member of such*  
13 *person's household in the year that the claim relates.*

14 *New Sec. 23. Only one claimant per household per year shall be*  
15 *entitled to relief under this act.*

16 *New Sec. 24. (a) Commencing in tax year 2021, and all tax years*  
17 *thereafter, the amount of any claim pursuant to this act shall be*  
18 *computed by deducting the homestead ad valorem tax amount in the tax*  
19 *year the refund is sought from the amount of a claimant's base year*  
20 *homestead ad valorem tax amount.*

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

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

26 *(d) The maximum amount of a claim that may be claimed by a*  
27 *claimant in any one tax year pursuant to this act shall be \$5,000.*

28 *New Sec. 25. (a) In administering this act, the director of taxation*  
29 *shall make available suitable forms with instructions for claimants.*  
30 *Copies of such forms shall also be made available to all county clerks*  
31 *and county treasurers in sufficient numbers to supply claimants residing*  
32 *in their respective counties. It shall be the duty of the county clerk to*  
33 *assist any claimant seeking assistance in the filing of a claim under the*  
34 *provisions of this act. The county treasurer of each county shall mail to*  
35 *each taxpayer, with the property tax statement of such taxpayer,*  
36 *information on eligibility for relief under this act to be provided by the*  
37 *secretary of revenue.*

38 *(b) The secretary of revenue is hereby authorized to adopt such*  
39 *rules and regulations as may be necessary for the administration of the*  
40 *provisions of this act.*

41 *New Sec. 26. (a) Every claimant under this act shall supply to the*  
42 *director of taxation, in support of a claim, reasonable proof of age and*  
43 *changes of homestead, household membership, household income,*

1 *household assets and size and nature of property claimed as the*  
2 *homestead.*

3 *(b) Every claimant who is a homestead owner, or whose claim is*  
4 *based wholly or partly upon homestead ownership at some time during*  
5 *the calendar year, shall supply to the director of taxation, in support of a*  
6 *claim, the amount of property taxes levied upon the property claimed as*  
7 *a homestead and a statement that the property taxes accrued used for*  
8 *purposes of this act have been or will be paid by the claimant. Upon*  
9 *request by the director, such claimant shall provide a copy of the*  
10 *statement of property taxes levied upon the property claimed as a*  
11 *homestead. The amount of personal property taxes levied on a*  
12 *manufactured home or mobile home shall be set out on the personal*  
13 *property tax statement showing the amount of such tax as a separate*  
14 *item.*

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

17 *New Sec. 27. In any case in which it is determined that a claim is or*  
18 *was excessive and was filed with fraudulent intent, the claim shall be*  
19 *disallowed in full, and, if the claim has been paid, the amount paid may*  
20 *be recovered by assessment as income taxes are assessed, and such*  
21 *assessment shall bear interest from the date of payment or credit of the*  
22 *claim, until recovered, at the rate of 1% per month. The claimant in*  
23 *such case and any person who assisted in the preparation or filing of*  
24 *such excessive claim, or supplied information upon which such*  
25 *excessive claim was prepared, with fraudulent intent, shall be guilty of a*  
26 *class B misdemeanor. In any case in which it is determined that a claim*  
27 *is or was excessive and was negligently prepared, 10% of the corrected*  
28 *claim shall be disallowed, and, if the claim has been paid, the proper*  
29 *portion of any amount paid shall be similarly recovered by assessment as*  
30 *income taxes are assessed, and such assessment shall bear interest at the*  
31 *rate of 1% per month from the date of payment until recovered. In any*  
32 *case in which it is determined that a claim is or was excessive due to the*  
33 *fact that the claimant neglected to include certain income received*  
34 *during the year, the claim shall be corrected and the excess disallowed,*  
35 *and, if the claim has been paid, the proper portion of any amount paid*  
36 *shall be similarly recovered by assessment as income taxes are assessed.}*

37 *New Sec. 28. No claim for relief under the provisions of this act*  
38 *shall be allowed to any claimant who is a recipient of public funds*  
39 *specifically designated for the payment of taxes during the period for*  
40 *which the claim is filed.*

41 *New Sec. 29. A claim shall be disallowed if the director of taxation*  
42 *finds that the claimant received title to such person's homestead*  
43 *primarily for the purpose of receiving benefits under this act.*

1        *New Sec. 30. For claims in respect to property taxes levied in any*  
2 *year, the director of taxation may extend the time for filing any claim or*  
3 *accept a claim filed after the filing deadline when good cause exists, if*  
4 *the claim has been filed within four years of the deadline.*

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

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

15        *(c) After the electronic record under subsection (a) has been*  
16 *received from the director of taxation, the county clerk of the county in*  
17 *which the property is located shall make any corrections needed, if any,*  
18 *based upon information known by the county clerk concerning any*  
19 *change in eligibility of any claimant listed in such record. After any*  
20 *needed corrections have been made to the electronic record, the county*  
21 *clerk, on behalf of each claimant listed in such record, shall certify the*  
22 *information contained in such record to the county treasurer in lieu of*  
23 *paying that portion of the first half of taxes on the claimant's homestead*  
24 *in the current year, which equals the amount of the golden years*  
25 *homestead property tax freeze refund received by the claimant for taxes*  
26 *levied in the preceding year up to the amount of the first half of the*  
27 *property taxes due.*

28        *(d) The county treasurer shall certify and return the electronic*  
29 *record referred to in subsection (a), including any changes made by the*  
30 *county clerk pursuant to subsection (c), to the director of taxation by*  
31 *December 31 of each year. After receiving a claim of any claimant who*  
32 *is listed in the electronic record submitted by the county treasurer, the*  
33 *director shall examine the same, and, if the claim is valid, the director of*  
34 *accounts and reports shall draw a warrant in favor of the county in*  
35 *which the claimant's homestead is located upon a voucher approved by*  
36 *the director of taxation in the amount of the allowable claim for refund.*  
37 *Sufficient information to identify the claimant shall be directed to the*  
38 *county treasurer with each warrant. Any taxes levied in any year on the*  
39 *homestead of any claimant who has obtained the eligibility herein*  
40 *provided for in excess of the amount paid to the county by the state and*  
41 *by the claimant on or before December 20 of such year shall be paid by*  
42 *the claimant on or before May 10 of the succeeding year.*

43        *(e) For the purposes of this section, "electronic record" means the*

1 *same as defined in K.S.A. 16-1602, and amendments thereto.*

2 *New Sec. 32. A claimant shall only be eligible for a claim for*  
3 *refund under this act if the household income for the year in which the*  
4 *claim is filed is \$50,000 or less. In the case of all tax years commencing*  
5 *after December 31, 2021, the upper limit household income threshold*  
6 *amount prescribed in this section shall be increased by an amount equal*  
7 *to such threshold amount multiplied by the cost-of-living adjustment*  
8 *determined under section 1(f)(3) of the federal internal revenue code for*  
9 *the calendar year in which the taxable year commences.*

10 *New Sec. 33. If there are delinquent property taxes on the*  
11 *claimant's homestead, the refund shall be paid to the county treasurer of*  
12 *the county in which such homestead is located and applied first to the*  
13 *oldest of such delinquent property taxes and applied forward to the most*  
14 *recent delinquent property taxes and then to any other property taxes*  
15 *due on the claimant's homestead.}*

16 *Sec. ~~17~~ {34.}* K.S.A. 2020 Supp. 72-5142 is hereby amended to read  
17 as follows: 72-5142. (a) The board of education of each school district  
18 shall levy an ad valorem tax upon the taxable tangible property of the  
19 school district in the school years specified in subsection (b) for the  
20 purpose of:

21 (1) Financing that portion of the school district's general fund budget  
22 that is not financed from any other source provided by law;

23 (2) paying a portion of the costs of operating and maintaining public  
24 schools in partial fulfillment of the constitutional obligation of the  
25 legislature to finance the educational interests of the state; and

26 (3) with respect to any redevelopment school district established prior  
27 to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto,  
28 paying a portion of the principal and interest on bonds issued by cities  
29 under authority of K.S.A. 12-1774, and amendments thereto, for the  
30 financing of redevelopment projects upon property located within the  
31 school district.

32 (b) The tax required under subsection (a) shall be levied at a rate of  
33 20 mills in the school years ~~2019-2020~~ 2021-2022 and ~~2020-2021~~ 2022-  
34 2023.

35 (c) The proceeds from the tax levied by a district under authority of  
36 this section, except the proceeds of such tax levied for the purpose  
37 described in subsection (a)(3), shall be remitted to the state treasurer in  
38 accordance with the provisions of K.S.A. 75-4215, and amendments  
39 thereto. Upon receipt of each such remittance, the state treasurer shall  
40 deposit the entire amount in the state treasury to the credit of the state  
41 school district finance fund.

42 (d) No school district shall proceed under K.S.A. 79-1964, 79-1964a  
43 or 79-1964b, and amendments thereto.

1       Sec. ~~18.~~ {35.} K.S.A. 74-2433, as amended by section 5 of 2021  
2 House Bill No. 2104, is hereby amended to read as follows: 74-2433. (a)  
3 There is hereby created a state board of tax appeals, referred to in this act  
4 as the board. The board shall be composed of three members who shall be  
5 appointed by the governor, subject to confirmation by the senate as  
6 provided in K.S.A. 75-4315b, and amendments thereto. For members  
7 appointed after June 30, 2014, one of such members shall have been  
8 regularly admitted to practice law in the state of Kansas and for a period of  
9 at least five years, have engaged in the active practice of law as a lawyer,  
10 judge of a court of record or any other court in this state; one of such  
11 members shall have engaged in active practice as a certified public  
12 accountant for a period of at least five years and one such member shall be  
13 a licensed certified general real property appraiser. In addition, the  
14 governor shall also appoint a chief hearing officer, subject to confirmation  
15 by the senate as provided in K.S.A. 75-4315b, and amendments thereto,  
16 who, in addition to other duties prescribed by this act, shall serve as a  
17 member pro tempore of the board. No successor shall be appointed for any  
18 judge of the court of tax appeals appointed before July 1, 2014. Such  
19 persons shall continue to serve as members on the board of tax appeals  
20 until their terms expire. Except as provided by K.S.A. 46-2601, and  
21 amendments thereto, no person appointed to the board, including the chief  
22 hearing officer, shall exercise any power, duty or function as a member of  
23 the board until confirmed by the senate. Not more than two members of  
24 the board shall be of the same political party. Members of the board,  
25 including the chief hearing officer, shall be residents of the state. Subject  
26 to the provisions of K.S.A. 75-4315c, and amendments thereto, no more  
27 than one member shall be appointed from any one of the congressional  
28 districts of Kansas unless, after having exercised due diligence, the  
29 governor is unable to find a qualified replacement within 90 days after any  
30 vacancy on the board occurs. The members of the board, including the  
31 chief hearing officer, shall be selected with special reference to training  
32 and experience for duties imposed by this act and shall be individuals with  
33 legal, tax, accounting or appraisal training and experience. State board of  
34 tax appeals members shall be subject to the supreme court rules of judicial  
35 conduct applicable to all judges of the district court. The board shall be  
36 bound by the doctrine of stare decisis limited to published decisions of an  
37 appellate court. Members of the board, including the chief hearing officer,  
38 shall hold office for terms of four years. A member may continue to serve  
39 for a period of 180 days after the expiration of the member's term, or until  
40 a successor has been appointed and confirmed, whichever is shorter.  
41 Except as otherwise provided, such terms of office shall expire on January  
42 15 of the last year of such term. If a vacancy occurs on the board, or in the  
43 position for chief hearing officer, the governor shall appoint a successor to



1 fill the vacancy for the unexpired term. Nothing in this section shall be  
2 construed to prohibit the governor from reappointing any member of the  
3 board, including the chief hearing officer, for additional four-year terms.  
4 The governor shall select one of its members to serve as chairperson. The  
5 votes of two members shall be required for any final order to be issued by  
6 the board. Meetings may be called by the chairperson and shall be called  
7 on request of a majority of the members of the board and when otherwise  
8 prescribed by statute.

9 (b) Any member appointed to the state board of tax appeals and the  
10 chief hearing officer may be removed by the governor for cause, after  
11 public hearing conducted in accordance with the provisions of the Kansas  
12 administrative procedure act.

13 (c) The state board of tax appeals shall appoint, subject to approval  
14 by the governor, an executive director of the board, to serve at the pleasure  
15 of the board. The executive director shall: (1) Be in the unclassified  
16 service under the Kansas civil service act; (2) devote full time to the  
17 executive director's assigned duties; (3) receive such compensation as  
18 determined by the board, subject to the limitations of appropriations  
19 thereof; and (4) have familiarity with the tax appeals process sufficient to  
20 fulfill the duties of the office of executive director. The executive director  
21 shall perform such other duties as directed by the board.

22 (d) Appeals decided by the state board of tax appeals shall be made  
23 available to the public and shall be published by the board on the board's  
24 website within 30 days after the decision has been rendered. The board  
25 shall also publish a monthly report that includes all appeals decided that  
26 month as well as all appeals which have not yet been decided and are  
27 beyond the time limitations as set forth in K.S.A. 74-2426, and  
28 amendments thereto. Such report shall be made available to the public and  
29 transmitted by the board to the members of the Kansas legislature.

30 (e) After appointment, members of the state board of tax appeals that  
31 are not otherwise a state certified general real property appraiser shall  
32 complete the following course requirements: (1) A tested appraisal course  
33 of not less than 30 clock hours of instruction consisting of the  
34 fundamentals of real property appraisal with an emphasis on the cost and  
35 sales approaches to value; (2) a tested appraisal course of not less than 30  
36 clock hours of instruction consisting of the fundamentals of real property  
37 appraisal with an emphasis on the income approach to value; (3) a tested  
38 appraisal course of not less than 30 clock hours of instruction with an  
39 emphasis on mass appraisal; (4) an appraisal course with an emphasis on  
40 Kansas property tax laws; (5) an appraisal course on the techniques and  
41 procedures for the valuation of state assessed properties with an emphasis  
42 on unit valuation; and (6) a tested appraisal course on the techniques and  
43 procedures for the valuation of land devoted to agricultural use pursuant to

1 K.S.A. 79-1476, and amendments thereto. Such courses shall be courses  
2 approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-  
3 4105, and amendments thereto. Any member appointed to the board who is  
4 a certified real property appraiser shall only be required to take such  
5 educational courses as are required to maintain the appraisal license. The  
6 executive director shall adopt rules and regulations prescribing a timetable  
7 for the completion of the course requirements and prescribing continued  
8 education requirements for members of the board.

9 (f) The state board of tax appeals shall have no capacity or power to  
10 sue or be sued.

11 (g) It is the intent of the legislature that proceedings in front of the  
12 board of tax appeals be conducted in a fair and impartial manner and that  
13 all taxpayers are entitled to a neutral interpretation of the tax laws of the  
14 state of Kansas. The provisions of the tax laws of this state shall be applied  
15 impartially to both taxpayers and taxing districts in cases before the board.  
16 Valuation appeals before the board shall be decided upon a determination  
17 of the fair market value of the fee simple of the property. Nothing in this  
18 section shall prohibit a property owner, during a property valuation appeal  
19 before the board, from raising arguments regarding classification. Cases  
20 before the board shall not be decided upon arguments concerning the  
21 shifting of the tax burden or upon any revenue loss or gain which may be  
22 experienced by the taxing district.

23 (h) Notwithstanding any provisions of subsection (a) to the contrary,  
24 the governor may appoint a former member in good standing of the board  
25 of tax appeals to serve as a member pro tempore of the board for a period  
26 not to exceed one year when, after having exercised due diligence, ~~more~~  
27 ~~than one~~ a vacancy on the board exists. Such member pro tempore may  
28 exercise any power, duty or function as is necessary to serve as a member  
29 of the board. Such member pro tempore shall serve at the pleasure of the  
30 governor and receive compensation for each day of actual attendance or  
31 work as a member based on a proration of the annual salary provided in  
32 K.S.A. 74-2434, and amendments thereto. The provisions of this  
33 subsection shall expire on June 30, 2023.

34 ~~Sec. 19, {36,}~~ K.S.A. 79-201x is hereby amended to read as follows:  
35 79-201x. For taxable years ~~2019~~ 2021 and ~~2020~~ 2022, the following  
36 described property, to the extent herein specified, shall be and is hereby  
37 exempt from the property tax levied pursuant to the provisions of K.S.A.  
38 72-5142, and amendments thereto: Property used for residential purposes  
39 to the extent of \$20,000 of its appraised valuation.

40 *{Sec. 37. K.S.A. 79-32,263 is hereby amended to read as follows:*  
41 *79-32,263. This act shall be known and may be cited as the selective*  
42 *assistance for effective senior relief (SAFESR). There shall be allowed*  
43 *as a credit against the tax liability of a taxpayer imposed under the*

1 ***Kansas income tax act, the following: (a) For tax years 2008, 2009 and***  
 2 ***2010, an amount equal to 45% of the amount of property and ad***  
 3 ***valorem taxes actually and timely paid as described in this section; and***  
 4 ***(b) for tax-year years 2011—and all tax years thereafter through 2020, an***  
 5 ***amount equal to 75% of the amount of property and ad valorem taxes***  
 6 ***actually and timely paid by a taxpayer who is 65 years of age or older***  
 7 ***and who has household income equal to or less than 120% of the federal***  
 8 ***poverty level for two persons if such taxes were paid upon real or***  
 9 ***personal property used for residential purposes of such taxpayer which***  
 10 ***is the taxpayer's principal place of residence for the tax year in which***  
 11 ***the tax credit is claimed. The amount of any such credit for any such***  
 12 ***taxpayer shall not exceed the amount of property and ad valorem taxes***  
 13 ***paid by such taxpayer as specified in this section. A taxpayer shall not***  
 14 ***take the credit pursuant to this section if such taxpayer has received a***  
 15 ***homestead property tax refund pursuant to K.S.A. 79-4501 et seq., and***  
 16 ***amendments thereto, for such property for such tax year. Subject to the***  
 17 ***provisions of this section, if the amount of such tax credit exceeds the***  
 18 ***taxpayer's income tax liability for the taxable year, the amount of such***  
 19 ***excess credit which exceeds such tax liability shall be refunded to the***  
 20 ***taxpayer. The secretary of revenue shall adopt rules and regulations***  
 21 ***regarding the filing of documents that support the amount of the credit***  
 22 ***claimed pursuant to this section. For purposes of this section,***  
 23 ***"household income" means all income as defined in K.S.A. 79-4502(a),***  
 24 ***and amendments thereto, including any payments received under the***  
 25 ***federal social security act, received by persons of a household in a***  
 26 ***calendar year while members of such household. The provisions of this***  
 27 ***act shall be part of and supplemental to the homestead property tax***  
 28 ***refund act.***}

29 **Sec. ~~20~~ {38.}** On and after January 1, 2022, K.S.A. 79-5107 is hereby  
 30 amended to read as follows: 79-5107. (a) Except as provided in subsection  
 31 (e), the tax imposed by this act upon any motor vehicle, other than a motor  
 32 vehicle—~~which~~ that replaces a motor vehicle previously registered and  
 33 taxed in this state and to which registration plates are transferred, ~~which~~  
 34 that has been acquired, or brought into the state, or for any other reason  
 35 becomes subject to registration after the owner's regular annual motor  
 36 vehicle registration date, shall become due and payable at the time such  
 37 motor vehicle becomes subject to registration under the laws of this state  
 38 and the amount of tax to be paid by the owner for the remainder of the tax  
 39 year shall be an amount—~~which~~ that is equal to  $\frac{1}{12}$  of the tax—~~which~~ that  
 40 would have been due upon such motor vehicle for the full registration year,  
 41 multiplied by the number of full calendar months remaining in the  
 42 registration year of the owner of such vehicle. Such tax shall be paid at the  
 43 time of the registration of such motor vehicle.

1 (b) Except as provided in subsection (e), the tax upon a motor  
2 vehicle, ~~which that~~ replaces a motor vehicle previously registered and  
3 taxed in this state and to which registration plates are transferred, ~~which~~  
4 ~~that~~ is registered at any time other than the annual registration date  
5 prescribed by law for the registration of such motor vehicle, shall be in an  
6 amount equal to the amount by which: (1) One-twelfth of the tax ~~which~~  
7 ~~that~~ would have been due upon such replacement motor vehicle for the full  
8 registration year multiplied by the number of full calendar months  
9 remaining in the registration year for such motor vehicle, exceeds (2) one-  
10 twelfth of the tax ~~which that~~ would have been due for the full registration  
11 year upon the motor vehicle replaced multiplied by the number of full  
12 calendar months remaining in such registration year. Such tax shall be paid  
13 at the time of registration of such replacement vehicle.

14 (c) Whenever the tax imposed under this act has been paid upon any  
15 motor vehicle and title to such vehicle is transferred and no replacement  
16 vehicle is substituted therefor such taxpayer shall be entitled to a refund in  
17 an amount equal to  $\frac{1}{12}$  of the tax due upon such motor vehicle for the full  
18 registration year, multiplied by the number of full calendar months  
19 remaining in such registration year. Whenever the tax imposed under this  
20 act upon any replacement motor vehicle for the remainder of the  
21 registration year is less than the tax paid on the motor vehicle replaced for  
22 the remainder of such registration year, the taxpayer shall be entitled to a  
23 refund in the amount ~~by which that~~ the tax paid upon the vehicle replaced  
24 exceeds the tax due upon the replacement vehicle. All refunds shall be paid  
25 by the county treasurer from the moneys received from taxes upon motor  
26 vehicles imposed by this act ~~which that~~ have not been distributed. No  
27 refund shall be made under the authority of this subsection for a sum less  
28 than \$5.

29 (d) Whenever the tax imposed under this act has been paid upon any  
30 motor vehicle and the owner thereof has established residence in another  
31 state during such vehicle's registration year, such owner shall be entitled to  
32 a refund of such taxes in an amount equal to  $\frac{1}{12}$  of the tax paid upon such  
33 motor vehicle for the full registration year, multiplied by the number of  
34 full calendar months remaining in such registration year after the month of  
35 establishing residence in another state. No such refund shall be allowed  
36 unless ~~and until~~ the owner submits ~~to the county treasurer~~ evidence of a  
37 valid driver's license and motor vehicle registration in another state; ~~to the~~  
38 ~~county treasurer~~ and surrenders the Kansas license plate. All refunds shall  
39 be paid by the county treasurer from the moneys received from taxes upon  
40 motor vehicles ~~which that~~ have not been distributed. No refund shall be  
41 made for a sum less than \$5.

42 (e) (1) No tax shall be levied under the provisions of this act upon not  
43 more than two motor vehicles ~~which that~~ are owned by a resident

1 individual *who is*:

2 (A) ~~Who is~~ In the full-time military service of the United States, is  
3 absent from this state solely by reason of military orders on the date of  
4 such individual's application for registration and such motor vehicles are  
5 maintained by such individual outside of this state;

6 (B) ~~who is~~ a member of the military service of the United States and  
7 is mobilized or deployed on the date of such individual's application for  
8 registration; ~~or~~

9 (C) ~~who is~~ a full-time member of the military service of the United  
10 States, and is stationed in Kansas; ~~or who is a full-time active guard and~~  
11 ~~reservist~~

12 (D) *a current member in good standing* of the Kansas army or air  
13 national guard or a ~~Kansas~~ unit of the reserve forces of the United States  
14 ~~under authority of title 10 or title 32 of the U.S. code, and is stationed or~~  
15 ~~assigned in Kansas military.~~

16 (2) The owner of a motor vehicle not subject to tax pursuant to the  
17 provisions of ~~subsection (e) paragraph~~ (1) who has paid the tax levied  
18 under the provisions of K.S.A. 79-5101, and amendments thereto, may  
19 apply for a refund with the county treasurer not later than one year from  
20 the effective date of this act. The county treasurer shall refund any such  
21 taxes previously paid by such owner of a motor vehicle.

22 (3) The provisions of this subsection shall be applicable ~~on and~~ after  
23 December 31, ~~2013~~ 2021.

24 Sec. ~~21~~ **{39.}** K.S.A. 74-2433, as amended by section 5 of 2021  
25 House Bill No. 2104, ~~and~~ 79-201x **{and 79-32,263}** and K.S.A. 2020  
26 Supp. 72-5142 are hereby repealed.

27 Sec. ~~22~~ **{40.}** On and after January 1, 2022, K.S.A. 79-5107 is hereby  
28 repealed.

29 Sec. ~~23~~ **{41.}** This act shall take effect and be in force from and after  
30 its publication in the statute book.