

## HOUSE BILL No. 2769

By Committee on Taxation

3-2

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1 AN ACT concerning property taxation; relating to exemptions; certain  
2 housing on military installations; amending K.S.A. 2011 Supp. 79-201a  
3 and repealing the existing section.  
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5 *Be it enacted by the Legislature of the State of Kansas:*

6 Section 1. K.S.A. 2011 Supp. 79-201a is hereby amended to read as  
7 follows: 79-201a. The following described property, to the extent herein  
8 specified, shall be exempt from all property or *ad valorem* taxes levied  
9 under the laws of the state of Kansas:

10 *First.* All property belonging exclusively to the United States, except  
11 property which congress has expressly declared to be subject to state and  
12 local taxation.

13 *Second.* All property used exclusively by the state or any municipality  
14 or political subdivision of the state. All property owned, being acquired  
15 pursuant to a lease-purchase agreement or operated by the state or any  
16 municipality or political subdivision of the state, including property which  
17 is vacant or lying dormant, which is used or is to be used for any  
18 governmental or proprietary function and for which bonds may be issued  
19 or taxes levied to finance the same, shall be considered to be used  
20 exclusively by the state, municipality or political subdivision for the  
21 purposes of this section. The lease by a municipality or political  
22 subdivision of the state of any real property owned or being acquired  
23 pursuant to a lease-purchase agreement for the purpose of providing office  
24 space necessary for the performance of medical services by a person  
25 licensed to practice medicine and surgery or osteopathic medicine by the  
26 board of healing arts pursuant to K.S.A. 65-2801 *et seq.*, and amendments  
27 thereto, dentistry services by a person licensed by the Kansas dental board  
28 pursuant to K.S.A. 65-1401 *et seq.*, and amendments thereto, optometry  
29 services by a person licensed by the board of examiners in optometry  
30 pursuant to K.S.A. 65-1501 *et seq.*, and amendments thereto, or K.S.A. 74-  
31 1501 *et seq.*, and amendments thereto, podiatry services by a person  
32 licensed by the board of healing arts pursuant to K.S.A. 65-2001 *et seq.*,  
33 and amendments thereto, or the practice of psychology by a person  
34 licensed by the behavioral sciences regulatory board pursuant to K.S.A.  
35 74-5301 *et seq.*, and amendments thereto, shall be construed to be a  
36 governmental function, and such property actually and regularly used for

1 such purpose shall be deemed to be used exclusively for the purposes of  
2 this paragraph. The lease by a municipality or political subdivision of the  
3 state of any real property, or portion thereof, owned or being acquired  
4 pursuant to a lease-purchase agreement to any entity for the exclusive use  
5 by it for an exempt purpose, including the purpose of displaying or  
6 exhibiting personal property by a museum or historical society, if no  
7 portion of the lease payments include compensation for return on the  
8 investment in such leased property shall be deemed to be used exclusively  
9 for the purposes of this paragraph. All property leased, other than motor  
10 vehicles leased for a period of at least one year and property being  
11 acquired pursuant to a lease-purchase agreement, to the state or any  
12 municipality or political subdivision of the state by any private entity shall  
13 not be considered to be used exclusively by the state or any municipality  
14 or political subdivision of the state for the purposes of this section except  
15 that the provisions of this sentence shall not apply to any such property  
16 subject to lease on the effective date of this act until the term of such lease  
17 expires but property taxes levied upon any such property prior to tax year  
18 1989, shall not be abated or refunded. Any property constructed or  
19 purchased with the proceeds of industrial revenue bonds issued prior to  
20 July 1, 1963, as authorized by K.S.A. 12-1740 ~~to~~ *through* 12-1749, *and*  
21 *amendments thereto*, or purchased with proceeds of improvement district  
22 bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, *and*  
23 *amendments thereto*, or with proceeds of bonds issued prior to July 1,  
24 1963, as authorized by K.S.A. 19-3815a and 19-3815b, *and amendments*  
25 *thereto*, or any property improved, purchased, constructed, reconstructed  
26 or repaired with the proceeds of revenue bonds issued prior to July 1,  
27 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, *and*  
28 *amendments thereto*, or any property improved, reimproved, reconstructed  
29 or repaired with the proceeds of revenue bonds issued after July 1, 1963,  
30 under the authority of K.S.A. 13-1238 to 13-1245, inclusive, *and*  
31 *amendments thereto*, which had previously been improved, reconstructed  
32 or repaired with the proceeds of revenue bonds issued under such act on or  
33 before July 1, 1963, shall be exempt from taxation for so long as any of the  
34 revenue bonds issued to finance such construction, reconstruction,  
35 improvement, repair or purchase shall be outstanding and unpaid. Any  
36 property constructed or purchased with the proceeds of any revenue bonds  
37 authorized by K.S.A. 13-1238 to 13-1245, inclusive, 19-2776, 19-3815a  
38 and 19-3815b, and amendments thereto, issued on or after July 1, 1963,  
39 shall be exempt from taxation only for a period of 10 calendar years after  
40 the calendar year in which the bonds were issued. Any property, all or any  
41 portion of which is constructed or purchased with the proceeds of revenue  
42 bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and  
43 amendments thereto, issued on or after July 1, 1963 and prior to July 1,

1 1981, shall be exempt from taxation only for a period of 10 calendar years  
2 after the calendar year in which the bonds were issued. Except as  
3 hereinafter provided, any property constructed or purchased wholly with  
4 the proceeds of revenue bonds issued on or after July 1, 1981, under the  
5 authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments  
6 thereto, shall be exempt from taxation only for a period of 10 calendar  
7 years after the calendar year in which the bonds were issued. Except as  
8 hereinafter provided, any property constructed or purchased in part with  
9 the proceeds of revenue bonds issued on or after July 1, 1981, under the  
10 authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments  
11 thereto, shall be exempt from taxation to the extent of the value of that  
12 portion of the property financed by the revenue bonds and only for a  
13 period of 10 calendar years after the calendar year in which the bonds were  
14 issued. The exemption of that portion of the property constructed or  
15 purchased with the proceeds of revenue bonds shall terminate upon the  
16 failure to pay all taxes levied on that portion of the property which is not  
17 exempt and the entire property shall be subject to sale in the manner  
18 prescribed by K.S.A. 79-2301 *et seq.*, and amendments thereto. Property  
19 constructed or purchased in whole or in part with the proceeds of revenue  
20 bonds issued on or after January 1, 1995, under the authority of K.S.A. 12-  
21 1740 to 12-1749, inclusive, and amendments thereto, and used in any retail  
22 enterprise identified under NAICS sectors 44 and 45, except facilities used  
23 exclusively to house the headquarters or back office operations of such  
24 retail enterprises identified thereunder, shall not be exempt from taxation.  
25 For the purposes of the preceding provision "NAICS" means the North  
26 American industry classification system, as developed under the authority  
27 of the office of management and budget of the office of the president of  
28 the United States. "Headquarters or back office operations" means a  
29 facility from which the enterprise is provided direction, management,  
30 administrative services, or distribution or warehousing functions in support  
31 of transactions made by the enterprise. Property purchased, constructed,  
32 reconstructed, equipped, maintained or repaired with the proceeds of  
33 industrial revenue bonds issued under the authority of K.S.A. 12-1740 *et*  
34 *seq.*, and amendments thereto, which is located in a redevelopment project  
35 area established under the authority of K.S.A. 12-1770 *et seq.*, and  
36 *amendments thereto*, shall not be exempt from taxation. Property  
37 purchased, acquired, constructed, reconstructed, improved, equipped,  
38 furnished, repaired, enlarged or remodeled with all or any part of the  
39 proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to  
40 12-1749a, inclusive, and amendments thereto, for any poultry confinement  
41 facility on agricultural land which is owned, acquired, obtained or leased  
42 by a corporation, as such terms are defined by K.S.A. 17-5903, and  
43 amendments thereto, shall not be exempt from such taxation. Property

1 purchased, acquired, constructed, reconstructed, improved, equipped,  
2 furnished, repaired, enlarged or remodeled with all or any part of the  
3 proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to  
4 12-1749a, inclusive, and amendments thereto, for a rabbit confinement  
5 facility on agricultural land which is owned, acquired, obtained or leased  
6 by a corporation, as such terms are defined by K.S.A. 17-5903, and  
7 amendments thereto, shall not be exempt from such taxation.

8 *Third.* All works, machinery and fixtures used exclusively by any rural  
9 water district or township water district for conveying or production of  
10 potable water in such rural water district or township water district, and all  
11 works, machinery and fixtures used exclusively by any entity which  
12 performed the functions of a rural water district on and after January 1,  
13 1990, and the works, machinery and equipment of which were exempted  
14 hereunder on March 13, 1995.

15 *Fourth.* All fire engines and other implements used for the  
16 extinguishment of fires, with the buildings used exclusively for the  
17 safekeeping thereof, and for the meeting of fire companies, whether  
18 belonging to any rural fire district, township fire district, town, city or  
19 village, or to any fire company organized therein or therefor.

20 *Fifth.* All property, real and personal, owned by county fair associations  
21 organized and operating under the provisions of K.S.A. 2-125 *et seq.*, and  
22 amendments thereto.

23 *Sixth.* Property acquired and held by any municipality under the  
24 municipal housing law, (K.S.A. 17-2337 *et seq.*), and amendments thereto,  
25 except that such exemption shall not apply to any portion of the project  
26 used by a nondwelling facility for profit making enterprise.

27 *Seventh.* All property of a municipality, acquired or held under and for  
28 the purposes of the urban renewal law, (K.S.A. 17-4742 *et seq.*), and  
29 amendments thereto, except that such tax exemption shall terminate when  
30 the municipality sells, leases or otherwise disposes of such property in an  
31 urban renewal area to a purchaser or lessee which is not a public body  
32 entitled to tax exemption with respect to such property.

33 *Eighth.* All property acquired and held by the Kansas armory board for  
34 armory purposes under the provisions of K.S.A. 48-317, and amendments  
35 thereto.

36 *Ninth.* All property acquired and used by the Kansas turnpike authority  
37 under the authority of K.S.A. 68-2001 *et seq.*, and amendments thereto,  
38 K.S.A. 68-2030 *et seq.*, and amendments thereto, K.S.A. 68-2051 *et seq.*,  
39 and amendments thereto, and K.S.A. 68-2070 *et seq.*, and amendments  
40 thereto.

41 *Tenth.* All property acquired and used for state park purposes by the  
42 Kansas department of wildlife and parks.

43 *Eleventh.* The state office building constructed under authority of

1 K.S.A. 75-3607 *et seq.*, and amendments thereto, and the site upon which  
2 such building is located.

3 *Twelfth.* All buildings erected under the authority of K.S.A. 76-6a01 *et*  
4 *seq.*, and amendments thereto, and all other student union buildings and  
5 student dormitories erected upon the campus of any institution mentioned  
6 in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit  
7 corporation.

8 *Thirteenth.* All buildings, as the same is defined in subsection (c) of  
9 K.S.A. 76-6a13, and amendments thereto, which are erected, constructed  
10 or acquired under the authority of K.S.A. 76-6a13 *et seq.*, and amendments  
11 thereto, and building sites acquired therefor.

12 *Fourteenth.* All that portion of the waterworks plant and system of the  
13 city of Kansas City, Missouri, now or hereafter located within the territory  
14 of the state of Kansas pursuant to the compact and agreement adopted by  
15 K.S.A. 79-205, and amendments thereto.

16 *Fifteenth.* All property, real and personal, owned by a groundwater  
17 management district organized and operating pursuant to K.S.A. 82a-1020,  
18 and amendments thereto.

19 *Sixteenth.* All property, real and personal, owned by the joint water  
20 district organized and operating pursuant to K.S.A. 80-1616 *et seq.*, and  
21 amendments thereto.

22 *Seventeenth.* All property, including interests less than fee ownership,  
23 acquired for the state of Kansas by the secretary of transportation or a  
24 predecessor in interest which is used in the administration, construction,  
25 maintenance or operation of the state system of highways, regardless of  
26 how or when acquired.

27 *Eighteenth.* Any building used primarily as an industrial training center  
28 for academic or vocational education programs designed for and operated  
29 under contract with private industry, and located upon a site owned, leased  
30 or being acquired by or for an area vocational school, an area vocational-  
31 technical school, a technical college, or a community college, as defined  
32 by K.S.A. 72-4412, and amendments thereto, and the site upon which any  
33 such building is located.

34 *Nineteenth.* For all taxable years commencing after December 31,  
35 1997, all buildings of an area vocational school, an area vocational-  
36 technical school, a technical college or a community college, as defined by  
37 K.S.A. 72-4412, and amendments thereto, which are owned and operated  
38 by any such school or college as a student union or dormitory and the site  
39 upon which any such building is located.

40 *Twentieth.* For all taxable years commencing after December 31, 1997,  
41 all personal property which is contained within a dormitory that is exempt  
42 from property taxation and which is necessary for the accommodation of  
43 the students residing therein.

1       *Twenty-First.* All real property from and after the date of its transfer by  
2 the city of Olathe, Kansas, to the Kansas state university foundation, all  
3 buildings and improvements thereafter erected and located on such  
4 property, and all tangible personal property, which is held, used or  
5 operated for educational and research purposes at the Kansas state  
6 university Olathe innovation campus located in the city of Olathe, Kansas.

7       *Twenty-Second.* All real property, and all tangible personal property,  
8 owned by postsecondary educational institutions, as that term is defined in  
9 K.S.A. 74-3201b, and amendments thereto, or by the board of regents on  
10 behalf of the postsecondary educational institutions, which is leased by a  
11 for profit company and is actually and regularly used exclusively for  
12 research and development purposes so long as any rental income received  
13 by such postsecondary educational institution or the board of regents from  
14 such a company is used exclusively for educational or scientific purposes.  
15 Any such lease or occupancy described in this section shall be for a term  
16 of no more than five years.

17       *Twenty-Third.* *Any and all housing developments and related*  
18 *improvements located on United States department of defense military*  
19 *installations in the State of Kansas, which are developed pursuant to the*  
20 *military housing privatization initiative, 10 U.S.C. § 2871 et seq., or any*  
21 *successor thereto, and which are provided exclusively or primarily for use*  
22 *by military personnel of the United States and their families.*

23       Except as otherwise specifically provided, the provisions of this section  
24 shall apply to all taxable years commencing after December 31, ~~2009~~2010.

25       Sec. 2. K.S.A. 2011 Supp. 79-201a is hereby repealed.

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

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