

## HOUSE BILL No. 2495

By Committee on Taxation

1-20

1 AN ACT concerning property taxation; relating to classification of certain  
2 improvements, timeframe for appeals; amending K.S.A. 2015 Supp.  
3 79-262 and repealing the existing section.

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

6 Section 1. K.S.A. 2015 Supp. 79-262 is hereby amended to read as  
7 follows: 79-262. (a) After July 1, 2014, the owner of any project being  
8 constructed with the proceeds of industrial revenue bonds which has been  
9 exempted from ad valorem taxation pursuant to K.S.A. 79-201a *Second*,  
10 and amendments thereto, or the owner of any property exempted from ad  
11 valorem taxation pursuant to section 13 of article 11 of the constitution of  
12 the state of Kansas, shall within 30 days of the completion of any  
13 improvement on the project, notify the county appraiser of such  
14 completion and the county appraiser upon receipt of such notification shall  
15 classify such improvement as real property, personal property or a  
16 combination of both real and personal property within 180 days of receipt  
17 of the notice, and shall notify the owner of such classification. The owner,  
18 if aggrieved by the county appraiser's classification, may appeal such  
19 classification to the ~~court~~ *board of tax appeals pursuant to K.S.A. 79-1409,*  
20 ~~and amendments thereto~~ *within 45 days subsequent to the date of mailing*  
21 *of the county's notice of classification.* For property described in K.S.A.  
22 2015 Supp. 79-5b01, and amendments thereto, the county appraiser  
23 appraising such property or the taxpayer may request that the director of  
24 property valuation contract with an independent appraiser pursuant to the  
25 provisions of K.S.A. 2015 Supp. 79-5b01 through 79-5b03, and  
26 amendments thereto, to determine classification of such property.

27 (b) Any property classified in accordance with subsection (a) shall  
28 not be reclassified within two years after the expiration of the tax  
29 exemption period absent the approval of the ~~court~~ *board of tax appeals*  
30 upon a hearing in a decision upheld upon appeal, if any, and:

- 31 (1) A material physical change to such property has occurred;
- 32 (2) a material change in the use of such property has occurred; or
- 33 (3) a substantial change in directly applicable law has occurred.

34 (c) After the expiration of the two years, the appraiser shall classify  
35 such property as required by K.S.A. 79-1459, and amendments thereto.

36 Sec. 2. K.S.A. 2015 Supp. 79-262 is hereby repealed.

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