

(CORRECTED)
{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2456

By Committee on Taxation

1-17

1 AN ACT concerning property taxation; defining commercial and industrial
2 machinery and equipment; **motor vehicles, members of military**
3 **service and active guard and reservists; amending K.S.A. 2013**
4 **Supp. 79-5107 and repealing the existing section}.**
5

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

7 **{New}** Section 1. (a) In accordance with the provisions of section 1 of
8 article 11 of the Kansas constitution, all commercial and industrial
9 machinery used directly in the manufacture of cement, lime or similar
10 products including: Kilns, pumps, lifts, process fans, bucket elevators,
11 compressors, raw mills, hammer mills, grinders, conveyors, ball mills,
12 mixers, storage tanks, scales, crushers, reclaimers, processing vessels,
13 filters, electric motors, cement and clinker coolers, finish mills, separators,
14 electric hoists, stackers, roller mills, clinker breakers, hydraulic and
15 lubricating systems used directly in manufacturing and processing
16 activities, analyzers, aeration systems, air pollution control equipment,
17 bulk loading systems, material and gas flow distribution gates and
18 handling and transport systems, except public utility property valued and
19 assessed pursuant to K.S.A. 79-5a01 et seq., and amendments thereto, are
20 hereby defined as commercial and industrial machinery and equipment,
21 and shall be classified for property tax purposes as tangible personal
22 property within subclass 5 of class 2 of section 1 of article 11 of the
23 Kansas constitution. All such property shall be valued in accordance with
24 the provisions of subsection (b)(2)(E) of K.S.A. 79-1439, and amendments
25 thereto.

26 (b) The provisions of this section shall apply to all taxable years
27 commencing after December 31, ~~2012~~ **2013**.

28 **{Sec. 2. K.S.A. 2013 Supp. 79-5107 is hereby amended to read as**
29 **follows: 79-5107. (a) Except as provided in subsection (e), the tax**
30 **imposed by this act upon any motor vehicle, other than a motor**
31 **vehicle which replaces a motor vehicle previously registered and taxed**
32 **in this state and to which registration plates are transferred, which**
33 **has been acquired, or brought into the state, or for any other reason**
34 **becomes subject to registration after the owner's regular annual**

1 motor vehicle registration date, shall become due and payable at the
2 time such motor vehicle becomes subject to registration under the
3 laws of this state and the amount of tax to be paid by the owner for the
4 remainder of the tax year shall be an amount which is equal to $\frac{1}{12}$ of
5 the tax which would have been due upon such motor vehicle for the
6 full registration year, multiplied by the number of full calendar
7 months remaining in the registration year of the owner of such vehicle.
8 Such tax shall be paid at the time of the registration of such motor
9 vehicle.

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

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

39 (d) Whenever the tax imposed under this act has been paid upon
40 any motor vehicle and the owner thereof has established residence in
41 another state during such vehicle's registration year, such owner shall
42 be entitled to a refund of such taxes in an amount equal to $\frac{1}{12}$ of the
43 tax paid upon such motor vehicle for the full registration year,

1 multiplied by the number of full calendar months remaining in such
2 registration year after the month of establishing residence in another
3 state. No such refund shall be allowed unless and until the owner
4 submits to the county treasurer evidence of a valid driver's license and
5 motor vehicle registration in another state, and surrenders the Kansas
6 license plate. All refunds shall be paid by the county treasurer from
7 the moneys received from taxes upon motor vehicles which have not
8 been distributed. No refund shall be made for a sum less than \$5.

9 (e) (1) No tax shall be levied under the provisions of this act upon
10 not more than two motor vehicles which are owned by a resident
11 individual:

12 (A) Who is in the full-time military service of the United States, is
13 absent from this state solely by reason of military orders on the date of
14 such individual's application for registration and such motor vehicles
15 are maintained by such individual outside of this state; or

16 (B) who is a member of the military service of the United States
17 and is mobilized or deployed on the date of such individual's
18 application for registration; or

19 (C) *who is a full-time member of the military service of the United*
20 *States, and is stationed in Kansas, or who is a full-time active guard and*
21 *reservist member of the Kansas army or air national guard or a Kansas*
22 *unit of the reserve forces of the United States under authority of title 10 or*
23 *title 32 of the U.S. code, and is stationed or assigned in Kansas.*

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

30 The provisions of this subsection shall be applicable on and after
31 December 31, ~~2003~~ 2013.

32 Sec. 3. K.S.A. 2013 Supp. 79-5107 is hereby repealed.}

33 Sec. ~~2~~. {4.} This act shall take effect and be in force from and after its
34 publication in the statute book.