

79-262. Classification of property constructed with proceeds of industrial revenue bonds; notification to county appraiser; appeals; reclassification. (a) After July 1, 2014, the owner of any project being constructed with the proceeds of industrial revenue bonds which has been exempted from ad valorem taxation pursuant to K.S.A. 79-201a *Second*, and amendments thereto, or the owner of any property exempted from ad valorem taxation pursuant to section 13 of article 11 of the constitution of the state of Kansas, shall within 30 days of the completion of any improvement on the project, notify the county appraiser of such completion and the county appraiser upon receipt of such notification shall classify such improvement as real property, personal property or a combination of both real and personal property within 180 days of receipt of the notice, and shall notify the owner of such classification. The owner, if aggrieved by the county appraiser's classification, may appeal such classification to the court of tax appeals pursuant to K.S.A. 79-1409, and amendments thereto. For property described in K.S.A. 2016 Supp.79-5b01, and amendments thereto, the county appraiser appraising such property or the taxpayer may request that the director of property valuation contract with an independent appraiser pursuant to the provisions of K.S.A. 2016 Supp. 79-5b01 through 79-5b03, and amendments thereto, to determine classification of such property.

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

- (1) A material physical change to such property has occurred;
 - (2) a material change in the use of such property has occurred; or
 - (3) a substantial change in directly applicable law has occurred.
- (c) After the expiration of the two years, the appraiser shall classify such property as required by K.S.A. 79-1459, and amendments thereto.

History: L. 2014, ch. 140, § 2; July 1.