

House Concurrent Resolution No. 5022

By Representatives Fairchild, Neelly, Poetter Parshall, Rahjes and Waggoner

1-24

1 A PROPOSITION to amend section 1 of article 11 of the constitution of
2 the state of Kansas, relating to classification and taxation of all-terrain
3 vehicles.

4
5 *Be it resolved by the Legislature of the State of Kansas, two-thirds of the*
6 *members elected (or appointed) and qualified to the House of*
7 *Representatives and two-thirds of the members elected (or appointed)*
8 *and qualified to the Senate concurring therein:*

9 Section 1. The following proposition to amend the constitution of
10 the state of Kansas shall be submitted to the qualified electors of the state
11 for their approval or rejection: Section 1 of article 11 of the constitution
12 of the state of Kansas is hereby amended to read as follows:

13 **"§ 1. System of taxation; classification; exemption.** (a) The
14 provisions of this subsection shall govern the assessment and
15 taxation of property on and after January 1, ~~2013~~ 2025, and each
16 year thereafter. Except as otherwise hereinafter specifically
17 provided, the legislature shall provide for a uniform and equal
18 basis of valuation and rate of taxation of all property subject to
19 taxation. The legislature may provide for the classification and the
20 taxation uniformly as to class of *all-terrain vehicles*, recreational
21 vehicles and watercraft, as defined by the legislature, or may
22 exempt such class from property taxation and impose taxes upon
23 another basis in lieu thereof. The provisions of this subsection shall
24 not be applicable to the taxation of motor vehicles, except as
25 otherwise hereinafter specifically provided, mineral products,
26 money, mortgages, notes and other evidence of debt and grain.
27 Property shall be classified into the following classes for the
28 purpose of assessment and assessed at the percentage of value
29 prescribed therefor:

30 Class 1 shall consist of real property. Real property shall be further
31 classified into seven subclasses. Such property shall be defined by
32 law for the purpose of subclassification and assessed uniformly as to
33 subclass at the following percentages of value:

- 34 (1) Real property used for residential purposes including multi-family
35 residential real property and real property necessary to
36 accommodate a residential community of mobile or manufactured

- 1 homes including the real property upon which such homes are
- 2 located.....11½%
- 3 (2) Land devoted to agricultural use which shall be valued upon the
- 4 basis of its agricultural income or agricultural productivity pursuant
- 5 to section 12 of article 11 of the constitution.....30%
- 6 (3) Vacant lots.....12%
- 7 (4) Real property which is owned and operated by a not-for-profit
- 8 organization not subject to federal income taxation pursuant to
- 9 section 501 of the federal internal revenue code, and which is
- 10 included in this subclass by law.....12%
- 11 (5) Public utility real property, except railroad real property which shall
- 12 be assessed at the average rate that all other commercial and
- 13 industrial property is assessed.....33%
- 14 (6) Real property used for commercial and industrial purposes and
- 15 buildings and other improvements located upon land devoted to
- 16 agricultural use.....25%
- 17 (7) All other urban and rural real property not otherwise specifically
- 18 subclassified.....30%

19 Class 2 shall consist of tangible personal property. Such
 20 tangible personal property shall be further classified into six
 21 subclasses, shall be defined by law for the purpose of
 22 subclassification and assessed uniformly as to subclass at the
 23 following percentages of value:

- 24 (1) Mobile homes used for residential purposes.....11½%
- 25 (2) Mineral leasehold interests except oil leasehold interests the average
- 26 daily production from which is five barrels or less, and natural gas
- 27 leasehold interests the average daily production from which is 100
- 28 mcf or less, which shall be assessed at 25%.....30%
- 29 (3) Public utility tangible personal property including inventories
- 30 thereof, except railroad personal property including inventories
- 31 thereof, which shall be assessed at the average rate all other
- 32 commercial and industrial property is assessed.....33%
- 33 (4) All categories of motor vehicles not defined and specifically valued
- 34 and taxed pursuant to law enacted prior to January 1, 1985.....30%
- 35 (5) Commercial and industrial machinery and equipment which, if its
- 36 economic life is seven years or more, shall be valued at its retail cost
- 37 when new less seven-year straight-line depreciation, or which, if its
- 38 economic life is less than seven years, shall be valued at its retail
- 39 cost when new less straight-line depreciation over its economic life,
- 40 except that, the value so obtained for such property, notwithstanding
- 41 its economic life and as long as such property is being used, shall
- 42 not be less than 20% of the retail cost when new of such property
- 4325%

1 (6) All other tangible personal property not otherwise specifically
2 classified.....30%

3 (b) All property used exclusively for state, county, municipal,
4 literary, educational, scientific, religious, benevolent and charitable
5 purposes, farm machinery and equipment, merchants' and
6 manufacturers' inventories, other than public utility inventories
7 included in subclass (3) of class 2, livestock, and all household
8 goods and personal effects not used for the production of income,
9 shall be exempted from property taxation."

10 Sec. 2. The following statement shall be printed on the ballot with
11 the amendment as a whole:

12 "*Explanatory statement.* This amendment would allow the
13 legislature to classify and tax all-terrain vehicles upon a
14 basis different from other property.

15 "A vote for this proposition would would permit the legislature
16 to provide for separate classification and taxation of all-
17 terrain vehicles or to exempt such property from property
18 taxation and impose taxes upon a different basis in lieu
19 thereof.

20 "A vote against this proposition would continue the taxation of
21 all-terrain vehicles in the same manner as all other property."

22 Sec. 3. This resolution, if approved by two-thirds of the members
23 elected (or appointed) and qualified to the House of Representatives and
24 two-thirds of the members elected (or appointed) and qualified to the
25 Senate, shall be entered on the journals, together with the yeas and nays.
26 The secretary of state shall cause this resolution to be published as
27 provided by law and shall cause the proposed amendment to be submitted
28 to the electors of the state at the general election in November in the year
29 2024, unless a special election is called at a sooner date by concurrent
30 resolution of the legislature, in which case the proposed amendment shall
31 be submitted to the electors of the state at the special election.