

79-5a15. Listing and appraisal of escaped public utility property; duties of director of property valuation; penalty; abatement or reduction. (a) If, the director of property valuation discovers, after the assessed valuation of any public utility's property has been certified to the county clerk, as provided by K.S.A. 79-5a27, and amendments thereto, that the assessed valuation of any real or personal, tangible or intangible property of a public utility subject to taxation was omitted from such certification, the director shall certify to the county clerk of each county the amount of assessed valuation apportioned to each taxing unit therein that was omitted from such certification, including any assessed valuation attributable to any penalties assessed pursuant to K.S.A. 2014 Supp. 79-5a14, and amendments thereto, and the county clerk shall place such property on the tax roll as an added tax, or if, after one year from the date prescribed by K.S.A. 79-5a02, and amendments thereto, the director discovers that any real or personal, tangible or intangible, property of a public utility which was subject to taxation in any year or years within two years next preceding January 1 of the calendar year in which it was discovered has not been listed or that any listing of such property is incomplete, such property shall be deemed to have escaped taxation. In the case of property which has not been listed, it shall be the duty of the director to list and appraise such property and, for an added tax, add penalties as prescribed in K.S.A. 2014 Supp. 79-5a14, and amendments thereto, and which shall be designated on the appraisal roll as an added appraisal for that year. In the case of property which has escaped taxation, it shall be the duty of the director to list and appraise such property and add 50%, or \$1,000,000 of the assessed value, whichever is less, thereto as a penalty for escaping taxation for each such year during which such property was not listed, and it shall be designated on the appraisal roll as escaped appraisal for each such preceding year or years. In the case of property which has been listed but which such listing was incomplete, it shall be the duty of the director to list and appraise the property that was not listed and add 50%, or \$1,000,000 of the assessed value, whichever is less, thereto as a penalty for escaping taxation for each such year during which such listing was incomplete, and it shall be designated on the appraisal roll as escaped appraisal for each such preceding year or years. The county clerk, upon receipt of the valuation for such property in either of the aforementioned cases, shall place such property on the tax rolls and compute the amount of tax due based upon the mill levy for the year or years in which such tax should have been levied, and shall certify such amount to the county treasurer as an added or escaped appraisal. The amount of such tax shall be due immediately and payable within 45 days after the issuance of an additional or escaped property tax bill by the county treasurer. Taxes levied pursuant to this section which remain unpaid after such 45-day period shall be deemed delinquent and the county treasurer shall collect and distribute such tax in the same manner as prescribed by law for the collection and distribution of other taxes levied upon property which are delinquent.

(b) The director of property valuation shall have the authority to abate or reduce any penalty imposed under the provisions of this section for just cause shown. Any public utility may appeal any such decision to the court of tax appeals as provided by K.S.A. 74-2438, and amendments thereto. Notice of such appeal shall be filed with the secretary of the court within 30 days after the director of property valuation has notified the public utility in writing of the director's decision, or within 30 days after the mailing of the notification of the results of the informal conference prescribed by K.S.A. 79-5a05, and amendments thereto, when an informal conference has been requested. The court of tax appeals shall have the authority to abate or reduce any penalty imposed under the provisions of this section and order the refund of the abated penalty, whenever excusable neglect on the part of the public utility required to make and file the statement listing property for assessment and taxation purposes is shown, or whenever the property for which a statement of assessment was not filed as required by law is repossessed, judicially or otherwise, by a secured creditor and such secured creditor pays the taxes and interest due.

(c) The provisions of this section shall be effective on and after July 1, 2008.

History: L. 2008, ch. 182, § 2; June 5.