

SENATE BILL No. 201

By Committee on Assessment and Taxation

2-18

1 AN ACT concerning property taxation; relating to exemptions; land
2 associated with a dam or reservoir and subject to a conservation
3 easement for the purpose of compensatory mitigation; amending
4 K.S.A. 79-201g and repealing the existing section.

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

7 Section 1. K.S.A. 79-201g is hereby amended to read as follows: 79-
8 201g. The following described property, to the extent herein specified,
9 shall be and is hereby exempt from all property or ad valorem taxes levied
10 under the laws of the state of Kansas:

11 (a) All real property which is contiguous to and a part of the same
12 tract of land upon which a dam or reservoir has been constructed and
13 certified by the chief engineer of the division of water resources in
14 compliance with requirements and specifications prescribed by K.S.A.
15 82a-405 et seq., and amendments thereto, in an amount equal to the
16 increase in the value of such real estate resulting from the construction of
17 such dam or reservoir and in addition thereto an amount computed
18 according to the following schedule:

19 First ten acre-feet of storage capacity	\$100 per acre-foot
20 Next five acre-feet of storage capacity	300 per acre-foot
21 Next five acre-feet of storage capacity	200 per acre-foot
22 Next five acre-feet of storage capacity	100 per acre-foot
23 Remaining acre-feet of storage capacity	50 per acre-foot

24 The total amount of the exemption for any single tract of land shall not
25 exceed ~~five thousand dollars (\$5,000)~~ \$5,000 or ~~forty percent (40%)~~ 40%
26 of the assessed value thereof whichever is the lesser. No exemption shall
27 be granted ~~hereunder pursuant to this subsection~~ unless the landowner
28 shall apply to the chief engineer of the division of water resources for
29 certification of any dam or reservoir within one year after actual
30 completion thereof. Such exemption shall be applicable to such property
31 for a period of ~~ten (10)~~ 10 years after the original certification of the dam
32 or reservoir; ~~and~~

33 (b) all real property which is contiguous to and a part of the same
34 tract of land upon which a dam or reservoir has been constructed and
35 certified by the chief engineer of the division of water resources in
36 compliance with requirements and specifications prescribed by K.S.A.

1 82a-405 et seq., and amendments thereto, the owner of which at the time
2 of such certification donated to the state or to any of its agencies or
3 subdivisions land or easements or right-of-way for such erection or
4 maintenance of such dam or reservoir in an amount equal to twice the
5 assessed value of the land or easements or right-of-way donated. Such
6 exemption shall be based upon a specific description of the land donated,
7 excluding any land the elevation of which is higher than the top of the
8 dam, as prepared and provided by the chief engineer and the assessed
9 value thereof, as determined by the county ~~assessor~~ *appraiser*, for the year
10 in which the exemption is first granted. No exemption shall be granted
11 ~~hereunder pursuant to this subsection~~ unless the landowner shall apply to
12 the chief engineer of the division of water resources for certification of
13 such dam or reservoir and *for a description of the land donated within five*
14 ~~(5)~~ years after actual completion of the dam or reservoir or within two ~~(2)~~
15 years after such land is listed for taxation if such land was exempt from
16 taxation under the laws of the state of Kansas at the time of the completion
17 of the dam or reservoir whichever is later. Such exemption shall be
18 applicable to such property for a period of ~~twenty (20)~~ 20 years after the
19 original certification of such dam or reservoir by the chief engineer except
20 that if the landowner shall apply for such exemption more than two ~~(2)~~
21 years after the actual completion of the dam or reservoir such exemption
22 shall be applicable to such property for a period of ~~twenty (20)~~ 20 years
23 after the date of the actual completion of the dam or reservoir; *and*

24 *(c) all real property subject to a donated conservation easement*
25 *associated with a watershed dam or reservoir described in subsection (b)*
26 *for the purpose of compensatory mitigation required under section 404 of*
27 *the federal clean water act held by the Kansas department of agriculture*
28 *division of conservation on behalf of any watershed district pursuant to*
29 *K.S.A. 2-1904, and amendments thereto, in an amount equal to twice the*
30 *assessed value of the land subject to the conservation easement that is not*
31 *exempt pursuant to subsection (b). The exemption shall be based upon a*
32 *specific description of the land subject to the conservation easement, as*
33 *approved by mitigation plans of the United States army corp of engineers,*
34 *and the assessed value, as determined by the county appraiser for the year*
35 *in which the exemption is first granted. No exemption shall be granted*
36 *pursuant to this subsection unless the landowner shall apply to the chief*
37 *engineer of the division of water resources for certification of such dam or*
38 *reservoir and for a description of the land donated within five years after*
39 *actual completion of the dam or reservoir or within two years after such*
40 *land is listed for taxation, if such land was exempt from taxation under the*
41 *laws of the state of Kansas at the time of the completion of the dam or*
42 *reservoir, whichever is later. Such exemption shall be applicable to such*
43 *property for a period of 20 years after the original certification of such*

1 *dam or reservoir by the chief engineer, except that if the landowner shall*
2 *apply for such exemption more than two years after the actual completion*
3 *of the dam or reservoir, such exemption shall be applicable to such*
4 *property for a period of 20 years after the date of the actual completion of*
5 *the dam or reservoir.*

6 The provisions of this section shall apply to all taxable years
7 commencing after December 31, ~~1974~~ 2018.

8 Sec. 2. K.S.A. 79-201g is hereby repealed.

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