AN ACT concerning county appraisers; relating to causes for suspension or termination; percentage of applications for informal hearings; amending K.S.A. 2018 Supp. 19-431 and repealing the existing section.

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

Section 1. K.S.A. 2018 Supp. 19-431 is hereby amended to read as follows: 19-431. (a) Whenever it shall be made to appear to the board of county commissioners of any county or the district board of an appraisal district by evidence satisfactory to such board that the appraiser of such county or district has failed or neglected to properly perform the duties of office, by reasons of incompetency or for any other cause, the board shall enter upon its journal an order suspending or terminating the county or district appraiser from office. Such order shall state the reasons for such suspension or termination, and upon the service of any such order upon the appraiser suspended or terminated such appraiser shall at once be divested of all power as county or district appraiser and shall immediately deliver to the person appointed to discharge the duties of the office of such appraiser, all books, records and papers pertaining to the office. The board of county commissioners or district board shall appoint a temporary appraiser to discharge the duties of the office until the suspension is removed or the vacancy filled, and the person so appointed shall take the oath of office required by law and thereupon such person shall be invested with all of the powers and duties of the office. Cause for suspension or termination may be established if property owners of 4% or more of all parcels classified as real property used for commercial and industrial purposes or 2% or more of all parcels of the remaining classes of properties in a county apply for an informal hearing on the parcel's property valuation in a calendar year.

Within 15 days after service of an order of suspension or termination, the appraiser may request a hearing on the order before the director of property valuation. Upon receipt of a timely request, the director of property valuation shall conduct a hearing in accordance with the provisions of the Kansas administrative procedure act. If the appraiser is a county appraiser, the hearing shall be held at the county seat of such county or if such appraiser is a district appraiser at the county seat of the county within the district having the greater population. At the hearing the director of property valuation shall make inquiry as to all facts connected...
with such suspension or termination, and if after such inquiry is made the
director of property valuation shall determine that the appraiser suspended
should be removed permanently and such appraiser's office declared
vacated or should be terminated, then the director of property valuation
shall render an order removing such appraiser. A copy of such order, duly
certified and under the seal of the director of property valuation, shall be
sent to the board of county commissioners or district board employing
such appraiser who shall cause the same to be recorded in full upon the
journal of the board. Immediately upon the service of such order by the
director of property valuation such office of appraiser shall be vacant, and
the board of county commissioners or district board shall appoint an
eligible Kansas appraiser as appraiser to fill such vacancy, who shall
qualify as provided by law in such cases. Should the person appointed be
other than the person appointed to discharge the duties of the office
temporarily, the person discharging the duties of the office temporarily
shall immediately transfer to the person appointed to fill the vacancy all
the books, records and files of the office.

(b) Whenever the director of property valuation shall on such
director's own motion conclude, after inquiry, that the appraiser of any
county or district has failed or neglected to discharge such appraiser's
duties as required by law and that the interest of the public service will be
promoted by the removal of such appraiser, the director of property
valuation shall enter upon the record of proceeding in such director's office
an order suspending or terminating such appraiser from office. Such order
shall state the reason for such suspension or termination and from and after
the date of service of such order upon such appraiser and the board of
county commissioners or district board employing such appraiser, the
person suspended or terminated shall be divested of all power as appraiser
and shall immediately deliver to the person appointed to discharge the
duties of the office of such appraiser, all books, records and papers
pertaining to the office. Upon receipt of an order by the director of
property valuation suspending or terminating the appraiser of the county or
district, the board of county commissioners or district board shall appoint a
temporary appraiser to discharge the duties of the office until the
suspension is removed or the vacancy filled, and the person appointed
shall take the oath of office required by law and thereupon such person
shall be invested with all of the powers and duties of the office.

Within 15 days after service of an order of suspension or termination by
the director of property valuation under this subsection, the appraiser may
request a hearing on the order before the state board of tax appeals. Upon
receipt of a timely request, the state board of tax appeals shall conduct a
hearing in accordance with the provisions of the Kansas administrative
procedure act. If the appraiser is a county appraiser, the hearing shall be
held at the county seat of such county or if such appraiser is a district
appraiser such hearing shall be held at the county seat of the county within
such district having the greatest population. At the hearing, the state board
of tax appeals shall make inquiry as to all facts connected with such
suspension or termination, and if after such inquiry is made the state board
of tax appeals determines that the appraiser suspended should be removed
permanently and such appraiser's office declared vacated or should be
terminated, then the state board of tax appeals shall render an order
removing such appraiser. A copy of such order, duly certified by the
secretary under the seal of the board, shall be sent to the board of county
commissioners or district board, who shall cause the same to be recorded
in full upon the journal of the board. Immediately upon the service of such
order by the state board of tax appeals such office of county appraiser shall
be vacant, and the board of county commissioners or district board shall
appoint an eligible Kansas appraiser as appraiser to fill such vacancy, who
shall qualify as provided by law in such cases. Should the person
appointed be other than the person appointed to discharge the duties of the
office temporarily, the person discharging the duties of the office
temporarily shall immediately transfer to the person appointed to fill the
vacancy all the books, records and files of the office.

Sec. 2. K.S.A. 2018 Supp. 19-431 is hereby repealed.

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