As Amended by Senate Committee

Session of 2020

SENATE BILL No. 266

By Committee on Assessment and Taxation

1-14

AN ACT concerning property taxation; relating to county appraisers, qualifications and appraisal courses for registered mass appraiser designation; state board of tax appeals, appraisal course requirements; appraisal courses approved by the real estate appraisal board; amending K.S.A. 74-2433 and K.S.A. 2019 Supp. 19-430 and 19-432 and repealing the existing sections.

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

Section 1. K.S.A. 2019 Supp. 19-430 is hereby amended to read as follows: 19-430. (a) On July 1, 1993, and on July 1 of each fourth year thereafter, the board of county commissioners or governing body of any unified government of each county shall by resolution appoint a county appraiser for such county who shall serve for a term of four years expiring on June 30 of the fourth year thereafter. No person shall be appointed or reappointed to or serve as county appraiser in any county under the provisions of this act unless such person shall have at least three years of mass appraisal experience and be qualified by the director of property valuation as an eligible Kansas appraiser under the provisions of this act. Whenever a vacancy shall occur in the office of county appraiser the board of county commissioners or governing body of any unified government shall appoint an eligible Kansas appraiser to fill such vacancy for the unexpired term. The person holding the office of county or district appraiser or performing the duties thereof on the effective date of this act shall continue to hold such office and perform such duties until a county appraiser is appointed under the provisions of this act. No person shall be appointed to the office of county or district appraiser or to fill a vacancy therein unless such person is currently: (1) A certified general real property appraiser pursuant to article 41 of chapter 58 of the Kansas Statutes Annotated, and amendments thereto; or (2) a registered mass appraiser pursuant to rules and regulations adopted by the secretary of revenue; or (3) holding a valid residential evaluation specialist or certified assessment evaluation designation from the international association of assessing officers. Notwithstanding the foregoing provision, the board of county commissioners or governing body of any unified government may appoint an interim county appraiser, subject to the approval of the director of property valuation, for a period not to exceed six months to fill a vacancy
in the office of county appraiser pending the appointment of an eligible
county appraiser under the provisions of this act.

(b) The secretary of revenue shall adopt rules and regulations prior to
October 1, 1997, necessary to establish qualifications for the designation
of a registered mass appraiser.

(c) On and after July 1, 2020, all appraisal courses necessary
to qualify for the designation of a registered mass appraiser and all
continuing education appraisal courses necessary to retain such
designation shall be courses approved by the Kansas real estate appraisal
board pursuant to K.S.A. 58-4105, and amendments thereto.

Sec. 2. K.S.A. 2019 Supp. 19-432 is hereby amended to read as
follows: 19-432. (a) The director of property valuation shall maintain a
current list of persons eligible to be appointed to the office of appraiser.
Periodic issuance of this list shall constitute the official list of eligible
Kansas appraisers who are candidates for appointment. Inclusion on this
list shall be made dependent upon successful completion of a written
examination as adopted and administered by the director.

(b) The director of property valuation shall be required to conduct
training courses annually for the purpose of training appraisal candidates.
These courses shall be designed to prepare students to successfully
complete the written examinations required for eligible Kansas appraiser
status.

(c) Once certified, an eligible Kansas appraiser may retain that status
only through successful completion of additional appraisal courses at
intervals as determined by the director of property valuation. The director
shall be required to conduct training courses annually for the purpose of
providing the additional curriculum required for retention of Kansas
appraiser status. The director may accept recognized appraisal courses
approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-
4105, and amendments thereto, as an alternative to courses conducted by
the director's office to fulfill this requirement for the maintenance of
eligible Kansas appraiser status.

(1) The director of property valuation may remove any person from
the list of persons eligible to be appointed to the office of appraiser for any
of the following acts or omissions:
(A) Failing to meet the minimum qualifications established by this
section;
(B) a plea of guilty or nolo contendere to, or conviction of: (i) Any
crime involving moral turpitude; or (ii) any felony charge; or
(C) entry of a final civil judgment against the person on grounds of
fraud, misrepresentation or deceit in the making of any appraisal of real or
personal property.

(2) Any person removed from the list of persons eligible to be
appointed to the office of county appraiser under the provisions of this
section shall immediately forfeit the office of county or district appraiser.

(3) An appeal may be taken to the state board of tax appeals from any
final action of the director of property valuation under the provisions of
this section pursuant to K.S.A. 74-2438, and amendments thereto.

(4) The director of property valuation may relist a person as an
eligible county appraiser upon a showing of mitigating circumstances,
restitution or expungement.

Sec. 3. K.S.A. 74-2433 is hereby amended to read as follows: 74-
2433. (a) There is hereby created a state board of tax appeals, referred to in
this act as the board. The board shall be composed of three members who
shall be appointed by the governor, subject to confirmation by the senate
as provided in K.S.A. 75-4315b, and amendments thereto. For members
appointed after June 30, 2014, one of such members shall have been
regularly admitted to practice law in the state of Kansas and for a period of
at least five years, have engaged in the active practice of law as a lawyer,
judge of a court of record or any other court in this state; one of such
members shall have engaged in active practice as a certified public
accountant for a period of at least five years and one such member shall be
a licensed certified general real property appraiser. In addition, the
governor shall also appoint a chief hearing officer, subject to confirmation
by the senate as provided in K.S.A. 75-4315b, and amendments thereto, who, in addition to other duties prescribed by this act, shall serve as a
member pro tempore of the board. No successor shall be appointed for any
judge of the court of tax appeals appointed before July 1, 2014. Such
persons shall continue to serve as members on the board of tax appeals
until their terms expire. Except as provided by K.S.A. 46-2601, and
amendments thereto, no person appointed to the board, including the chief
hearing officer, shall exercise any power, duty or function as a member of
the board until confirmed by the senate. Not more than two members of
the board shall be of the same political party. Members of the board,
including the chief hearing officer, shall be residents of the state. Subject
to the provisions of K.S.A. 75-4315c, and amendments thereto, no more
than one member shall be appointed from any one of the congressional
districts of Kansas unless, after having exercised due diligence, the
governor is unable to find a qualified replacement within 90 days after any
vacancy on the board occurs. The members of the board, including the
chief hearing officer, shall be selected with special reference to training
and experience for duties imposed by this act and shall be individuals with
legal, tax, accounting or appraisal training and experience. State board of
tax appeals members shall be subject to the supreme court rules of judicial
conduct applicable to all judges of the district court. The board shall be
bound by the doctrine of stare decisis limited to published decisions of an
appellate court. Members of the board, including the chief hearing officer, shall hold office for terms of four years. A member may continue to serve for a period of 90 days after the expiration of the member's term, or until a successor has been appointed and confirmed, whichever is shorter. Except as otherwise provided, such terms of office shall expire on January 15 of the last year of such term. If a vacancy occurs on the board, or in the position for chief hearing officer, the governor shall appoint a successor to fill the vacancy for the unexpired term. Nothing in this section shall be construed to prohibit the governor from reappointing any member of the board, including the chief hearing officer, for additional four-year terms. The governor shall select one of its members to serve as chairperson. The votes of two members shall be required for any final order to be issued by the board. Meetings may be called by the chairperson and shall be called on request of a majority of the members of the board and when otherwise prescribed by statute.

(b) Any member appointed to the state board of tax appeals and the chief hearing officer may be removed by the governor for cause, after public hearing conducted in accordance with the provisions of the Kansas administrative procedure act.

(c) The state board of tax appeals shall appoint, subject to approval by the governor, an executive director of the board, to serve at the pleasure of the board. The executive director shall: (1) Be in the unclassified service under the Kansas civil service act; (2) devote full time to the executive director's assigned duties; (3) receive such compensation as determined by the board, subject to the limitations of appropriations thereof; and (4) have familiarity with the tax appeals process sufficient to fulfill the duties of the office of executive director. The executive director shall perform such other duties as directed by the board.

(d) Appeals decided by the state board of tax appeals shall be made available to the public and shall be published by the board on the board's website within 30 days after the decision has been rendered. The board shall also publish a monthly report that includes all appeals decided that month as well as all appeals which have not yet been decided and are beyond the time limitations as set forth in K.S.A. 74-2426, and amendments thereto. Such report shall be made available to the public and transmitted by the board to the members of the Kansas legislature.

(e) After appointment, members of the state board of tax appeals that are not otherwise a state certified general real property appraiser shall complete the following course requirements: (1) A tested appraisal course of not less than 30 clock hours of instruction consisting of the fundamentals of real property appraisal with an emphasis on the cost and sales approaches to value; (2) a tested appraisal course of not less than 30 clock hours of instruction consisting of the fundamentals of real property
(3) a tested appraisal course of not less than 30 clock hours of instruction with an emphasis on mass appraisal; (4) an appraisal course with an emphasis on Kansas property tax laws; (5) an appraisal course on the techniques and procedures for the valuation of state assessed properties with an emphasis on unit valuation; and (6) a tested appraisal course on the techniques and procedures for the valuation of land devoted to agricultural use pursuant to K.S.A. 79-1476, and amendments thereto. Such courses must be courses approved by the Kansas real estate appraisal board pursuant to K.S.A. 58-4105, and amendments thereto. Any member appointed to the board who is a certified real property appraiser shall only be required to take such educational courses as are required to maintain the appraisal license. The executive director shall adopt rules and regulations prescribing a timetable for the completion of the course requirements and prescribing continued education requirements for members of the board.

(f) The state board of tax appeals shall have no capacity or power to sue or be sued.

(g) It is the intent of the legislature that proceedings in front of the board of tax appeals be conducted in a fair and impartial manner and that all taxpayers are entitled to a neutral interpretation of the tax laws of the state of Kansas. The provisions of the tax laws of this state shall be applied impartially to both taxpayers and taxing districts in cases before the board. Valuation appeals before the board shall be decided upon a determination of the fair market value of the fee simple of the property. Nothing in this section shall prohibit a property owner, during a property valuation appeal before the board, from raising arguments regarding classification. Cases before the board shall not be decided upon arguments concerning the shifting of the tax burden or upon any revenue loss or gain which may be experienced by the taxing district.

Sec. 4. K.S.A. 74-2433 and K.S.A. 2019 Supp. 19-430 and 19-432 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after its publication in the statute book.