SENATE BILL No. 273

By Committee on Assessment and Taxation

1-15

AN ACT concerning the state board of tax appeals; relating to attendance
at hearings by use of audio or video electronic communication;
amending K.S.A. 74-2433 and repealing the existing section.

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

Section 1. 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 appraisal with an emphasis on the income approach to value; (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. 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 taxpayer, or anyone representing the taxpayer, may elect to attend any proceeding in front of the board of tax appeals by audio or video electronic communication. 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 that may be experienced by the taxing district.

Sec. 2. K.S.A. 74-2433 is hereby repealed.

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