

Approved 3/17/89
Date

MINUTES OF THE House COMMITTEE ON Taxation Keith Roe

The meeting was called to order by Representative Keith Roe at
Chairperson

9:00 a.m./p.m. on March 16, 1989 in room 519-S of the Capitol.

All members were present except:
Representative Crowell, absent

Committee staff present:
Tom Severn, Research
Chris Courtwright, Research
Don Hayward, Revisor's Office
Lenore Olson, Committee secretary

Conferees appearing before the committee:
David Cunningham, Board of Tax Appeals
Representative Vancrum
John Torbert, Kansas Association of Counties
Karen France, Kansas Association of Realtors
Terry Hamblin, Director of PVD
J.D. Mooney, Certified Hotel Administrator

David Cunningham testified on HB 2534, stating that K.S.A. 79-213(k) provides that no interest shall accrue during the pendency of an exemption if the taxes are not paid; however, if the taxes are not paid, they are considered delinquent and the treasurer must initiate the delinquent tax procedures. (Attachment 1) Also, the Board would note that the requested change will have no adverse fiscal impact.

Chairman Roe concluded the hearing on HB 2534.

Representative Vancrum testified in support of HB 2530, stating that the availability of sales prices of comparable properties are of real value to taxpayers. (Attachment 2)

John Torbert testified in support of HB 2530, stating that their platform states: "In the public interest, for the benefit of taxpayers who have questions about the value of their property, the Kansas Association of Counties supports making the certificate of value, filed with the Register of Deeds, available to the public." (Attachment 3)

Karen France testified in support of HB 2530, stating that they would like to see it amended. It would help to clarify the purpose and intent of the concept they proposed. (Attachment 4)

Terry Hamblin testified in support of HB 2530, stating that passage of this bill is simply a practical step toward improved tax administration and more equitable assessments. (Attachment 5)

Chairman Roe concluded the hearing on HB 2530.

Representative Vancrum testified in support of HB 2535, stating he feels that, in at least several counties, the informal appeal process needs to be made longer. The Appeals Offices are inundated with appeals and appraisers are overburdened and are giving out misinformation. (Attachment 6)

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

CONTINUATION SHEET

MINUTES OF THE House COMMITTEE ON Taxation,
room 519-S, Statehouse, at 9:00 a.m./~~p.m.~~ on March 16, 1989

J.D. Mooney testified on HB 2535, and explained his negative experience at his reappraisal hearing. He feels appraisers should be competent. He had difficulty reaching the Appeals Office by phone and had received conflicting information from the Appeals Office.

Terry Hamblin testified in opposition to HB 2535, stating that he opposes this bill because it cannot work within the tax calendar as it exists. A pro-taxpayer position needs to be adopted.

Chairman Roe concluded the hearing on HB 2535.

A motion was made by Representative Vancrum and seconded by Representative Wagon to amend HB 2530 as follows: #1 - line 33 to be amended by adding the phrase "as provided for in K.S.A. 79-1448" after the word "property."
#2 - language be added after the word "boards" in line 41 which clarifies that appealing property owners would be limited to viewing certificates of value for the same class of property as the property on which they are appealing. The motion carried.

A motion was made by Representative Vancrum and seconded by Representative Wagon to pass HB 2530 as amended. The motion carried.

The minutes of March 14 and March 15, 1989 were approved.

The meeting adjourned.

THE STATE OF KANSAS



BOARD OF TAX APPEALS

*Keith Farrar, Chairman**Docking State Office Building, 10th Floor
Topeka, Kansas 66612-1582
AC-913 296-2388**Fred L. Weaver, Member
Victor M. Elliott, Member
Conrad Miller, Jr., Member
Charles F. Laird, Member*

TO: Keith Roe, Chairman, House and Taxation Committee
FROM: Keith Farrar, Chairman, Board of Tax Appeals
DATE: March 15, 1989
RE: Requested changes to K.S.A. 79-213

MEMORANDUM

K.S.A. 79-213(k) provides that no interest shall accrue during the pendency of an exemption if the taxes are not paid; however, if the taxes are not paid, they are considered delinquent and the treasurer must initiate the delinquent tax procedures. Additional language to K.S.A. 79-213(k) which would toll K.S.A. 79-2004 and 79-2004a until the Board's order on the exemption issue became final would solve this problem. Some taxpayers find the fact they are considered "delinquent taxpayers" troubling. Tolling the imposition of K.S.A. 79-2004 and 79-2004a would alleviate this problem because the treasurer would no longer be required to bill the taxes until the Board's order denying exemption became final. At that time the taxes would become due and the taxpayer would be required to render payment of the taxes to the county. This would also benefit the counties where taxpayer's have paid the taxes thereby requiring a refund if the Board finds that the property should be exempted.

Finally, the Board would note that the requested change will have no adverse fiscal impact. If you have any additional questions, please let me know.

3/15/89
Attachment 1

HOUSE BILL No. 2534

By Committee on Taxation

3-3

15
16 AN ACT relating to property taxation; excluding grain from the
17 procedural requirements of requesting a property tax exemption;
18 amending K.S.A. 1988 Supp. 79-213 and repealing the existing
19 section; also repealing K.S.A. 1987 Supp. 79-213, as amended by
20 section 313 of chapter 356 of the laws of 1988.

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

22 Section 1. K.S.A. 1988 Supp. 79-213 is hereby amended to read
23 as follows: 79-213. (a) Any property owner requesting an exemption
24 from the payment of ad valorem property taxes assessed, or to be
25 assessed, against their property shall be required to file an initial
26 request for exemption, on forms approved by the board of tax appeals
27 and provided by the county appraiser.

28 (b) The initial exemption request shall identify the property for
29 which the exemption is requested and state, in detail, the legal and
30 factual basis for the exemption claimed.

31 (c) The request for exemption shall be filed with the county
32 appraiser of the county where such property is principally located.

33 (d) After a review of the exemption request, and after a prelim-
34 inary examination of the facts as alleged, the county appraiser shall
35 recommend that the exemption request either be granted or denied,
36 and, if necessary, that a hearing be held. If a denial is recommended,
37 a statement of the controlling facts and law relied upon shall be
38 included on the form.

39 (e) The county appraiser, after making such written recommen-
40 dation, shall file the request for exemption and the recommendations
41 of the county appraiser with the board of tax appeals.

42 (f) Upon receipt of the request for exemption, the board shall
43 docket the same and notify the applicant and the county appraiser
44 of such fact.

no person, firm, unincorporated association, company, or corporation charged with real estate or personal property taxes pursuant to K.S.A. 79-2004 and K.S.A. 79-2004a on the tax books in the hands of the county treasurer shall be required to pay the tax from the date the request is filed with the county appraiser until the expiration of 30 days after the board issued its order thereon, and same becomes a final order.

nor shall the unpaid tax be considered delinquent.

In

In the event the board determines an application for exemption is without merit and filed in bad faith to delay the due date of the tax, the tax shall be considered delinquent as of the date the tax would have been due pursuant to K.S.A. 79-2004 and K.S.A. 79-2004a and interest shall accrue as prescribed therein.

45 (g) After examination of the request for exemption, and the
46 county appraiser's recommendation related thereto, the board may
47 fix a time and place for hearing, and shall notify the applicant and
48 the county appraiser of the time and place so fixed. In any case
49 where a party to such request for exemption requests a hearing
50 thereon, the same shall be granted. *Hearings shall be conducted in*
51 *accordance with the provisions of the Kansas administrative pro-*
52 *cedure act.* In all instances where the board sets a request for
53 exemption for hearing, the county shall be represented by its county
54 attorney or county counselor.

55 (h) In the event of a hearing, the same shall be originally set
56 not later than 90 days after the filing of the request for exemption
57 with the board.

58 ~~(i) When a determination is made as to the merits of the~~
59 ~~request for exemption, the board shall enter its order thereon~~
60 ~~and give notice of the same to the applicant, the county attorney~~
61 ~~and the county appraiser by sending to each a certified copy~~
62 ~~of its order.~~

63 ~~(j) The date of the order, for purposes of filing an appeal~~
64 ~~to the district court, shall be the date that a certified copy of~~
65 ~~the order is mailed to the party seeking to appeal.~~

66 ~~(k) (i) During the pendency of a request for exemption, and in~~
67 ~~the event that taxes have been assessed against the subject property,~~
68 ~~no interest shall accrue on any unpaid tax for the year or years in~~
69 ~~question from the date the request is filed with the county appraiser~~
70 ~~until the expiration of 30 days after the board issued its order~~
71 ~~thereon.~~

72 ~~(l) (j) In the event the board grants the initial request for ex-~~
73 ~~emption, the same shall be effective beginning with the date of first~~
74 ~~exempt use.~~

75 ~~(m) (k) In conjunction with its authority to grant exemptions,~~
76 ~~the board shall have the authority to abate all unpaid taxes that have~~
77 ~~accrued from and since the date of first exempt use. In the event~~
78 ~~that taxes have been paid during the period where the subject prop-~~
79 ~~erty has been determined to be exempt, the board shall have the~~
80 ~~authority to order a refund of taxes for a period not to exceed three~~
81 ~~years.~~

82 ~~(n)~~ (l) The provisions of this section shall not apply to: (1) Farm
83 machinery and equipment exempted from ad valorem taxation by
84 K.S.A. 79-201j, and amendments thereto; (2) personal property ex-
85 empted from ad valorem taxation by K.S.A. ~~1987~~ 1988 Supp. 79-
86 215, and amendments thereto; (3) wearing apparel, household goods
87 and personal effects exempted from ad valorem taxation by K.S.A.
88 79-201c, and amendments thereto; (4) livestock; (5) hay and silage
89 exempted from ad valorem taxation by K.S.A. 79-201d, and amend-
90 ments thereto; ~~and~~ (6) merchants' and manufacturers' inventories
91 exempted from ad valorem taxation by K.S.A. 1988 Supp. 79-201m-
92 ~~and amendments thereto; and (7) grain exempted from ad valorem~~
93 ~~taxation by K.S.A. 1988 Supp. 79-201n, and amendments thereto.~~

94 Sec. 2. K.S.A. 1987 Supp. 79-213, as amended by section 313
95 of chapter 356 of the laws of 1988, and K.S.A. 1988 Supp. 79-213
96 are hereby repealed.

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

RUSSELL C. LEFFEL
ATTORNEY AT LAW
7315 FRONTAGE ROAD-SUITE III
SHAWNEE MISSION, KANSAS 66204

March 15, 1989

TELEPHONE
(913) 362-9727

HON. BOB VANCURM
KANSAS HOUSE OF REPRESENTATIVES
State Capitol
Topeka, Kansas 66612

RE: HOUSE BILL 2530
-Use of Certificate of Value
by County Appraiser

Dear Bob:

I am writing in support of House Bill 2530 which would amend current statutes to allow the County Appraiser to use certificates of value for the purposes of determining appraisal value.

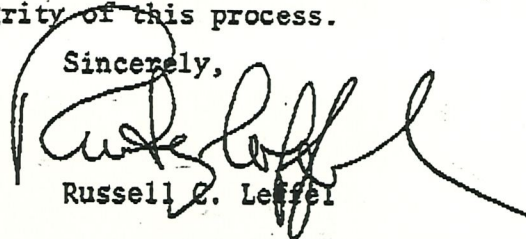
I was amazed when I recently attended an informal hearing to find that the hearing officer had not been able to use the certificates of value on nearby recent house sales for purposes of establishing area values. I was able to recite a number of nearby sales and back up the information with MLS information I had had for trying to determine the listing value on my property, and the appraiser reported that their office had had to work outside of all of this information because they could not receive MLS information and the certificates of value could not be used for valuation.

The intent of this reappraisal is to have every property at a market value. Tying the hands of the appraiser with the best information being unusable is unfairly penalizing the entire reappraisal process.

The real penalty is against those properties that are fairly appraised. Those that are appraised high will speak up and seek adjustment. Those that are appraised low are sitting quietly while fairly appraised properties are picking up the burden of the under-appraised.

Underappraising creates a new classification not envisioned by the legislature or voters and the Certificate of Value as "best evidence" should be used by and available to our county appraisers to assure the integrity of this process.

Sincerely,



Russell C. Leffel

*3/16/89
Attachments*

RCL/bz



"Service to County Government"

212 S. W. 7th Street
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Executive Director
John T. Torbert

Testimony
March 16, 1989

To; House Taxation Committee

From; John T. Torbert
Executive Director

Subject; HB 2539- Certificates of Value

The Kansas Association of Counties is in support of this legislation. The platform position adopted by our delegates at our annual conference last fall states as follows;

"In the public interest, for the benefit of taxpayers who have questions about the value of their property, the Kansas Association of Counties supports making the certificate of value, filed with the Register of Deeds, available to the public."

As a matter of fact, if anything, we feel that this legislation does not go far enough because it only makes this information available to any property owner who has appealed the valuation of property.

Since we are now in the midst of the reappraisal process and all the questions and concerns that it brings, we feel that the legislature has the responsibility to make sure that taxpayers have access to any information that would be useful to them in appealing the valuation of their property. It is not reasonable that appraised values are public information but that the values contained in the certificate of value are not.

This platform position was a request of the County Appraisers Association and on their behalf, and of behalf of the entire Association of Counties, we urge the committee to report the bill favorably.

I thank the committee for their time and would be happy to respond to questions.

TSJHTAXC

3/16/89
Attachment 3

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KANSAS COUNTY APPRAISERS ASSOCIATION

March 13, 1989

Representative Keith Roe
District 109
Chairman House Taxation Committee
State Capitol Building
Topeka, Kansas 66612

Dear Chairman Roe:

I would like to take this opportunity to visit with you, and through you, to the members of your committee regarding our support of House Bill 2530, which I understand would make the Certificate of Values public information. My support of this bill comes both personally and as President of the Kansas County Appraisers Association.

I do apologize to you and your committee for not being able to provide testimony in person, but County Appraisers are deeply involved in the informal hearings at this point. The Certificate of Values would have really helped a number of taxpayers in deciding whether the published values from re-appraisal were valid numbers for their property, and it seems that with so much other information available to the property owner, this final piece of information would allow them to either feel most comfortable with their new value, or give them an indication that they need to be involved in the appeals process.

I Thank You for your time and consideration.

Best Regards,


Gary Post

cc House Taxation Committee
KAC Legislative Committee
John Torbert

Professional
Designation



Certified
Kansas Appraiser

Affiliation



International Association
of Assessing Officers



Kansas
Association
of Counties

Affiliation



North Central
Regional Association
of Assessing Officers

312



Executive Offices:
3644 S. W. Burlingame Road
Topeka, Kansas 66611
Telephone 913/267-3610

TO: THE SENATE ASSESSMENT AND TAXATION COMMITTEE
FROM: KAREN MCCLAIN FRANCE, DIRECTOR, GOVERNMENTAL AFFAIRS
DATE: MARCH 16, 1989
SUBJECT: HB 2530, CERTIFICATES OF VALUE

On behalf of the Kansas Association of REALTORS®, I appear today to support the concept of HB 2530 and to make some recommendations for amendments.

As many of you may or may not know, KAR opposed a certificate of value bill which was introduced in the Senate last year. It provided not only that the certificates of value be made public to anyone who wanted to see them, it also would have greatly expanded the contents of the certificate to reveal, among other things, what the terms of the financing arrangement for the transaction were i.e., the interest rate, points, etc.

We opposed the bill on the issue of privacy. When the Wichita Eagle Beacon had come to us the previous year asking what we thought of such a bill, our members began asking buyers and sellers what they thought of having this piece of information made public. The response we received from both buyers and sellers was that this was nobody's business, that this was a private transaction between two people. They were generally offended by the notion that not only could neighbors go to the courthouse and find out what a person bought or sold a piece of property for, but also that a local newspaper could start publishing that information, for all the world to see.

What this bill offers is a concept with a workable compromise between the persons who really do have a need to see the information on the certificates of

3/16/89
Attachment 34

value and the right of privacy. We agree that persons involved in the appeals process have a valid reason for seeing the certificates of value, as do the hearing panel members, and the county appraisers.

However, we feel a few amendments would make the intent of this bill clearer. We recommend that line 33 should be amended by adding the phrase "as provided for in K.S.A. 79-1448" after the word property. This would ensure that a taxpayer has actually given notice that they are going through the appeals process and, hopefully, would ensure that a county worker confirms that the taxpayer who is requesting access to the certificates actually has given notice that they intend to appeal.

We also recommend that language be added perhaps after the word "boards" in line 41 which clarifies that appealing property owners would be limited to viewing certificates of value for the same class of property as the property which they are appealing on. We feel this would prevent persons from going in and just "shopping around" in all the classes, when in fact, all they are appealing is the value on their homes.

One provision of the bill from last year might also be added, that is a penalty of \$100 for anyone who discloses the information for any purposes which are not allowed under the statute.

We ask you to seriously consider adopting these amendments when you take this bill under consideration. We feel they will help to clarify the purpose and intent of the concept proposed here.



KANSAS DEPARTMENT OF REVENUE
Division of Property Valuation
Robert B. Docking State Office Building
Topeka, Kansas 66612-1585

HOUSE ASSESSMENT AND TAXATION COMMITTEE

March 16, 1989

Terry D. Hamblin, Director of Property Valuation

I am here to speak in favor of House Bill 2530 which in effect allows the appraiser and the property owner who is appealing their value to utilize the Certificate of Value.

The county appraiser is charged with developing a fair market value for all properties taking into account all three approaches to value: cost, income and comparative sales.

The comparative sales approach often provides the best estimate of value assuming that the appraiser has made accurate adjustments for the differences between the subject property and the comparable property. To ensure the accuracy of the appraiser's adjustments, as much information as possible must be collected about the sale.

Because of current disclosure restrictions on Certificate of Value (COV) information, appraisers are required to independently verify data relating to all real property transactions before they can be used as part of their comparable sales analysis. Sales verification has also been a required element of the State's annual Real Estate Assessment/Sales Ratio Study which is used to monitor the assessment levels in the various counties.

The cost of the verification process, to both the county and state, is ultimately borne by the taxpayer. Estimates are that approximately \$5.67 per parcel would be saved if the COV were made public. Statewide, the savings would exceed \$476,000 annually.

The most commonly espoused argument against the COV being an open record is: "Whose business is it but mine what I paid for my property?" The answer is simple: it is the taxpayer's business, all taxpayers. Aside from being the provider of sales data, the taxpayer is also a user and beneficiary of the information.

For example, if a taxpayer feels the value estimate of his property is incorrect, there are presently three options by which the sales data necessary to argue his case may be obtained:

- 1) Canvass the neighborhood asking for sales data.

This is impractical, time consuming, and typically results in less than satisfactory or defensible documentation.

- 2) Contact a local realtor and request a comparable sales report.

3/16/89
attachment 5

Realtors have access to multiple listing services but generally can't make this information available to the public.

3) Pay for an appraisal of the property.

The cost of this option is often out of reach of the average taxpayer, and the cost is incurred regardless of the outcome of the hearing.

Each of these options results in a significant cost in time or money to the taxpayer. Of the approximately 1.35 million properties reappraised statewide, about 10%, or 135,000, can be expected to appeal informally to the appraiser. One half, or 65,000, will likely go on to a formal appeal. If each taxpayer spent \$100, which is a conservative estimate, to obtain comparable sales verification for each formal appeal, approximately \$7 million in costs to the taxpaying public could be saved statewide by passage of this legislation.

With the Certificate of Value being an open record, taxpayers who have appealed their valuation would have direct access to comparable sales information and be more readily able to confirm or effectively challenge the validity of values placed on their property. Under existing law, taxpayers are often discouraged from exercising their rights of appeal due to the obstacles and costs involved in challenging property values. Without free and direct access to information necessary to properly document an appeal, the legally guaranteed right to appeal property valuations is denied to the public, resulting in a substantial perception of systematic unfairness by the public.

The proposal to make COV's open records to the appraiser and persons appealing their values is neither new nor revolutionary. Approximately 38 states now have some form of public sales price disclosure. Most of these states took the opportunity to require public reporting of real estate transfer information when the federal stamp tax was repealed in the mid-1960's.

It is important to note that all of the information to be included in the COV is now available to everyone who needs it except the taxpaying public. Real estate brokers have ready access to the information. The state and county can obtain the information at considerable expense after extensive verification. The taxpayer is the only person who does not have access to sales data and must pay someone else to obtain it.

The passage of legislation to make the Certificate of Value an open record to a limited number of users is not a submission to "Big Brother" intrusion. It is simply a practical step toward improved tax administration and more equitable assessments.

HOUSE BILL No. 2535

By Committee on Taxation

3-3

3/16/89
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[Signature]

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AN ACT relating to property taxation; concerning the timing of taxpayer appeals of real property valuation; amending K.S.A. 1988 Supp. 79-1448 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 79-1448 is hereby amended to read as follows: 79-1448. Any taxpayer may complain or appeal to the county appraiser from the classification or appraisal of the taxpayer's property by giving notification of such dissatisfaction to the county appraiser within ~~18~~ ⁶⁰ ~~30~~ days of the mailing of the valuation notice ~~or March 31, whichever date is later.~~ ^{April 30} The county appraiser or the appraiser's designee shall arrange to hold an informal meeting with the aggrieved taxpayer with reference to the property in question. ~~The county appraiser may informally appeal from the classification or appraisal of the taxpayer's property for just and adequate reasons. In no event shall an informal meeting regarding real property be scheduled to take place after April 1 nor shall a final determination be given by the appraiser after April 15 in the year in which valuations for real property established pursuant to the program of statewide reappraisal are first applied as a basis for the levy of taxes.~~ ^{shall} Any taxpayer who is aggrieved by the final determination of the county appraiser may appeal to the hearing officer or panel appointed pursuant to 79-1602, and amendments thereto, or, only in cases where no hearing officer or panel has been appointed, to the county board of equalization in the same manner as appeals are made to such board under K.S.A. 79-1606, and amendments thereto, and such hearing officer, panel or board, for just cause shown and recorded, is authorized to change the classification or valuation of specific tracts or individual items of

NANCY BROWN

REPRESENTATIVE, 27TH DISTRICT

15429 OVERBROOK LANE

STANLEY, KANSAS 66224-9744

TOPEKA: (913) 296-7696

STANLEY: (913) 897-3186



TOPEKA

HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS

VICE-CHAIRMAN: LOCAL GOVERNMENT
MEMBER: GOVERNMENTAL ORGANIZATION
INSURANCETESTIMONY ON HB 2535
House Taxation Committee

Chairman Roe and members of the House Taxation Committee:

My apologies for not appearing in person to support HB 2535, however, a previous commitment in another committee has prevented me from doing so.

I wish to support HB 2535, with amendments that I believe will be proposed by Rep. Vancrum to extend the time period of notification beyond the 30 day and March 31st date.

I can speak with certainty that 18 days for an appeal is insufficient time. There are people in my district that cannot get through on the phone lines and, once they do, cannot always accept the appointment they are given. I have had numerous calls, particularly from senior citizens who are worried about keeping the appointment in the event of lack of transportation or illness. They have been told that if they miss their appointment they cannot schedule another because the counties must meet their deadlines.

Even the March 31 date as currently drafted in HB 2535 is not workable in Johnson County. One of my neighbors who called within the 18 day designated time period is scheduled for a hearing on April 23.

I urge you to consider amending KSA 79-1488 to adequately address the problems our constituents across the state are facing with the deadlines the Legislature imposed with all good intentions in 1988.

Thank you for the opportunity to submit my testimony in writing.

Nancy Brown

3/15/89

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