

Approved _____

3-12-90

Date

MINUTES OF THE Senate COMMITTEE ON Federal and State Affairs

The meeting was called to order by Senator Edward F. Reilly, Jr. at
Chairperson

11:00 a.m./p.m. on March 5, 1990 in room 254-E of the Capitol.

All members were present ~~except~~

Committee staff present:

Mary Torrence, Revisor of Statutes Office
Mary Galligan, Legislative Research
Deanna Willard, Committee Secretary

Conferees appearing before the committee:

Action on: SB 429 - Individuals prohibited from wagering on horse or greyhound races

A staff memo regarding those prohibited from buying lottery tickets was reviewed. Opinions expressed were that there is no way to enforce a prohibition against wagering by certain racing employees, that the racing commission should determine who is in a position to influence race, and that we should not loosen the law and mar the squeaky clean appearance.

A motion was made by Senator Anderson and seconded by Senator Vidricksen that the bill be reported favorably. The motion carried. Recorded "no" votes were Senators Morris, Daniels, and Walker.

The Chairman introduced two of his nephews who were serving as pages, Pat and Kevin Slattery, of Atchison County.

Action on: SB 430 - Disclosure of criminal history record information by Kansas racing commission

A motion was made by Senator Bond and seconded by Senator Anderson that the bill be reported favorably. The motion carried.

Action on: SB 755 - Certification of real estate appraisers

A balloon was distributed from the subcommittee which included amendments recommended by the subcommittee and others that were not approved but submitted for full committee consideration. Staff reviewed the amendments. (Attachment 1)

A motion was made by Senator Bond and seconded by Senator Yost to change wording in Section 3 (c) from a class A to a class B misdemeanor. The motion carried.

Other changes that were suggested:

1. Page 5, Line 26, "board" changed to "commission"
2. Page 6, New Section 3, "required" changed to "permitted"
3. Page 7, Line 8, a technical change, the word "to" should be left in.

A motion was made by Senator Bond and seconded by Senator Morris to adopt all of the amendments. The motion carried.

A motion was made by Senator Bond and seconded by Senator McClure that the bill be reported favorably as amended. The motion carried.

Staff was directed to work with Senator Winter on SB 626 and present to the committee recommended language.

The meeting was adjourned at 12:00 noon.
Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual checks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

SENATE BILL No. 755

By Committee on Federal and State Affairs

[Amendments marked * were not approved
by the subcommittee but are
submitted for committee consideration]

2-27

9 AN ACT enacting the state certified real estate appraisers act; pro-
10 viding for certification and regulation of certain real estate ap-
11 praisers; prohibiting certain acts and providing penalties for
12 violations.

13
14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. This act shall be known and may be cited as the state
16 certified real estate appraisers act.

17 Sec. 2. As used in this act:

18 (a) "Appraisal" or "real estate appraisal" means an analysis, opin-
19 ion or conclusion prepared by a real estate appraiser relating to the
20 nature, quality, value or utility of specified interests in, or aspects
21 of, identified real estate. An appraisal may be classified by subject
22 matter into either a valuation or an analysis. A valuation is an es-
23 timate of the value of real estate or real property. An analysis is a
24 study of real estate or real property other than estimating value.

25 (b) "Appraisal assignment" means an engagement for which an
26 appraiser is employed or retained to act, or would be perceived by
27 third parties or the public as acting, as a disinterested party in
28 rendering an unbiased analysis, opinion or conclusion relating to the
29 nature, quality, value or utility of specified interests in, or aspects
30 of, identified real estate.

31 (c) "Appraisal report" means any communication, written or oral,
32 of an appraisal.

33 (d) "Board" means the real estate appraisal board established
34 pursuant to the provisions of this act.

35 (e) "Certified appraisal" or "certified appraisal report" means an
36 appraisal or appraisal report given or signed and certified as such
37 by a state certified real estate appraiser. When identifying an ap-
38 praisal or appraisal report as certified, the state certified real estate
39 appraiser must indicate which type of certification is held. A certified
40 appraisal or appraisal report represents to the public that it meets
41 the appraisal standards defined in this act.

42 (f) "Commission" means the Kansas real estate commission.

43 (g) "Federal ~~act~~" means title XI of the financial institutions re- law

Senate F&SA
3-5-90
Att. 1

1 form, recovery and enforcement act of 1989 (12 U.S.C. 3331 et seq.)
2 and regulations adopted pursuant thereto.

any other federal law, and any

3 (h) "Real estate" means an identified parcel or tract of land,
4 including improvements, if any.

5 (i) "Real estate appraisal organization" means any nationally rec-
6 ognized organization of professional appraisers.

7 (j) "Real property" means one or more defined interests, benefits
8 and rights inherent in the ownership of real estate.

9 (k) "Specialized services" means those appraisal services which
10 do not fall within the definition of appraisal assignment. Specified
11 services may include valuation work and analysis work. Regardless
12 of the intention of the client or employer, if the appraiser would be
13 perceived by third parties or the public as acting as a disinterested
14 party in rendering an unbiased analysis, opinion or conclusion, the
15 work is classified as an appraisal assignment and not specialized
16 services.

17 (l) A "state certified real estate appraiser" means a person who
18 develops and communicates real estate appraisals and who holds a
19 current, valid general or residential certificate issued to such person
20 under the provisions of this act.

Except as provided in subsection (b),

21 Sec. 3. (a) ~~No person, other than a state certified real estate~~
22 ~~appraiser, shall assume or use the title of state certified real estate~~
23 ~~appraiser or any title, designation or abbreviation likely to create~~
24 ~~the impression of certification as a real estate appraiser by this state~~
25 ~~A person who is not certified pursuant to this act shall not describe~~
26 ~~or refer to any appraisal or other evaluation of real estate located~~
27 ~~in this state as a state certified appraisal.~~

: (1) Engage in any appraisal of real property for
which certification is required pursuant to this act; *

(2)

; or (3) describe or refer to such person's

28 ~~[(b)] The provisions of this act requiring certification or the issu-~~
29 ~~ance of a certificate of authorization to engage in the practice of real~~
30 ~~estate appraisal shall not be construed to prevent a person who is~~
31 ~~not a state certified real estate appraiser from appraising real estate~~
32 ~~for compensation if state certification is not required pursuant to the~~
33 ~~federal act.~~

insert next page

(d)

federal law

34 Sec. 4. (a) There is hereby established the real estate appraisal
35 board which shall be attached to the commission for purposes of
36 administrative functions.

37 (b) The board shall consist of seven members appointed by the
38 governor. ~~One member shall be a public member and not less than~~
39 ~~three shall be real estate appraisers. No two real estate appraiser~~
40 ~~members shall be members of the same real estate appraisal orga-~~
41 ~~nization. Upon expiration of the terms of the first members appointed~~
42 ~~to the board and thereafter, no real estate appraiser member of the~~
43 ~~board shall be eligible to serve unless such member is a state certified~~

At least one member of the board shall represent the
general public, at least two shall represent financial
institutions and at least

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(b) The board shall recognize on a temporary basis the certification or license of an appraiser issued by another state in accordance with federal law if:

(1) The property to be appraised is part of a federally related transaction pursuant to federal law;

(2) the appraiser's business in this state is of a temporary nature; and

(3) the appraiser registers with the board, as prescribed by the board.

(c) Violation of subsection (a) is a class A misdemeanor.

*

1 real estate appraiser. Not more than two years after the effective
2 date of this act at least two of the appraiser members shall hold a
3 current, valid general appraisal certificate. The public member of
4 the board shall not be engaged in the practice of real estate
5 appraising.

Any member representing the general public shall not be
affiliated with any financial institution or

6 (c) Members of the board shall serve for terms of three years
7 except that, of the members first appointed to the board, two shall
8 serve for terms of two years and two shall serve for terms of one
9 year, as designated by the governor. Upon expiration of a member's
10 term, the member shall continue to hold office until the appointment
11 and qualification of a successor. No person shall serve as a member
12 of the board for more than two consecutive terms.

13 (d) The governor may remove a member of the board for cause.

14 (e) The board shall hold meetings and hearings in the city of
15 Topeka or at such times and places as it designates, on call of the
16 chairperson or on request of two or more members.

17 (f) The members of the board shall select a chairperson from
18 among the members to preside at board meetings.

19 (g) A quorum of the board shall be four members.

20 (h) Each member of the board shall be paid compensation, sub-
21 sistence allowances, mileage and other expenses as provided in
22 K.S.A. 75-3223 and amendments thereto for attendance at any meet-
23 ing of the board or any subcommittee meeting authorized by the
24 board.

25 Sec. 5. (a) The board may adopt such rules and regulations as
26 necessary to implement, administer and enforce the provisions of
27 this act.

28 (b) The board shall:

29 (1) Establish by rules and regulations, consistent with require-
30 ments pursuant to the federal act, the type of education and ex-
31 perience that will meet the requirements of this act with respect to
32 each class of state certified real estate appraiser;

33 (2) establish, consistent with requirements pursuant to the federal
34 act, examination specifications for each class of state certified real
35 estate appraiser and administer, or designate a testing service to
36 administer, examinations required by this act;

federal law

37 (3) approve or disapprove applications for certification and re-
38 newal of certification;

39 (4) establish by rules and regulations, consistent with require-
40 ments pursuant to the federal act, the continuing education require-
41 ments for the renewal of certification that will meet the statutory
42 requirements provided in this act with respect to each class of state
43 certified real estate appraisers;

1 (5) review from time to time the standards for the development
2 and communication of real estate appraisals provided for in this act
3 and to adopt rules and regulations explaining and interpreting the
4 standards;

5 (6) suspend and revoke certificates pursuant to disciplinary pro-
6 ceedings provided for in section 18; and

7 (7) perform such other functions and duties as necessary to carry
8 out the provisions of this act.

9 (c) In adopting rules and regulations pursuant to subsection (b),
10 the board shall determine the education, experience and examination
11 requirements necessary to provide appropriate assurance that an
12 applicant for certification is competent to perform appraisals within
13 the scope of practice of the certified appraisal work authorized for
14 the classification of certification applied for. In making such deter-
15 mination, the board shall take into consideration the following:

16 (1) Appropriate knowledge of technical terms commonly used in
17 or related to real estate appraising, appraisal report writing and
18 economic concepts applicable to real estate;

19 (2) understanding of the principles of land economics, real estate
20 appraisal processes and problems likely to be encountered in gath-
21 ering, interpreting and processing data in carrying out appraisal
22 disciplines;

23 (3) understanding of the standards for the development and com-
24 munication of real estate appraisals as provided in this act;

25 (4) knowledge of theories of depreciation, cost estimating, meth-
26 ods of capitalization and mathematics of real estate appraisal that are
27 appropriate for the classification of certificate applied for;

28 (5) knowledge of such other principles and procedures as may
29 be appropriate for the respective classifications;

30 (6) basic understanding of real estate law;

31 (7) understanding of the types of misconduct for which discipli-
32 nary proceedings may be initiated against a state certified real estate
33 appraiser, as set forth in this act;

34 (8) the requirements of ~~the federal act~~ federal law;

35 (9) such other matters as the board determines appropriate and
36 relevant.

37 (d) The board may enter into such contracts for the services of
38 attorneys and appraisers as necessary to administer and enforce the
39 provisions of this act.

40 (e) Actions of the board shall not be reviewable by the
41 commission.

42 Sec. 6. (a) The commission shall:

43 (1) Receive applications for certification and renewal of

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certification;

(2) issue certificates after the board has approved applications for certification and renewal of certification;

(3) maintain a registry of the names and addresses of persons certified under this act and transmit the registry to the federal financial institutions examination council on an annual basis in accordance with the federal act;

federal law

(4) maintain all records submitted to it;

(5) collect fees prescribed pursuant to section 7;

(6) make such expenditures as are necessary to properly carry out the provisions of this act; and

(7) submit the board's annual budget, assisted by the board, to the department of administration.

(b) The commission may assist the board in such other manner as agreed upon by the board and commission.

Sec. 7. (a) The board shall adopt rules and regulations prescribing the fees provided for by this act in amounts necessary to administer and enforce this act, subject to the following:

(1) For application for certification, a fee not to exceed \$50.

(2) For any examination required for certification, a fee in an amount equal to the actual cost of the examination and administration thereof.

(3) For original certification, a fee not to exceed \$150.

(4) For renewal of certification, a fee not to exceed \$100.

(5) For late renewal certification, a late fee not to exceed \$50.

If a certificate is issued or renewed for a period other than one year, the fee shall be prorated to the nearest whole month.

(b) In addition to the fees prescribed above, the board shall collect any registry fee required pursuant to the federal act. Such registry fee shall be transmitted by the commission to the federal financial institutions examination council in accordance with the federal act.

federal law

(c) Except as provided in subsection (d), the commission shall collect all fees provided for by this act.

(d) If a testing service has been designated by the board to administer the examination, each applicant shall pay the examination fee to the testing service.

No original or renewal certification shall be issued unless all appropriate fees, including any federal registry fee, have been paid.

(e) The director of the commission shall remit to the state treasurer at least monthly all moneys, received pursuant to this act. Upon receipt thereof the state treasurer shall deposit the entire amount in the state treasury. Twenty percent of each such deposit, other than amounts collected for federal registry fees, shall be credited to the state general fund and the balance shall be credited to the appraiser fee fund, which is hereby created in the state treasury. All expenditures from such fund shall be made in accordance with

1 appropriations acts upon warrants of the director of accounts and
2 reports issued pursuant to vouchers approved by the director of the
3 commission or by a person or persons designated by the director.

4 Sec. 8. (a) Applications for original certification and renewal of
5 certification shall be made in writing to the commission on forms
6 approved by the board and shall be accompanied by the appropriate
7 fees prescribed pursuant to section 7.

8 (b) Applications for examination shall be made in writing to the
9 commission on forms approved by the board and shall be accom-
10 panied by the appropriate fee prescribed pursuant to section 7. If
11 a testing service has been designated by the board to administer
12 the examination, applications for examination shall be made in writing
13 to the testing service on forms approved by the testing service.

14 (c) At the time of filing an application for certification, each ap-
15 plicant shall sign a statement agreeing to comply with the standards
16 set forth in this act and stating that the applicant understands the
17 types of misconduct for which disciplinary proceedings may be ini-
18 tiated against a state certified real estate appraiser, as set forth in
19 this act.

20 Sec. 9. (a) There shall be ~~two~~ the following classes of certification for state
21 certified real estate appraisers:

22 (1) The state certified residential real estate appraiser classifica-
23 tion shall consist of those persons meeting the requirements for , which
24 certification relating to the appraisal of residential real property of
25 one to four units, agricultural real property and small commercial
26 real property, except appraisals required pursuant to ~~the federal act~~ federal law
27 to be performed by a state certified general real estate appraiser.

28 (2) The state certified general real estate appraiser classification , which
29 shall consist of those persons meeting the requirements for certifi-
30 cation relating to the appraisal of all types of real property.

31 (b) The application for original certification and examination shall
32 specify the classification of certification being applied for. (3) Such other classifications, to be established by
33 the board, as required by federal law.

34 Sec. 10. The term of a certificate issued under this act shall be
35 one year. The expiration date of the certificate shall appear on the Certificates issued pursuant to this act shall
36 certificate and no other notice of its expiration need be given to its expire annually on June 30
37 holder.

38 Sec. 11. If, in the determination of the board, another state has
39 certification requirements substantially equivalent to those of this
40 state, an applicant who is certified under the laws of the other state
41 may obtain certification under this act upon such terms and con-
42 ditions as prescribed by the board.

43 Sec. 12. (a) To obtain a renewal certificate as a state certified
real estate appraiser, the holder of a current, valid certificate shall

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1 make application and pay the fee prescribed pursuant to section 7
2 to the commission not earlier than 120 days nor later than 30 days
3 prior to the expiration date of the certificate then held. With the
4 application for renewal, the state certified real estate appraiser shall
5 present evidence in the form prescribed by the board of having
6 completed the continuing education requirements for renewal spec-
7 ified in this act.

8 (b) If a person fails ~~to renew~~ a certificate as a state certified real
9 estate appraiser prior to ~~its expiration~~ or within a period of extension
10 granted by the board pursuant to this act, the person may obtain a
11 renewal certificate if the person, not later than three months after
12 expiration of the certification, satisfies all of the requirements for
13 renewal and pays the renewal and late fees prescribed pursuant to
14 section 7. If the applicant satisfies the requirement for renewal during
15 the extended term of certification, the beginning date of the new
16 renewal certificate shall be the day following the expiration of the
17 certificate previously held by the applicant.

18 Sec. 13. (a) The board may refuse to issue or renew a certificate
19 as a state certified real estate appraiser on any applicable grounds
20 enumerated in section 18.

21 (b) If the board, after an application for certification or renewal
22 of certification has been filed with the proper form, accompanied by
23 the proper fee, denies an application for certification or renewal of
24 certification, it shall give notice to the applicant setting forth the
25 reasons for such refusal. Such notice and an opportunity to be heard
26 shall be given in accordance with the provisions of the Kansas ad-
27 ministrative procedure act, unless the application is denied solely
28 because of the applicant's failure to pass a required examination.

29 Sec. 14. (a) Each state certified real estate appraiser shall advise
30 the commission of the address of the appraiser's principal place of
31 business and all other addresses at which the appraiser is currently
32 engaged in the business of preparing real property appraisal reports.

33 (b) When a state certified real estate appraiser changes a place
34 of business, the appraiser shall immediately give written notice of
35 the change to the commission.

36 (c) Each state certified real estate appraiser shall notify the com-
37 mission of the appraiser's current residence address. Residence ad-
38 dresses on file with the commission are exempt from disclosure as
39 public records.

40 Sec. 15. (a) A certificate issued under authority of this act shall
41 bear the signatures or facsimile signatures of the chairperson of the
42 board and a certificate number assigned by the commission.

43 (b) Each state certified real estate appraiser shall place the ap-

apply for renewal of

the date provided by subsection (a)

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1 praiser's certificate number adjacent to or immediately below the
2 title "state certified residential real estate appraiser" or "state cer-
3 tified general real estate appraiser" when used in an appraisal report
4 or in a contract or other instrument used by the certificate holder
5 in conducting real property appraisal activities.

6 Sec. 16. (a) The term "state certified real estate appraiser" may
7 be used only to refer to individuals who hold the certificate and
8 may not be used following or immediately in connection with the
9 name or signature of a firm, partnership, corporation or group, or
10 in such manner that it might be interpreted as referring to a firm,
11 partnership, corporation, group or anyone other than an individual
12 holder of the certificate.

13 (b) No certificate shall be issued under the provisions of this act
14 to a corporation, partnership, firm or group. This shall not be con-
15 strued to prevent a state certified real estate appraiser from signing
16 an appraisal report on behalf of a corporation, partnership, firm or
17 group practice.

18 Sec. 17. (a) As a prerequisite to renewal of certification, a state
19 certified real estate appraiser shall present evidence satisfactory to
20 the board of having met the continuing education requirements.

21 (b) The basic continuing education requirement for renewal of
22 certification shall be the completion by the applicant, during the
23 immediately preceding term of certification, of the number of hours
24 of classroom instruction required by the board in courses or seminars
25 which have received the approval of the board.

Such requirement shall not exceed the requirements of
federal law.

26 (c) The board shall adopt rules and regulations for implementation
27 of the provisions of this section to the end of assuring that persons
28 renewing their certifications as state certified real estate appraisers
29 have current knowledge of real property appraisal theory, practices
30 and techniques which will provide a high degree of service and
31 protection to those members of the public with whom they deal in
32 a professional relationship under authority of the certification. The
33 rules and regulations shall prescribe:

34 (1) Policies and procedures for obtaining board approval of
35 courses of instruction pursuant to subsection (b); and

36 (2) standards, monitoring methods and systems for recording at-
37 tendance to be employed by course sponsors as a prerequisite to
38 board approval of courses for credit.

39 (e) No amendment or repeal of a rule and regulation adopted by
40 the board pursuant to this section shall operate to deprive a state
41 certified real estate appraiser of credit toward renewal of certification
42 for any course of instruction completed by the applicant prior to the
43 amendment or repeal of the rule and regulation which would have

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1 qualified for continuing education credit under the rule and regu-
2 lation as it existed prior to the repeal or amendment.

3 (f) A certification as a state certified real estate appraiser that has
4 been revoked as a result of disciplinary action by the board shall
5 not be reinstated unless the applicant presents evidence of comple-
6 tion of the continuing education required pursuant to this act. This
7 requirement of evidence of continuing education shall not be imposed
8 upon an applicant for reinstatement who has been required to suc-
9 cessfully complete the examination for state certified real estate ap-
10 praiser as a condition to reinstatement of certification.

11 Sec. 18. (a) The certificate of a state certified real estate appraiser
12 may be revoked or suspended, or the holder of the certificate may
13 be otherwise disciplined in accordance with the provisions of this
14 act, upon any of the grounds set forth in this section. The board
15 may investigate the actions of a state certified real estate appraiser
16 and may revoke or suspend the rights of a certificate holder or
17 otherwise discipline a state certified real estate appraiser for any of
18 the following acts or omissions:

19 (1) Procuring or attempting to procure a certificate pursuant to
20 this act by knowingly making a false statement, submitting false
21 information, refusing to provide complete information in response
22 to a question in an application for certification or any form of fraud
23 or misrepresentation;

24 (2) failing to meet the minimum qualifications established by this
25 act;

26 (3) ~~paying money, other than provided for by this act, to any~~ or commission
27 ~~member or employee of the board to procure a certificate under~~
28 ~~this act;~~

29 (4) ~~a conviction, including a conviction based upon a plea of guilty~~ a plea of guilty or nolo contendere to, or conviction of:
30 ~~or nolo contendere, of a crime which is substantially related to the~~
31 ~~qualifications, functions and duties of a person developing real estate~~
32 ~~appraisals and communicating real estate appraisals to others;~~ (A) Forgery, embezzlement, obtaining money under false
33 ~~(5) an act or omission involving dishonesty, fraud or misrepre-~~ pretenses, larceny, extortion, conspiracy to defraud or
34 ~~sentation, with the intent to substantially benefit the certificate~~ any other similar offense; (B) a crime involving moral
35 ~~holder or another person or with the intent to substantially injure~~ turpitude; or (C) any felony charge
36 ~~another person;~~

37 (6) violation of any of the standards for the development or com-
38 munication of real estate appraisals as provided in this act;

39 (7) failure or refusal without good cause to exercise reasonable
40 diligence in developing an appraisal, preparing an appraisal report
41 or communicating an appraisal;

42 (8) negligence or incompetence in developing an appraisal, pre-
43 paring an appraisal report or communicating an appraisal;

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1 (9) willfully disregarding or violating any provision of this act or
2 rules and regulations of the board for the administration and en-
3 forcement of the provisions of this act;

4 (10) accepting an appraisal assignment, described in section 22,
5 when the employment itself is contingent upon the appraiser re-
6 porting a predetermined estimate, analysis or opinion, or when the
7 fee to be paid is contingent upon the opinion, conclusion or valuation
8 reached, or upon the consequences resulting from the appraisal
9 assignment;

10 (11) violating the confidential nature of governmental records to
11 which the appraiser gained access through employment or engage-
12 ment as an appraiser by a governmental agency; or

13 (12) entry of a final civil judgment against the person on grounds
14 of fraud, misrepresentation or deceit in the making of any appraisal
15 of real property.

16 (b) In a disciplinary proceeding based upon a civil judgment, the
17 state certified real estate appraiser shall be afforded an opportunity
18 to present matters in mitigation and extenuation but may not col-
19 laterally attack the civil judgment.

20 (c) All administrative proceedings pursuant to this section shall
21 be conducted in accordance with the Kansas administrative procedure
22 act.

23 Sec. 19. The costs of any hearing before the board may be as-
24 sessed against the state certified real estate appraiser or applicant if
25 the order of the board is adverse to the appraiser or applicant. The
26 board may reduce any such assessment to judgment by filing a
27 petition in the district court of Shawnee county. No certification shall
28 be reinstated, renewed or issued if an assessment for costs has not
29 been paid by the holder of or applicant for such certification. Costs
30 shall include:

31 (a) Statutory fees and mileage of witnesses attending a hearing
32 or for the taking of depositions used as evidence;

33 (b) reporter's or stenographic charges for the taking of depositions
34 used as evidence or for transcripts of the hearing; and

35 (c) such other charges authorized to be taxed as costs, as specified
36 in K.S.A. 60-2003 and amendments thereto.

37 Sec. 20. Any person aggrieved by an order of the board may
38 appeal the order in accordance with the provisions of the act for
39 judicial review and civil enforcement of agency actions.

40 Sec. 21. A state certified real estate appraiser must comply with
41 the uniform standards of professional appraisal practice promulgated
42 pursuant to the federal act

federal law

43 Sec. 22. A client or employer may retain or employ a state cer-

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1 tified real estate appraiser to act as a disinterested third party in
2 rendering an unbiased estimate of value or analysis. A client or
3 employer may also retain or employ a state certified real estate
4 appraiser to provide specialized services to facilitate the client's or
5 employer's objectives. In either case, the appraisal and the appraisal
6 report must comply with the provisions of this act.

7 Sec. 23. (a) A state certified real estate appraiser shall retain for
8 ~~three~~ years originals or true copies of all written contracts engaging five
9 the appraiser's services for real property appraisal work and all re-
10 ports and supporting data assembled and formulated by the appraiser
11 in preparing the reports.

12 (b) The ~~three-year~~ period for retention of records is applicable
13 to each engagement of the services of the appraiser and shall com-
14 mence upon the date of the submittal of the appraisal to the client
15 unless, within such ~~three-year~~ period, the appraiser is notified that
16 the appraisal or report is involved in litigation, in which event the
17 ~~three-year~~ period for the retention of records shall commence upon
18 the date of the final disposition of such litigation. five-year

19 (c) All records required to be maintained under the provisions
20 of this act shall be made available by the state certified real estate
21 appraiser for inspection and copying by the board on reasonable
22 notice to the appraiser.

23 Sec. 24. Not more than two years after the effective date of this
24 act, the board shall hold public hearings to address the question of
25 implementation of mandatory licensing or certification of appraisers.
26 Such hearings shall be held at such reasonable times and places as
27 to provide adequate opportunity for input by all interested parties.
28 At the end of the two-year period, the board will present evidence
29 of the hearings and make a recommendation to the legislature, based
30 upon the results of the hearings, as to whether mandatory licensing
31 or certification should be implemented. If
32 The board determines that
33 the hearings show the need for mandatory licensing or certification
34 of appraisers, the board shall draft such legislation and request its
35 introduction by an appropriate committee of the legislature.

36 Sec. 25. If any provision of this act or its application to any
37 person or in any circumstance is declared by a court of competent
38 jurisdiction to be invalid or unenforceable, provisions constituting
39 the remainder of the act and the application of those provisions to
40 other persons and in other circumstances shall not be affected.

41 Sec. 26. This act shall take effect and be in force from and after
its publication in the Kansas register.

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