

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION.

The meeting was called to order by Chairperson Audrey Langworthy at 11:00 a.m. on February 13, 1997, in Room 519--S of the Capitol.

Members present: Senator Langworthy, Senator Corbin, Senator Lee, Senator Bond, Senator Goodwin, Senator Hardenburger, Senator Harris, Senator Karr, Senator Praeger, and Senator Steineger.

Committee staff present: Tom Severn, Legislative Research Department
Chris Courtwright, Legislative Research Department
Don Hayward, Revisor of Statutes
Shirley Higgins, Secretary to the Committee

Conferees appearing before the committee: Judy Moler, Kansas Association of Counties
Marolin Kelly, Certified real property appraiser
Doyle Alcorn, Jewell County Commissioner
Linda Peterson, Marion County Commissioner
Stan Rogers, Sheridan County Commissioner
Allen Steppat, Pete Magill Associates
Harold Rickers, Kansas Legislative Policy Group
Rod Broberg, Kansas County Appraisers Association
Mark Beck, Director, Property Valuation Division

Others attending: See attached list

The minutes of the February 10 and February 11 meetings were approved.

SB 142--Relating to qualifications for appointment as a county or district appraiser.

Judy Moler, Kansas Association of Counties, testified in support of **SB 142**. She explained that K.S.A. 19-430 requires that all county appraisers be certified by the Kansas Real Estate Appraisal Board (KREAB) as a General Certified Appraiser as of July 1, 1997. Prior to 1995, general certification could be achieved by demonstrating 2,000 hours experience in mass appraisal. In 1995, KREAB, through regulation, changed license requirements to allow only 500 hours of mass appraisal experience to count toward the 2,000 hours required for general certification. The other 1,500 hours must be single property appraisal experience. The 1,500 hours of single property appraisal experience is difficult, if not impossible, for a county appraiser or staff member to obtain. This new requirement will leave many counties in a critical situation on July 1, 1997. **SB 142** was introduced to address this problem. It provides for three options by which appraisers can be certified and, thus, county appraisers or potential county appraisers who meet one of the three certification standards could be appointed to a four-year term on July 1, 1997. (Attachment 1)

Marolin Kelly, a certified real property appraiser, testified in opposition to **SB 142**. Ms. Kelly opposed the requirements for qualification for county appraisers in the bill because they are not equal to those required for a Kansas Certified Residential Appraiser. (Attachment 2)

Doyle Alcorn, Jewell County Commissioner, testified in support of **SB 142**. He discussed the problems his county has encountered in attempting to find an appraiser who meets the new required qualifications. Jewell County has been forced to share an appraiser with Osborne County. (Attachment 3)

Linda Peterson, Marion County Commissioner, testified further in support of **SB 142**. She stressed that the proposed certification requirements did not mean that appraisers would be less qualified. She said there were currently 65 certified appraisers to serve Kansas' 105 counties. Supply and demand may require commissions to pay the appraiser far more than other county employees which may create severe internal pay equity problems. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON ASSESSMENT AND TAXATION, Room 519-S
Statehouse, at 11:00 a.m. on February 13, 1997.

Stan Rogers, Sheridan County Commissioner, expressed his county's need for passage of **SB 142**. The Sheridan County appraiser resigned in January, and the county has been unsuccessful in finding a replacement due to the new requirements for qualification. The clerks employed in the appraiser's office were not candidates because they have not been trained. The county had to hire an appraiser from the Kansas Property Valuation Division (PVD) to meet the deadline for processing appeals. Sheridan County pays the PVD appraiser a salary, mileage, and room and board. (Attachment 5)

Allen Steppat, Pete Magill Associates, appeared on behalf of the Kansas Legislative Policy Group in support of **SB 142** and introduced Harold Rickers, Meade County Commissioner, who also testified in support of the bill on behalf of the Kansas Legislative Policy Group. Mr. Rickers reiterated that currently many county appraisers and appraisers working in the office of county appraisers are finding it difficult to obtain the certification issued by KREAB due to the new regulations adopted by that board. He felt it was unfair that an individual very experienced in mass appraisal may not qualify for the certification. This situation has created a hardship for counties. He knew of an area where five counties were currently being served by only one appraiser. (Attachment 6)

Rod Broberg, Kansas County Appraisers Association, followed with testimony in support of **SB 142**. The bill would eliminate the problems that many counties are having or will have in replacing their county appraiser if the need should arise. He reviewed the three proposed options to qualify for county appraiser. (Attachment 7) Mr. Broberg said he worked at length with KREAB when preparing the bill.

Senator Langworthy called attention to written testimony in support of **SB 142** which was submitted by LeRoy Burk, Neosho County Appraiser. (Attachment 8)

Mark Beck, Director of PVD, stood to answer committee questions. Senator Langworthy asked if the provision in the bill for PVD to administer guidelines jointly with KREAB would be workable. Mr. Beck responded that this arrangement had no precedence, but he felt the process would be difficult.

With regard to previous testimony referencing Sheridan and Clark Counties, Mr. Beck said PVD had been working with those counties trying to facilitate a resolution to their problem. He noted that, even with **SB 142**, those counties would not be able to share with someone currently holding the position of county appraiser for a two-year period unless that person met license requirements under current law. Mr. Beck said he had drafted an amendment to eliminate the two-year waiting period as he was concerned about the large number of vacancies which would occur on July 1, 1997.

Senator Hardenburger called attention to new section 3 as to the use of "guidelines" rather than "rules and regulations" with regard to the joint administration by the Kansas Department of Revenue and KREAB. Staff agreed that "guidelines" should be stricken and "rules and regulations" inserted.

Frank Langer, Jewell County Commissioner, stood in support of **SB 142**.

John Stover, Jewell County Commissioner, stood to clarify questions regarding fees charged by PVD appraisers. When Jewell County was without an appraiser for six months, the PVD appraiser's fees were less than what the county currently pays for a half-time appraiser. With this, the hearing on **SB 142** was closed.

The meeting was adjourned at 12:03 p.m.

The next meeting is scheduled for February 14, 1997.

SENATE ASSESSMENT & TAXATION COMMITTEE
GUEST LIST

DATE: February 13, 1997

NAME	REPRESENTING
Judith Melon	KAC
John E. Stover	Jewell County
Frank D. Langer	Jewell County
Ray H. Alcorn	Jewell Co. Comm.
Eric D. Peterson	Marion County & KCCA
Walter Hersteiner	
Paul Babin	Sheridan Co
Stan Rogers	Sheridan Co
Randy Allen	Ks. Association of Counties
Jerry Bl	Neosho County
Don Risen	Neosho County
Robert Gardner	Wyandotte County
Rod Broberg	Saline County
MARION JOHNSON	Douglas County
Jan Freed	Sen. Clark
Marilyn Bell	Self as taxpayer & appraiser
Matthew Goddard	Heartland Community Bankers Association
Ed Spiess	Peterson Public Affairs

TESTIMONY
SB 142
by Judy Moler
Kansas Association of Counties
February 13, 1997

Thank you, Madam Chair and Members of the Committee, for the opportunity to speak to the committee. I am Judy Moler, General Counsel and Legislative Services Director for the Kansas Association of Counties.

The Kansas Association of Counties has identified five primary legislative objectives for the 1997 legislative session. This issue...that of appraiser certification... is the **number one priority** of the KAC.

K.S.A. 19-430 requires that all county appraisers must be certified by the Kansas Real Estate Appraisal Board (KREAB) as a General Certified Appraiser as of July 1, 1997. A county appraiser can be reappointed to a position that they hold as of that date without meeting the KREAB certification requirement (grandfather clause). No one, however, can be newly appointed to a County Appraisal position without meeting the KREAB certification requirement. Prior to 1995 General Certification could be achieved by demonstrating 2,000 hours experience in mass appraisal. In 1995 the KREAB through regulation changed license requirements to allow only 500 hours of mass appraisal experience to count toward the 2,000 hours required for General Certification. The other 1500 hours must be single property appraisal experience.

The majority of Kansas counties prohibit County Appraisal staff from performing single county appraisals for fee within their county. In addition, an appraiser working full time within their job would have little time to work single property appraisals. The result is that the 1500 hours of single property appraisal is difficult, if not impossible, for a County Appraiser or staff member to obtain. This leaves many Counties in a critical situation on July 1, 1997.

At the time of the KAC Annual Meeting in November of 1996, the resolution of this issue was still being debated among commissioners and appraisers. An eleven member task force comprised of commissioners, appraisers and Mark Beck, PVD Director was convened in order to resolve this dilemma.

The result of this one day meeting is the crux of SB 142 that you have before you today. This bill provides for three different ways by which appraisers can be certified. In addition to the current KREAB certification that I mentioned earlier, appraisers could also be certified if they met the IAAO (International Association of Assessing Officers) designation for certification as well as having three years of mass appraiser experience. The third option for certification would be a new designation of "registered mass appraiser". There would be specific educational requirements for

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this certification as well as 2000 hours of mass appraisal experience required. The registered mass appraiser would also be certified by the KREAB. All three options would require passage of the PVD eligibility exam. County appraisers or potential county appraisers who meet one of the three certification standards could be appointed by the county commission to a 4 year term, July 1, 1997. Those who do not have any of the three certifications but who are currently county appraisers could be reappointed in their county for a two year term. This would give them until July 1, 1999, to qualify for one of the three options.

We have several County Commissioners here today to talk about what this bill would mean for their county as well as Rodney Broberg from the County Appraiser Association to answer any technical questions you might have.

MAROLIN KELLY APPRAISALS

1816 S. Stacey Ct.
Wichita, KS 67207
316-685-2137
Fax 316-685-0648

TO: SENATE ASSESSMENT & TAXATION COMMITTEE
FROM: MAROLIN KELLY, KS CERTIFIED REAL PROPERTY APPRAISER
SUBJECT: SENATE BILL #142, QUALIFICATIONS FOR APPOINTMENT AS A COUNTY OR DISTRICT APPRAISER

Thank you for the opportunity to testify. I am appearing at my own volition as a self employed fee appraiser and tax payer and not in the interest of an organization.

The area of Senate Bill 142 that I oppose are the requirements for qualification for County Appraisers. A County Appraiser, at the very least, should have education and experience as required for a Kansas Certified Residential Appraiser.

A designation from an appraisal organization such as International Association of Assessing Officers is certainly to be commended, but, not as the only qualification for the position of County Appraiser. This is the equivalent of a designation from an organization such as National Association of Independent Fee Appraisers or Appraisal Institute for fee appraisers. These designations certainly cannot be used to become State Certified fee appraisers.

I, as a fee appraiser doing appraisals for lending institutions and individuals requiring appraisals for various reasons, am regulated and governed by the Kansas Real Estate Appraisal Board and Uniform Standards of Professional Appraisal Practice. County Appraisers should be held to equally high standards which are governed by the State and Federal governments---not private organizations.

It is against taxpayers interests in the event of a charge against a County Appraiser, of having to deal with an organization of the County Appraiser's peers rather than a governmental agency such as the Appraisal Board.

A County Appraiser has a very critical responsibility to the tax payers in being capable of valuing their property fairly and should be held to high standards.

Again, I appreciate the opportunity to discuss this important matter with the committee and will be happy to answer any questions which the committee has.

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JEWELL COUNTY **COPY** COMMISSIONERS

307 N. Commercial
Mankato, KS 66956
913-378-4040

Meeting Each Monday

John E. Stover
1st District
913-545-3269

Doyle H. Alcorn
2nd District
913-378-3055

Frank D. Langer
3rd District
913-875-4931

January 28, 1997

The Honorable Governor Bill Graves
2nd Floor, State Capitol
Topeka, Ks 66612-1590

Subject: Appraiser Certification

Dear Governor Graves:

I'm writing this letter asking for your help on the appraiser's certification bill.

We are a county of 4,200 plus population and have a valuation of \$26,548,040. Out of this valuation we are keeping up all the state and federal requirements plus all the necessary county services. We have 1500 miles of road to maintain plus 375 bridges that need repair or replaced and all local department's (Clerk, Treasurer, Register of Deeds, Sheriff, County Attorney and Ambulance). The only way we can operate is all these department heads are very budget minded and doing a great job.

Now we have the appraiser problem. We are now sharing an appraiser with Osborne County which is fifty five miles away. Approximately one year ago we interviewed three applicants. Two were not qualified under the new requirements and the other wanted \$45,000 per year. Our Sheriff only makes \$22,000 and is the highest paid of all elected employees. The other two applicants could have handled the job, but didn't have all the requirements of new certification rules.

By sharing with Osborne County we are still paying \$25,860.00 and still have to have three people working in our appraiser's office. Two of these people have had years of experience and are doing most of the work, but can't meet the rigid certification requirements.

only 7,000 parcels
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If the mass appraisal experience could be lowered to three years experience under qualified appraiser it would sure help. I know there are people who have worked in large appraisers office who would like to move out to smaller counties to make there homes. That is what we need, bring people back to the county. They will establish homes and pay taxes here not in some other county.

All our department heads here are really working hard to keep taxes down and still provide necessary services.

We feel you are and will continue to do a very fine job as our Governor.

Respectfully,

A handwritten signature in cursive script that reads "Doyle 'Hooley' Alcorn". The signature is written in dark ink and is positioned above the typed name.

Doyle "Hooley" Alcorn
Jewell County
Chairman, Commissioner 2nd District

TESTIMONY
SB 142
February 13, 1997

I am Linda Peterson, Marion County Commissioner and President of the Kansas County Commissioners Association.

First of all, I want to reemphasize a point that Judy Moler made. We brought together county commissioners and county appraisers from across the state. We compromised among ourselves on two additional certifications for county appraisers in addition to the current certification.

The certification that we are proposing does not mean that we are asking for a lesser quality in our appraiser. If you review the education hours required under the mass appraisal certification you will see that those appraisers will be well qualified for the position of county appraiser.

The current requirements make it difficult for many counties to find and retain qualified personnel. There are currently 65 certified individuals in the state of Kansas to serve 105 counties. Where counties can retain a qualified appraiser, the market force (supply and demand) may require commissions to pay the appraiser far more than other county employees. This could (would) create severe internal pay equity problems.

Marion County is one of the counties looking for an appraiser. We have an employee on staff who would like to become certified but cannot without quitting his job with the county to get enough hours in fee appraisal. The current certification requires 1500 hours of fee appraisal.

Marion County is required to hire an individual who meets the certification set by KREAB. Those individuals are hard to come by. Yes, we are even looking at sharing an appraiser but "what if" we can't retain an appraiser? Do we turn the county over to PVD? Is that what the legislators want?

I will be glad to answer any questions at this time.

Thank you for your time.

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*Sherridan Co.
Stan Rogers*

February 13, 1997 - Senate Taxation Committee Hearing

Average Co Elected Officials Salaries - \$17,872.50

Co had paid for all schooling for certification and license for the last two appraisers.

Qualified persons, such as district appraisers (who review and verify all work completed by a state certified and board of realtors licensed appraiser), do not meet the criteria set by the realtors board and PVD, and cannot assume the duties of a county appraiser.

Mass appraisal and fee appraisal can't (or should never) be compared with one another.

Most fee appraisers would not have any idea of how to apply their knowledge in a county appraisers office. The methods of arriving at an appraisal differ greatly between the two types of appraisers, and in some cases, their (fee appraiser) ethics are questionable. The fee appraisers with whom we are familiar use a good deal of the data collected by the county appraiser for formulating a fee appraisal in many mortgage situations in our county. So that should tell you they either don't derive at a dollar amount in the same manner, they don't feel confident with the data they've collected, or they are too lazy to acquire their own data.

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TESTIMONY PRESENTED
TO THE
SENATE
ASSESSMENT & TAXATION COMMITTEE

BY
HAROLD RICKERS
MEADE COUNTY COMMISSIONER

ON BEHALF OF
THE KANSAS LEGISLATIVE
POLICY GROUP

ON
SB 142

FEBRUARY 13, 1997

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Testimony on Senate Bill 142

Madam Chair and Members of the Committee:

My name is Harold Rickers, County Commissioner from Meade county located in southwest Kansas. Today, I am appearing on behalf of the Kansas Legislative Policy Group in support of Senate Bill 142.

The problem facing many county commissioners is what to do to get qualified county appraisers. With the passage of Senate Bill 142 we can establish a set of guidelines for our appraisers.

Currently, many county appraisers and appraisers working in the offices of county appraisers are finding it difficult to obtain the license or certification issued by the Kansas Real Estate Appraisal Board. Recent regulations adopted by the Appraisal Board restrict the number of hours of mass appraisal experience that may be applied towards attaining the certification; requiring county appraisers to do fee appraisals after hours and on weekends. Thus, an individual very experienced in mass appraisal may not qualify for the Appraisal Board certification.

With Senate Bill 142, we feel confident that the Kansas Department of Revenue in conjunction with the Kansas Real Estate Appraisal Board can set guidelines that can be obtained and will guarantee quality people to be county appraisers. Also, we believe that it is essential that the rules and regulations for the new designation be maintained jointly by the Kansas Department of Revenue and the Kansas Real Estate Appraisal Board to ensure that what has happened under the current guidelines does not happen again.

If Senate Bill 142 is not adopted by the 1997 Legislature, there will be approximately 65 counties without a certified county appraiser on July 1, 1997. We respectfully request your support for Senate Bill 142.

Thank you for your consideration. I will respond to questions.

TO: Senate Assessment and Taxation Committee
FROM: Rod Broberg, Saline County Appraiser
RE: Senate Bill 142
DATE: February 13, 1997

I am Rod Broberg and I appear today as a representative of the Kansas County Appraisers Association, in support of SB 142.

As you have previously heard today, events have taken place over the past several years, the results of which are that many counties are having or will have difficulty replacing their County Appraiser if the need should arise. This difficulty has arisen out of the actions of the Kansas State Real Estate Board in which they changed their regulations to allow only 500 of the 2000 experience hours to be in mass appraisal. This change instantly took almost all current mass appraisers out of contention for a license or certification from the KREAB. The bill before you today will provide more opportunities for persons in the state to serve as a county appraiser without lowering the qualifications for the position.

Specifically, this proposal expands the paths available to an individual wishing to become eligible. At the present time a person must have his name placed on an "eligibility list" maintained by the director of property valuation. Additionally that person must be a licensed or certified appraiser under rules and regulations established by the KREAB. Given that the KREAB will only accept 500 hours of experience toward the license or certification, it is virtually impossible for a person working in mass appraisal to achieve the license or certification. As an alternative to this second requirement, this bill proposes that a person could qualify if he has achieved one of three options.

1. Achieve a license or certification under the current rules of the KREAB.
2. Complete the requirements for the RES or CAE designations under guidelines established by the International Association of Assessing Officers.
3. Achieve the Registered Mass Appraiser certification under rules adopted by the KREAB and the Department of Revenue specifically for mass appraisers.

These options will ensure well qualified individuals to serve as County Appraisers without causing undue hardship for persons in any particular portion of the appraisal industry. I urge you to support this legislation.

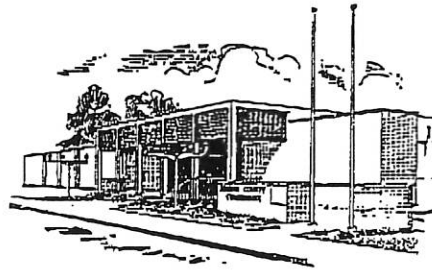
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LEROY BURK
Neosho County Appraiser

BOARD OF COMMISSIONERS

Hugo Spleker
Jerry D. Williams
Ernest Clevenger

Office Phone:
Area Code 316 244-3821



APPRAISER
ERIE, KANSAS 66733

LeRoy Burk
Neosho County Appraiser
Neosho County Court House
Erie, KS 66733

February 11, 1997

Senate Assessment & Taxation
State House
300 S.W. 10th Avenue
Room 519-S
Topeka, KS 66612-1504

RE: Proposed Qualifications for Appraiser Certification

Dear Senate Assessment & Taxation Committee:

In reference to the proposed qualifications for certification of appraisers (please note the highlighted portions of the attached copy of the January 1997 "County Comment" publication). I feel that we have had four (4) years to attain our certifications and some of the County Appraisers elected and chose not to go through additional training, testing, etc. to attain certification. Under our present law, these Appraisers, who are not certified, are grandfathered in their present positions and are upset because they cannot move to another county without certification. In all honesty, will another two years aid in getting these county appraisers certified? I do not know; but under reappraisal guidelines I am not sure the counties can afford to wait another two years.

In reference to the possibility of creating severe internal salary problems: County government has always had this problem - County Engineer, County Appraiser, County Attorney, County Health - just to name a few. County Appraiser's annual salaries can range from \$23,000 to \$64,000. etc. I realize that there are differences in our

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individual jobs: elected/appointed, stress levels, locations, etc, which create salary. I know that in some of the western counties, salary is a large incentive for the location. This is no difference than teachers, and other professionals moving and relocating, as some professional individuals will not move unless they are compensated in salary for the relocation. Equity issues should be like comparing apples to apples and not apples to oranges. I feel that salary should commensurate with the job requirements, one's education, training, experience in that particular field, etc.

When I accepted the appointment as County Appraiser in Neosho County in July 1993, certification was a requirement for the County Appraiser position in the state of Kansas.

If two years will help an Appraiser, who currently is a County Appraiser, stay in his or her position, and in his or her present location , I have no problem as long as he or she is not moving to another county or moving up to County Appraiser status without certification.

Thank you for allowing me to share my concern about this situation. If you have any questions, please call me at my office (316 244-3822) or my home (316 763-2025).

Sincerely,



LeRoy Burk
Neosho County Appraiser
License #G-838

attachment

County COMMENT

A Publication of the Kansas Association of Counties

From the Executive Director...

As this edition of the *County Comment* reaches your desk, members of the Kansas Legislature are assembling in Topeka for a new legislative session beginning Monday, Jan. 13. As you may recall, the KAC membership adopted the 1997 Legislative platform at the Annual Conference in Wichita last November. The platform is comprised of five primary legislative objectives which the KAC will give major emphasis and attention during the session. The KAC's five primary legislative objectives include the following:

- 1) appraiser certification;
- 2) individual fund levy limits;
- 3) road/bridge bonding authority;
- 4) protection/expansion of non-property tax revenue generation capacity; and
- 5) collection of delinquent taxes.

The KAC's specific position regarding appraiser certification was not presented or resolved at the Annual Conference. Instead, responsibility for developing the position was given to a ten-member ad hoc committee comprised of five commissioners and five appraisers. The committee includes: *Linda Peterson*, Marion County Commissioner and President of the Kansas County Commissioners Association; *Kathy Bowman*, Pawnee County Commissioner; *Glenn Jones*, Wilson County Commissioner; *Gary Fraser*, Cloud County Commissioner; *Ken Meier*, Harvey County Commissioner; *Rod Broberg*, Saline County Appraiser; *Mark Low*, Meade County Appraiser; *Brad Welch*, Kearny County Appraiser; *Bob Gardner*, Wyandotte County Appraiser; and *Marian Johnson*, Douglas County Appraiser.

The committee made the following recommendation to the KAC Governing Board, which adopted the position at its meeting of Dec. 13, 1996:

"Licensing requirements governing the qualifications of county appraisers should be reasonably constructed so as to not discourage the hiring of persons with mass appraisal experience. The current requirements make it difficult for many counties to find and retain qualified personnel. Where counties can retain a qualified appraiser, the market force (supply-demand) may require commissioners to pay the appraiser more than other county employees. This could create severe internal pay equity problems.

The current requirements need to be changed to recognize the mass appraisal discipline to allow persons working in that discipline to be eligible for certification. To this end, the Kansas Association of Counties proposes legislation allows for two additional options for county appraiser certification.

In addition to the current KREAB certification, appraisers could be certified if they met the IAAO designation for certification as well as have three years of mass appraisal experience. The third option for certification would be a new designation, "Registered Mass Appraiser." There would be specific education requirements for this designation and 6,000 hours of mass appraisal experience would be required. The Registered Mass Appraiser would be certified by the KREAB. All three options would require an appraiser to pass the PVD eligibility exam. County appraisers or potential county appraisers who meet one of the above three certification standards could be appointed by a county commission to a 4-year term, July 1, 1997. Those who do not have any of the three certifications could be appointed to a two-year term. This would give them until July 1, 1999 to qualify for one of the three options. In addition, this bill would require the appointment of two mass appraisers to the KREAB Board. These would not be additions to the Board but two existing positions.

This solution of offering three ways to be certified does not solve the problem of counties who will not have an appraiser after July 1, 1997. The KAC is proposing a companion piece of legislation be introduced allowing counties having less than 20,000 parcels of land to share a county appraiser if they so desire."

Now that the KAC Board has approved the above statement, the KAC legislative efforts will focus on seeking legislative approval of this position.

As we proceed through the legislative session, we will keep you informed of legislative developments concerning appraiser certification and other county issues through our Legislative Fax-line. If you have questions or need information, please contact our office at (913)233-2271 and we will respond as quickly as possible.

...Randy Allen
Executive Director

Inquiring Minds

This new column authored by Judy Moler, Director/General Counsel, KAC Legislative Services, will feature frequently asked questions each month.

Q. Do the Kansas statutes require each county to have a county engineer?

A. No. K.S.A. 68-501 states the board of county commissioners of each county shall appoint a county engineer. The duties are contained in K.S.A. 68-502. However, K.S.A. 68-503 allows for the Board of County Commissioners to unite with the Board of County Commissioners of an adjoining county or counties to form an engineering district when there is not a sufficient amount of road and bridge work to keep the engineer employed throughout the year.

Q. Do county engineers have to be licensed professional engineers?

A. Yes. To have the title County Engineer a licensed professional is required. However, some counties have hired road supervisors or highway administrators to do road administrative duties. There are, however, limitations to the types of projects that road supervisors/highway administrators can oversee. In order to do engineering or land surveying a person must be licensed by a licensed land surveyor. Engineering work, for instance, may include preparation of major improvement plans, upgrading of roads, replacement of drainage structures, or other work involved in safeguarding life, health and property. A consultant can be hired to perform engineering services.

Q. Can counties hire a Public Works Director?

A. Yes. K.S.A. 19-4501 provides for the establishment of a public works department. K.S.A. 4502 requires the Director of Public Works to be the County Engineer.

Investment of Public Monies

A recent inquiry was made to the Attorney General's office regarding the deposits of public monies in a bank with no home office in the State of Kansas. Julene Miller, Deputy Attorney General, cited two Attorney General Opinions AGO 95-39 and AGO 95-95 from 1995 which indicate the Idle Funds Law and the Banking Law of the State of Kansas require public entities to invest public monies only in financial institutions with a home office in the State of Kansas. This is important because the provision of K.S.A. 9-1406 provide an exemption from liability or loss by an official depository for public officers maintaining those funds, *only* if the investments of deposits are made pursuant to the Kansas Banking Act found at K.S.A. 9-1401 et seq.

We are advising counties to review their investment policies and to contact their official depositories to ask these banks if they maintain a home office in the State of Kansas. If your bank does not maintain a home office in Kansas, you may wish to check with your county attorney or counselor.

Any county having further questions on this issue should contact the KAC office at (913)233-2271 for further information.

Job Openings - Please Post

County Appraiser - Sheridan County. Applicants must be qualified by the Director of Property Valuation as an eligible Kansas appraiser with two or more years of appraisal experience; be licensed as a Kansas Certified Real Property Appraiser, and meet all Kansas statutory requirements. Sheridan County has a population of approximately 3,000 with 4,000 parcels. Benefits include vacation, sick leave, KPERS, and health insurance. Salary based on experience.

Deadline for application is Feb. 28. Position opens July 1. Send resumes to Sheridan County Clerk, PO Box 899, Hoxie, KS 67740.

County Appraiser - Clark County. This FT/PT position requires at least one year of appraisal experience and must be qualified by the Director of Property Valu-