

MINUTES OF THE SENATE FEDERAL AND STATE AFFAIRS COMMITTEE

The meeting was called to order by Chairman Pete Brungardt at 10:30 a.m. on February 28, 2007 in Room 231-N of the Capitol.

All members were present except:  
Senator James Barnett- excused

Committee staff present:  
Kathie Sparks, Kansas Legislative Research Department  
Dennis Hodgins, Kansas Legislative Research Department  
Ken Wilke, Revisor of Statutes Office  
Connie Burns, Committee Assistant

Conferees appearing before the committee:  
Sally Pritchett, Kansas Real Estate Appraisal Board

Others attending:  
See attached list.

The Committee minutes for January 9, 10, 11, 16, 17, 18, 23, 24, 25, 30, 31 and February 1, 6, 7, 8, and 13, distributed on February 15, 2007, with no changes stand approved.

**SB 360 - State certified and licensed real property appraisers act; conforming amendments to FIERRA**

Chairman Brungardt opened the hearing on **SB 360**.

Staff provided an overview of the bill.

Sally Pritchett, Kansas Real Estate Appraisal Board, director, spoke in favor of the bill. (Attachment 1) The bill has five changes, the first is requesting Reinstatement for licensees, which would allow licenses to place their license on inactive status for a period not to exceed two years, and provide evidence to the Board that they have met the continuing education requirements for the time frame they were inactive. Second, is Subpoena Power; the Board could subpoena records from lenders, including the initial order requesting the appraisal and a canceled check indicating who was paid to do the report. Third, requesting the statute be deleted for wall certificates, certificates are no longer issued; fourth to be in compliance with the federal requirement change on the continuing education requirement; and the final change is for the Board to recover some of the expenses from a disciplinary hearing.

Chairman Brungardt closed the hearing on **SB 360**.

**Final Action:**

**SB 319 - Counties; foreclosure and sale of real estate**

Senator Vratil provided a balloon that would change the time limits in Sec. 3 on page 2, 3, and insert a new Section 4 and renumber the remaining sections accordingly, the idea to shorten up the process for the city. (Attachment 2)

Senator Vratil moved to adopt the amendment, and with no second the motion failed.

Dale Goter, City of Wichita, provided an amendment that adds "unoccupied, residential" in line 14 page 1, page 2 line 43, page 3 line 42, and page 4 line 1, after "assessments" insert "or both," page 3; line 43 take out the word "and" and insert the word "or." (Attachment 3)

Senator Hensley moved to adopt the amendment. Senator Brownlee seconded the motion. The motion carried.

Staff provided the Kansas Bankers Association amendment that adds "including lienholders of record" on page 1, line 26, and page 2 line 10. (Attachment 4)

CONTINUATION SHEET

MINUTES OF THE Senate Federal and State Affairs Committee at 10:30 a.m. on February 28, 2007 in Room 231-N of the Capitol.

Senator Hensley moved to adopt the amendment. Senator Brownlee seconded the motion. The motion carried

Senator Vratil moved to strike “an action seeking hearing” and replace with “a cause of action” on page 1, line 30 and page 2, line 14. (Attachment 5)

Senator Vratil moved to adopt the amendment. Senator Hensley seconded the motion. The motion carried

Senator Hensley moved to pass **SB 356** out favorably as amended. Senator Reitz seconded the motion. The motion carried.

**SB 321 - Fort Scott/Bourbon county riverfront authority act.**

Staff provided a balloon to strike the word “Kansas” and insert “Marmaton” on page 1, line 28, and to insert the language on corporate limits at the end of line 26, page 1. (Attachment 6)

Senator Vratil moved to adopt the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Vratil moved to strike the language on page 1, line 35 after name, and line 36, with a period after name on line 35.

Senator Vratil moved to adopt the amendment. Senator Reitz seconded the motion. The motion carried.

Senator Hensley moved to pass **SB 321** out favorably as amended. Senator Reitz seconded the motion. The motion carried.

**SB 194 - Public officials; required training regarding KOMA and KORA**

An amendment was provided that strikes all of the language and replaces it with a substitute bill. (Attachment 7)

Senator Hensley moved to adopt the amendment as a substitute bill. Senator Reitz seconded the motion. The motion carried.

Senator Hensley moved to pass **Substitute for SB 194** out favorably. Senator Reitz seconded the motion. The motion carried.

Senator Brownlee recorded as abstaining from vote.

The meeting was adjourned at 11:45 am. The next scheduled meeting is March 1, 2007.



February 27, 2007

The Honorable Senator Brungardt 300 SW 10<sup>th</sup> Street  
Topeka, KS 66612-1504

Dear Senator Brungardt and Committee Members:

My name is Sally Pritchett and I am the Director of the Kansas Real Estate Appraisal Board and am appearing in front of the Committee on behalf of the Board. Thank you for allowing the Board to have SB-360 introduced in this Committee.

I have included a some background information to explain the Federal oversight of the Board by the Appraisal Subcommittee. See Item No. 1.

The Board is requesting several changes to their current statutes this Session and I will address each as it appears in the bill

No. 1 - The Board is requesting Reinstatement for licensees. The licensee could place their license on inactive status for a period not to exceed two years. They would pay a fee in order to place it on inactive and then pay the annual renewal fee each year while on inactive. In order to reactive the licensee must provide evidence to the Board that they have met the continuing education requirements for the timeframe they were inactive.

This is a change requested by licensees. The benefit to the licensee is that if for some reason they decide they want to get out of the profession they will not lose their licensing credentials previously obtained to get the license. An issue currently facing the industry is major changes to education and examination requirements to become effective on January 2008. If the appraiser does not renew the license annually they will lose it and need to completely reapply and meet new licensing criteria. Specifically they would need to take additional education and take and pass the examination. The appraiser must have experience in order to obtain a license, however, this experience must be obtained within a five year period immediately preceding the date of application. If an appraiser has not been doing appraisals this may also present a problem to some in obtaining additional experience.

No.2 Subpoena Power. Since the Board only regulates appraisers it can become very difficult to investigate a complaint involving identity theft or forged appraisal reports. In many cases, if the appraiser denies doing the report or they indicate the information is not what they submitted to the lender the investigation is simply concluded. The information at that time is forwarded to the FBI and County Attorney, however, rarely does any further action result.

Sen Fed & State

Attachment 1

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If the Board had subpoena power it could at a minimum, subpoena records from lenders, including the initial order requesting the appraisal and a canceled check indicating who was paid to do the report.

No. 3. Since the Board no longer issues wall certificates it simply is requesting the statute be deleted.

No. 4. This is a change the Board is requesting in order to be in compliance with Federal requirements. The Federal requirement is that a licensee who is licensed in excess of 169 day be required to complete the annual continuing education requirement.

No. 5. When a hearing is held in cases where the Board finds that findings are adverse to the appraiser the Board may assess the appraiser certain costs associated with the hearing. Holding a disciplinary hearing can be very costly to the Board. In some cases the person the Board is holding the disciplinary action against doesn't even show up for the hearing or notify the Board that they will not be attending. This would give the Board an opportunity to recover some of the expenses.

**Federal Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA),  
Federal Financial Regulatory Agencies,  
The Appraisal Subcommittee,  
The Appraisal Foundation,  
The Appraisal Standards Board,  
The Appraisal Qualifications Board,  
AND  
The Kansas Real Estate Appraisal Board**

Camille Nohe, Assistant Attorney General, Kansas  
Legal Opinions and Governmental Counsel

**Federal Institutions Reform, Recovery and Enforcement Act of 1989  
(FIRREA)**

Until 1990 real estate appraisers were not licensed in Kansas. The driving force behind Kansas' enactment of the State Certified and Licensed Real Property Appraisers Act<sup>1</sup> was the federal congressional response to the financial failure of America's savings and loan associations and the resulting insolvency of the Federal Savings and Loan Insurance Corporation, the primary insurer of the entire thrift industry:

"Throughout its history, the United States' savings and loan industry was a major provider of funds for residential finance. However, the rapid rise of interest rates during the 1970s and the early 1980s had a devastating effect on thrifts and banks which were dedicated primarily to financing home ownership. These institutions experienced huge losses because they were locked into long-term, fixed-rate mortgages. While many failures were caused by unpredictable economic factors largely beyond the control of even the most prudent financial executive, '[v]irtually every one of the thrifts was operating in an unsafe and unsound manner and was exposed to risks far beyond what was prudent.' In fact, analysts acknowledge that weak underwriting proved 'particularly detrimental' to thrift institutions. Inaccuracies and overstatements in appraisals are an integral part of weak loan underwriting. Many of the failed institutions held mortgages for which the appraisals were grossly inaccurate or insufficiently documented. In fact, eighty-eight percent of failed savings and loan associations violated federal regulations which required current appraisals for loans secured by real estate.

Recognizing the devastating consequences of faulty appraisals, Congress responded with legislation. Through a series of congressional reports, debates, and hearings, Congress constructed the Financial Institutions Reform, Recovery, and Enforcement Act (FIRREA) of 1989. Title XI of the

Act specifically addresses the issue of real estate appraisals through grants of authority to a hierarchy of regulatory agencies. Title XI, entitled Real Estate Appraisal Reform Amendments, encourages the establishment of state agencies to certify and license real estate appraisers. The new law also sets minimum standards in conformance with uniform national standards for most federally-related real estate transactions."<sup>2</sup>

### Title XI of FIRREA in Relation to Federal Financial Regulatory Agencies

Title XI of FIRREA is codified at 12 U.S.C. §§ 3331 *et seq.* as Chapter 34A, Appraisal Subcommittee of the Federal Financial Institutions Examination Council. The explicitly stated purpose of Title XI of FIRREA is:

"to provide that Federal financial and public policy interests in real estate related transactions will be protected by requiring that real estate appraisals utilized in connection with federally related transactions are performed in writing, in accordance with uniform standards, by individuals whose competency has been demonstrated and whose professional conduct will be subject to effective supervision."<sup>3</sup>

Congress could have chosen to enact a *federal* real estate appraiser licensing and certification act, thereby placing full responsibility for licensing and certifying real estate appraisers with a federal agency. However, Congress instead chose to place this responsibility on the states. Since Congress did not, and does not, have authority to directly require the states to adopt a real estate appraiser licensing law or to directly require state licensed real estate appraisers to perform appraisals in writing and in accordance with uniform standards<sup>4</sup>, Congress found it necessary to take an indirect route in order to accomplish the purposes stated in Title XI of FIRREA.

In relation to uniform standards of real estate appraisal practice, the congressional purpose was accomplished in part by requiring each federal agency responsible for regulating financial institutions to prescribe appropriate standards for the performance of real estate appraisals in connection with federally related transactions under the jurisdiction of each such agency.<sup>5</sup> The affected federal agencies are the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Office of the Comptroller of the Currency, the Office of Thrift Supervision, and the National Credit Union Administration.<sup>6</sup> Further, the specified federal agencies were directed to adopt rules which at a minimum required:

"(1) that real estate appraisal be performed in accordance with generally accepted appraisal standards as evidenced by the appraisal standards promulgated by the Appraisal Standards Board of the Appraisal Foundation; and

" (2) that such appraisals shall be written appraisals." <sup>7</sup>

In relation to qualified appraisers, the congressional purpose was accomplished by requiring each federal agency responsible for regulating financial institutions to prescribe requirements for using state certified and licensed appraisers. <sup>8</sup> The requirements for certification, but not licensing, were tied to the minimum criteria issued by the Appraisal Qualification Board of the Appraisal Foundation. <sup>9</sup>

### **The Appraisal Foundation**

The Appraisal Foundation is a private nonprofit corporation that was formed in 1987 <sup>10</sup>:

"to establish uniform standards for real estate appraisals, as well as educational and experience criteria for appraisers. The newly established Appraisal Foundation developed its own guidelines and issued the *Uniform Standards of Professional Appraisal Practice* (USPAP) in 1987. In addition, the Appraisal Foundation developed requirements for appraisal certification and licensing as well as a proposed legislative model for state-administered appraiser certification programs." <sup>11</sup>

The Appraisal Foundation is funded in part through grants from the federally created Appraisal Subcommittee which collects registry fees derived from state certified and licensed appraisers. <sup>12</sup> The Appraisal Foundation is currently comprised of organizational members from both the appraisal industry and the banking industry.

### **The Appraisal Standards Board: USPAP**

The Appraisal Standards Board, an independent board within the Appraisal Foundation, is the entity which writes, interprets and amends the Uniform Standards of Professional Appraisal Practice (USPAP).

"The most significant aspects of the USPAP include the professional ethics standards, the competency standards, the departure provision and the substantive standards for real estate appraisals. . . . The substantive standards of the USPAP set forth general guidelines for real property appraisals which serve to provide greater uniformity and reliability for appraisals nationwide." <sup>13</sup>

Since the original publication of USPAP in 1987, the Appraisal Standards Board has amended USPAP standards fourteen times. Also, since its inception, the Appraisal Standards Board has issued ten statements on appraisal standards and twenty-three advisory opinions, all of which are contained within the 2002 edition of USPAP published by the Appraisal Foundation.

Each specified federal financial institutions regulatory agency complied with the



congressional mandate of 12 U.S.C.S. § 3339 and adopted a regulation which required appraisals performed in connection with a federally related transaction to conform to generally accepted appraisal standards as evidenced by the Uniform Standards of Professional Appraisal Practice promulgated by the Appraisal Standards Board of the Appraisal Foundation.<sup>14</sup> A "federally related transaction" is defined as any real estate-related transaction which a federal financial institutions regulatory agency or the Resolution Trust corporation engages in, contracts for or regulates and which requires the services of an appraiser.<sup>15</sup> However, certain *de minimus* value thresholds actually modify the word "any" as used in the definition of "federally related transaction."<sup>16</sup>

### **The Appraisal Qualifications Board: Appraiser Qualifications/Competency**

In order to ensure that only qualified appraisers performed the requisite appraisals for federally related transactions, Congress required such appraisals to be performed by state licensed or certified appraisers.<sup>17</sup> Each federal financial institutions regulatory agency and the Resolution Trust Corporation was directed to prescribe which categories of federally related transactions should be appraised by a State certified appraiser and which by a State licensed appraiser.<sup>18</sup> Through Title XI of FIRREA, a State certified appraiser was defined as "any individual who has satisfied the requirements for State certification in a State or territory whose criteria for certification as a real estate appraiser meets the minimum criteria for certification issued by the Appraiser Qualifications Board of the Appraisal Foundation."<sup>19</sup> In contrast, a State licensed appraiser is defined by Title XI of FIRREA as "an individual who has satisfied the requirements for State licensing in a State or territory."<sup>20</sup>

Each specified federal financial agency complied with this congressional mandate and adopted a regulation that required appraisals performed in connection with a federally related transaction to be performed by a state certified or licensed appraiser. Further that certified appraisers have met criteria established by the Appraisal Qualifications Board (another independent board within the Appraisal Foundation), and that licensed appraisers have met state established criteria.<sup>21</sup>

### **Title XI of FIRREA in Relation to the States**

With regard to participation by the states, Title XI of FIRREA gave congressional expression to national financial and public policy interests by "sanctioning" states' establishment of real estate appraiser licensing acts:

"To assure the availability of State certified and licensed appraisers for the performance in a State of appraisals in federally related transactions and to assure effective supervision of the activities of certified and licensed appraisers, a State *may* establish a State certifying and licensing agency."<sup>22</sup>

Thus Title XI of FIRREA encouraged each state to establish a state agency to regulate the real estate appraisal profession by developing appraiser certification and licensing

programs. Such state agencies were clearly necessary to ensure the availability of state certified and licensed appraisers to perform appraisals for federally-related transactions in accordance with the requirements of Title XI of FIRREA.

### The Appraisal Subcommittee

This elaborate system, designed to ensure that real estate appraisals utilized in connection with federally related transactions are performed by qualified appraisers in accordance with uniform standards, is monitored by the Appraisal Subcommittee of the Federal Financial Institutions Examination Council.<sup>23</sup> The Appraisal Subcommittee is authorized to employ staff "as may be necessary to carry out the functions of [FIRREA]."<sup>24</sup> Congress authorized the Appraisal Subcommittee to perform specified functions and granted it specified powers.<sup>25</sup>

A primary required function of the Appraisal Subcommittee is to *monitor* certification and licensing requirements established by the states.<sup>26</sup> Such monitoring is to assure compliance with the FIRREA purpose that appraisal be performed by "individuals whose competency has been demonstrated." FIRREA specifically prohibits the Appraisal Subcommittee from setting qualifications or experience requirements for the states in licensing real estate appraisers, and provides that recommendations of the Subcommittee "shall be nonbinding on the States."<sup>27</sup>

The Appraisal Subcommittee does, however, have the authority to approve or disapprove a state agency as a certification and licensure agency under Title XI of FIRREA. If the Appraisal Subcommittee finds that a state agency "fails to recognize and enforce the standards, requirements, and procedures" prescribed by Title XI or finds that "decisions concerning appraisal standards, appraiser qualifications and supervision of appraiser practices are not made in a manner that carries out the purposes" of Title XI, the Subcommittee must notify the agency in writing. The Subcommittee must then allow the agency to present information which contests this decision and correct the conditions that prompted the denial. Further, the Appraisal Subcommittee's denial of a state licensing program or agency is subject to judicial review.<sup>28</sup>

What happens should the Appraisal Subcommittee determine that a state agency has failed to recognize and enforce the appraisal standards prescribed pursuant to Title XI of FIRREA or that a state decision concerning appraisal standards is not made in a manner that carries out the purposes of Title XI of FIRREA? In that event, the federal primary mortgage market financial regulatory agencies, *i.e.*, (the Federal Reserve Board, FDIC, OCC, OTS and NCUA, and their regulated institutions, as well as the secondary mortgage market financial institutions, *i.e.* the Federal National Mortgage Association (FNMA, or Fannie Mae) and the Federal Home Loan Mortgage Corporation (FHMC, or Freddie Mac), and the Resolution Trust Corporation would be prohibited from recognizing and accepting certificates and licenses issued by the state certifying and licensing agency.<sup>29</sup>

In the absence of recognition and acceptance of such certificates and licenses, Title XI of

FIRREA prohibits these agencies and institutions from making, insuring, selling or purchasing real estate loans in the state because they would be unable to hire properly certified or licensed appraisers to prepare the necessary appraisals.<sup>30</sup> Consequently, credit secured by real estate would become virtually unavailable in a state which the Appraisal Subcommittee determined was not "in compliance" with Title XI of FIRREA. The effect of such a determination by the Appraisal Subcommittee would be to bring nearly all real estate related financial transactions in that state to a grinding halt.

### Kansas Real Estate Appraisal Board: Kansas Legislative Response to Title XI of FIRREA

The 1990 Kansas Legislature responded to the congressional "encouragement" provided by the passage of Title XI of FIRREA by enacting the State Certified and Licensed Real Property Appraisers Act.<sup>31</sup> The Act prohibits persons, other than state certified or licensed appraisers, from engaging in any written appraisal in connection with a federally related transaction for which certification or licensure is required pursuant to federal law.<sup>32</sup> The term "federally related transaction" has the same meaning under Kansas law as it does under Title XI of FIRREA, including the *de minimis* value thresholds.<sup>33</sup>

The Act also prohibits persons other than state licensed or certified appraisers from assuming or using the title of state certified or licensed appraiser and prohibits unlicensed or uncertified appraisers from using any title, designation or abbreviation likely to create the impression of certification as a real estate appraiser.<sup>34</sup> To implement the Act, the Kansas Real Estate Appraisal Board was established<sup>35</sup> and granted specified powers.<sup>36</sup>

Consistent with its authority, the Board has promulgated regulations that annually adopt the most current version of USPAP and that specify education, experience and examination requirements for certified general, certified residential, licensed and provisionally licensed real property appraisers. In response to Appraisal Qualifications Board recommendations, supported by the Appraisal Subcommittee, over the years the Board has increased the original education and experience requirements.

1. L. 1990, Ch. 270, now K.S.A. 58-4101 *et seq.* and amendments thereto.
2. Cherokee W. Wooley, Regulation of Real Estate Appraisers and Appraisals: The Effects of FIRREA, 43 Emory L.J. 357, 358-359 (1994).
3. 12 U.S.C.A. § 3331.
4. See *New York v. United States*, 505 U.S. 144, 112 S.Ct. 2408, 120 L.Ed.2d 120 (1992) (federal government may not compel the states to enact or administer a federal regulatory program).
5. 12 U.S.C.A. § 3339.
6. 12 U.S.C.A. § 3350(6).
7. 12 U.S.C.A. § 3339.
8. 12 U.S.C.A. § 3336.

9. 12 U.S.C.A. § 3345.

10. See 12 U.S.C.A. 3350(9).

11. Wooley, *supra* at 373-374.

12. 12 U.S.C.A. § 3338(b)(4).

13. Wooley, *supra* at 378.

14. The chart below summarizes the federal financial institutions regulatory agencies' appraisal standards regulations and the affected entities.

Federal Financial Institutions Regulatory Agency	Appraisal Standards Requirement Found at:	Applicable to appraisals rendered in connection with federally related transaction entered by:
Board of Governors of the Federal Reserve System (Board)	12 CFR §225.64	Board and institutions regulated by the Board, i.e. state member banks and savings and loans. 12 CFR §§ 208.18 and 225.61.
Federal Deposit Insurance Corporation (FDIC)	12 CFR § 323.4	FDIC and institutions regulated by FDIC, i.e. insured depository institutions as defined by 12 U.S.C.S. § 1813. 12 CFR § 323.1(b).
Office of the Comptroller of the Currency (OCC)	12 CFR § 34.44	OCC and institutions regulated by OCC. 12 CFR § 344.41(b).
Office of Thrift Supervision (OTS)	12 CFR § 564.4(b)	OTS and institutions regulated by OTS. 12 CFR § 564.1.
National Credit Union Administration (NCUA)	12 CFR § 722.4,	NCUA and institutions regulated by NCUA, i.e. insured credit unions as defined in 12 U.S.C.S. 1752. 12 CFR § 722.1.

15. 12 U.S.C.A. § 3350(4).

16. The licensed real property appraiser classification applies to the appraisal of non-complex one to four residential units having a transaction value less than \$1,000,000 and complex one to four residential units having a transaction value less than \$250,000. K.A.R. 117-2-4.

The certified residential real property appraiser classification applies to the appraisal of one to four residential units without regard to transaction value or complexity. K.A.R. 117-4-3

The certified general real property appraiser classification applies to the appraisal of all types of real property. K.A.R. 117-3-4.

17. 12 U.S.C.A. § 3343; 12 U.S.C.A. § 3348.

18. 12 U.S.C.A. § 3341(a).

19. 12 U.S.C.A. § 3345(a).

20. 12 U.S.C.A. § 3345(c).

21. 12 C.F.R. § 225.62 (Federal Reserve System); 12 C.F.R § 323.1 (Federal Deposit Insurance Corporation); 12 C.F.R. § 34.42 (Comptroller of the Currency); 12 C.F.R. § 564.2 (Office of Thrift Supervision); 12 C.F.R. § 722.2 (National Credit Union Administration).
22. 12 U.S.C.A. § 3346.
23. 12 U.S.C.A. § 3310 ("There shall be within the Council a subcommittee to be known as the "Appraisal Subcommittee," which shall consist of the designees of the heads of the Federal financial institutions regulatory agencies.") Also 12 U.S.C.A. § 3350.
24. 12 U.S.C.A. § 3334.
25. The specific powers granted by Congress authorize the Appraisal Subcommittee to establish advisory committees, hold hearings, sit and act at times and places, take testimony, receive evidence, provide information, and perform research. 12 U.S.C.A. § 3335.
26. The other required functions of the Appraisal Subcommittee are to monitor requirements established by the federal financial regulatory institutions regulatory agencies with respect to appraisal standards for federally related transactions under their jurisdiction and determinations as to which transactions require a state certified appraiser and which require a state licensed appraiser, to maintain a national registry of state certified and licensed appraisers, to transmit an annual report to Congress annually, and to monitor the practices, procedures, activities and organizational structure of the Appraisal foundation. 12 U.S.C.A. § 3332.
27. 12 U.S.C.A. § 3345(e).
28. 12 U.S.C.A. § 3347.
29. 12 U.S.C.A. § 3347.
30. 12 U.S.C.A. § 3348; 12 U.S.C.A. § 3349.
31. Now K.S.A. 58-4101 *et seq.*
32. K.S.A. 58-4103(a)(1).
33. K.S.A. 58-4102(e); 12 U.S.C.A. § 3350(4).
34. K.S.A. 58-4103(a)(2).
35. K.S.A. 58-4104.
36. (1) to approve courses of instruction to meet requirements of the Act and monitor approved courses; (2) to adopt rules and regulations prescribing policies and procedures for obtaining board approval of courses, monitoring approved courses and withdrawing board approval of courses; (3) to administer, or designate a testing service to administer examinations required by the Act; (4) to receive and approve or disapprove applications for certification and licensure and renewal of certificates and licenses and issue certificates and licenses after approval of application; (5) to maintain a registry of the names and addresses of persons certified and licensed under the Act and to transmit the registry to the Appraisal Subcommittee annually; (6) to maintain all records submitted to the board; (7) to collect fees; (8) to review from time to time the standards for the development and communication of real estate appraisals and to adopt regulations explaining and interpreting the standards; (9) to perform such other functions and duties as necessary to carry out the provisions of the Act; (10) to define each appraiser classification; (11) to establish education and experience requirements for each classification; (12) to establish examination specifications for each classification; (13) to establish continuing education requirements for renewal of each classification; and (14) to investigate the actions of a state certified or licensed appraiser and, when appropriate, to revoke, condition, limit or suspend the certificate or license of the appraiser, or censure the appraiser, for specified acts or omissions.

**SENATE BILL No. 319**

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning counties; relating to foreclosure and sale of real  
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and  
11 repealing the existing sections.  
12

79-2801 and

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

14 New Section 1. (a) During the period any real estate sold for delin-  
15 quent taxes and bid in by the county is held by the county pending re-  
16 demption or sale, pursuant to K.S.A. 79-2801, and amendments thereto,  
17 the county may make, or may cause or permit any city within the county  
18 or any organization described subsection (d) of K.S.A. 12-1750, and  
19 amendments thereto, to make such repairs to any structure upon or in-  
20 cluded within such real estate as may be needed to bring or maintain  
21 such structure in compliance with minimum housing code standards.

22 (b) As a precondition of causing or permitting such repairs, the board  
23 of county commissioners shall, at least 30 days prior to the date such  
24 repairs are to be made, cause actual notice of the proposed date, descrip-  
25 tion and estimated cost of the repairs to be given to all parties having or  
26 claiming an interest in such real estate whose addresses are reasonably  
27 ascertainable, and also by publication in a newspaper of general circula-  
28 tion within the county. The content of the notice shall include a statement  
29 of the board's intent to cause or permit the proposed repairs on the date  
30 stated in the notice unless an action seeking hearing with respect to any  
31 matter related to the proposed repairs has been filed in the district court  
32 within the county and served upon the board. If notice has been given as  
33 required and no such action has been filed and served upon the board  
34 prior to the date of the proposed repairs as stated in the notice, the board  
35 may proceed to cause or permit such repairs pursuant to this section on  
36 or after the date stated in the notice.

37 (c) The cost of such repairs shall become part of the payment re-  
38 quired for the exercise of any redemption right prior to the date of any  
39 sale under K.S.A. 79-2803, and amendments thereto, and after the date  
40 of any such sale, shall be treated as a cost incident to the sale under  
41 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in  
42 all cases, be repaid after the date of redemption or sale to the county,  
43 city or organization that made the repairs.

Sen Fed & State  
Attachment 2  
2-28-07

1 Sec. 2. K.S.A. 79-2811 is hereby amended to read as follows: 79-  
 2 2811. (a) If real estate has been or shall be sold and bid by the county,  
 3 and the redemption period has expired, the board may sell such real estate  
 4 to provide affordable low-income housing or for community development  
 5 or economic development purposes which are hereby declared to be pub-  
 6 lic purposes. Any such sale shall not be subject to the provisions of K.S.A.  
 7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*  
 8 *to the proposed date of sale, the board shall cause actual notice of the date*  
 9 *and terms of the proposed sale to be given to all parties having or claiming*  
 10 *an interest in such real estate whose addresses are reasonably ascertain-*  
 11 *able, and also by publication in a newspaper of general circulation within*  
 12 *the county. The content of the notice shall include a statement of the*  
 13 *board's intent to proceed with the proposed sale on the date stated in the*  
 14 *notice unless an action seeking hearing with respect to any matter related*  
 15 *to the sale has been filed in the district court within the county and served*  
 16 *upon the board. If notice has been given as required and no such action*  
 17 *has been filed and served upon the board prior to the date of the proposed*  
 18 *sale as stated in the notice, the board may proceed with such sale pursuant*  
 19 *to this section on or after the date stated in the notice.*

20 (b) The board of county commissioners may abate any delinquent ad  
 21 valorem property taxes, special assessments or other special taxes on any  
 22 property sold pursuant to subsection (a). If such taxes or assessments are  
 23 not abated, any moneys received from the sale of such property shall be  
 24 apportioned in the manner provided by K.S.A. 79-2805, and amendments  
 25 thereto.

26 Sec. 3. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as  
 27 follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and sub-  
 28 section (b), real estate bid off by the county for both delinquent taxes and  
 29 special assessments, as defined by subsection (c), shall be held by the  
 30 county until the expiration of ~~two years~~ one year from the date of the sale, subject  
 31 only to the right of redemption as provided by this section. Any owner or  
 32 holder of the record title, the owner's or holder's heirs, devisees, execu-  
 33 tors, administrators, assigns or any mortgagee or the owner's or holder's  
 34 assigns may redeem the real estate sold in the sale at any time within ~~two~~  
 35 one year after the sale by paying to the county treasurer the amount for which  
 36 the real estate was sold plus the interest accrued, all delinquent taxes and  
 37 special assessments and interest thereon that have accrued after the date  
 38 of such sale which remain unpaid as of the date of redemption and costs  
 39 and expenses of the sale and redemption, including but not limited to,  
 40 abstracting costs incurred in anticipation of a tax sale.

one year

one year

41 (2) Any abandoned building or structure and the land accommodat-  
 42 ing such building or structure bid off by the county for ~~both~~ *either* delin-  
 43 quent taxes ~~and~~ *or* special assessments, as defined by subsection (c), shall

1 be held by the county until the expiration of one year from the date of  
 2 the sale, subject only to the right of redemption as provided by this sec-  
 3 tion. Any owner or holder of the record title, the owner's or holder's heirs,  
 4 devisees, executors, administrators, assigns or any mortgagee or the  
 5 owner's or holder's assigns may redeem the real estate sold in the sale at  
 6 any time within one year after the sale by paying to the county treasurer  
 7 the amount for which the real estate was sold plus the interest accrued,  
 8 all delinquent taxes and special assessments and interest thereon that have  
 9 accrued after the date of such sale which remain unpaid as of the date of  
 10 redemption and costs and expenses of the sale and redemption, including  
 11 but not limited to abstracting costs incurred in anticipation of a tax sale.

} six months

12 When used in this subsection "abandoned building or structure and  
 13 the land accommodating such building or structure" shall mean a building  
 14 or structure which, for a period of at least one year, has been unoccupied  
 15 and which there has been a failure to perform reasonable maintenance  
 16 of such building or structure and the land accommodating such building  
 17 or structure.

18 (b) (1) Except as provided by paragraph (2), real estate which is a  
 19 homestead under section 9 of article 15 of the Kansas Constitution and  
 20 all real estate not described in subsection (a) shall be held by the county  
 21 until the expiration of three years from the date of the sale and may be  
 22 redeemed partially by paying to the county treasurer the amount of taxes  
 23 for which the real estate was sold for one or more years, beginning with  
 24 the first year for which the real estate was carried on the tax-sale book of  
 25 the county plus interest at the rate prescribed by K.S.A. 79-2004, and  
 26 amendments thereto, on the amount from the date the same was carried  
 27 on the sale book. Upon payment and partial redemption, the time when  
 28 a tax foreclosure sale may be commenced shall be extended by the num-  
 29 ber of years paid in the partial redemption.

} one year

30 (2) In Johnson county, real estate which is a homestead under section  
 31 9 of article 15 of the Kansas constitution and all real estate not described  
 32 in subsection (a) shall be held by the county until the expiration of three  
 33 years from the date of the sale and may be redeemed partially by paying  
 34 to the county treasurer the amount of taxes for which the real estate was  
 35 sold for one or more years, beginning with the most recent year for which  
 36 the real estate was carried on the tax-sale book of the county plus interest  
 37 at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on  
 38 the amount from the date the same was carried on the sale book.

39 (c) For the purpose of this act, the term terms "real estate bid off by  
 40 the county for both delinquent taxes and special assessments" and "real  
 41 estate bid off by the county for either delinquent taxes or special assess-  
 42 ments" shall include only real estate on which there are delinquent taxes  
 43 of a general ad valorem property tax nature and delinquent special as-



1 assessments or other special taxes levied by a city, county or other munic-  
 2 ipality in response to a petition or request of the landowners. Upon pub-  
 3 lication of the listing of real estate subject to sale under the provisions of  
 4 K.S.A. 79-2302, and amendments thereto, the clerk of any city, county  
 5 or other municipality which has levied special assessments during the past  
 6 10 years shall certify to the county treasurer those listed parcels of real  
 7 estate which are located within a special assessment district, but no parcel  
 8 shall be so certified unless the public improvement was constructed pur-  
 9 suant to a petition or request of one or more landowners sufficient to  
 10 authorize the improvement under the applicable statutory special assess-  
 11 ment procedure used by the city, county or other municipality.

12 (d) If at the expiration of the redemption period, the real estate has  
 13 not been redeemed, the real estate shall be disposed of by foreclosure  
 14 and sale in the manner provided by K.S.A. 79-2801 et seq., and amend-  
 15 ments thereto.

Insert a new Section 4 attached and  
 renumber the remaining sections accordingly

5 ~~16 Sec. 4. K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a are hereby~~  
 17 ~~repealed.~~

79-2801 and

6 ~~18 Sec. 5. This act shall take effect and be in force from and after its~~  
 19 ~~publication in the statute book.~~

Sec. 4 . K.S.A. 2006 Supp. 79-2801 is hereby amended to read as follows: 79-2801.

1) Except as provided by K.S.A. 79-2811, and amendments thereto, whenever real estate has been or shall be sold and bid in by the county at any delinquent tax sale and remains unredeemed on September 1 of the [second] year after the sale, or any extension thereof as provided by subsection (b) of K.S.A.

79-2401a, and amendments thereto, or whenever real estate described by subsection (a)(2) of K.S.A. 79-2401a, and amendments thereto, has been or shall be sold and bid in by the county at any delinquent tax sale and remains unredeemed on September 1 of the first year after the sale, the board of county commissioners shall order the county attorney or county counselor and it shall be the duty of the county attorney or county counselor to institute an action in the district court, in the name of the board of county commissioners, against the owners or supposed owners of the real estate and all persons having or claiming to have any interest therein or thereto, by filing a petition with the clerk of the court. The board of county commissioners may provide for special legal and other assistance necessary to secure the timely performance of duties required by this act. Whenever the real estate involved is a mineral interest in land which has been severed from the fee, the bringing of the action for the foreclosure of the mineral interest shall be within the discretion of the board of county commissioners. Whenever the aggregate assessed valuation of the real estate subject to sale is less than \$300,000, or the aggregate amount of delinquent taxes, including special assessments, is less than \$10,000, the bringing of the action shall be within the discretion of the board of county commissioners. The petition shall contain a description of each tract, lot or piece of real estate including, if in a city of the first or second class, the street number or

} first

location. The petition shall state, as far as practicable, the amount of taxes, charges, interest and penalties chargeable to each tract, lot or piece of real estate, the name of the owner, supposed owner and party having or claiming to have any interest therein or thereto, and giving the year the real estate was sold for delinquent taxes under the provisions of K.S.A. 79-2302, and amendments thereto. The petition shall request that the court determine the amount of taxes, charges, interest and penalties chargeable to each particular tract, lot or piece of real estate, the name of the owner or party having any interest therein. The petition also shall request that the court adjudge and decree the amount due to be a first and prior lien upon the real estate and that the same be sold at public sale for the satisfaction of the lien, costs, charges and expenses of the proceedings and sale and other necessary relief. The petition shall be filed in duplicate and a copy delivered by the clerk to the county treasurer, who thereafter shall accept no payments of taxes upon the real estate included in the petition except as provided by K.S.A. 79-2801 to 79-2810, inclusive, and amendments thereto.

A summons shall be issued and personally served or publication made as provided in other cases under the code of civil procedure. If service is made by publication, the notice, in addition to the requirements prescribed by the code of civil procedure, shall contain a description of the real estate. Any member of the board of county commissioners, county attorney or county counselor who fails to perform the duties required by this section shall forfeit the office held by the officer. Any person may secure enforcement of the provisions of this act through mandamus. Such proceeding shall be initiated by filing a petition in a court of competent jurisdiction.

(b) The governing body of any city may

provide for the rendering of legal and other assistance to the county attorney or county counselor to secure the expeditious judicial foreclosure of real estate on which there is unredeemed delinquent tax liens, including delinquent special assessments. The provision of such services by the city shall not relieve any county officer of the requirement to perform the duties required by this act. The actual and necessary costs incurred by a city in providing such assistance shall be considered as costs incident to the sale of the real estate and the city may be reimbursed therefor from the proceeds of the sale in an amount apportioned pursuant to K.S.A. 79-2805, and amendments thereto.

(c) If the board of county commissioners fails to initiate proceedings for a judicial tax foreclosure sale on property located within the corporate limits of a city and if the taxes on such property have remained delinquent for at least three years after such property first becomes eligible for sale by the county at a judicial tax foreclosure sale pursuant to K.S.A. 79-2801 et seq., and amendments thereto, the governing body of the city in which such property is located may initiate a judicial tax foreclosure sale on such property. The governing body of such city shall have the same powers and duties of the board of county commissioners under K.S.A. 79-2801 et seq., and amendments thereto, which are necessary to effectuate the sale of such property. The city attorney of such city shall have the same powers and duties of the county attorney or county counselor under K.S.A. 79-2801 et seq., and amendments thereto, relating to the judicial tax foreclosure sale of such property. All other county officers shall perform the duties prescribed by law relating to the sale of such property in the same manner as if such sale had been initiated by the board of county commissioners.

SENATE BILL No. 319

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning counties; relating to foreclosure and sale of real
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and
11 repealing the existing sections.

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

14 New Section 1. (a) During the period any real estate sold for delin-
15 quent taxes and bid in by the county is held by the county pending re-
16 demption or sale, pursuant to K.S.A. 79-2801, and amendments thereto,
17 the county may make, or may cause or permit any city within the county
18 or any organization described subsection (d) of K.S.A. 12-1750, and
19 amendments thereto, to make such repairs to any structure upon or in-
20 cluded within such real estate as may be needed to bring or maintain
21 such structure in compliance with minimum housing code standards.

22 (b) As a precondition of causing or permitting such repairs, the board
23 of county commissioners shall, at least 30 days prior to the date such
24 repairs are to be made, cause actual notice of the proposed date, descrip-
25 tion and estimated cost of the repairs to be given to all parties having or
26 claiming an interest in such real estate whose addresses are reasonably
27 ascertainable, and also by publication in a newspaper of general circula-
28 tion within the county. The content of the notice shall include a statement
29 of the board's intent to cause or permit the proposed repairs on the date
30 stated in the notice unless an action seeking hearing with respect to any
31 matter related to the proposed repairs has been filed in the district court
32 within the county and served upon the board. If notice has been given as
33 required and no such action has been filed and served upon the board
34 prior to the date of the proposed repairs as stated in the notice, the board
35 may proceed to cause or permit such repairs pursuant to this section on
36 or after the date stated in the notice.

37 (c) The cost of such repairs shall become part of the payment re-
38 quired for the exercise of any redemption right prior to the date of any
39 sale under K.S.A. 79-2803, and amendments thereto, and after the date
40 of any such sale, shall be treated as a cost incident to the sale under
41 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in
42 all cases, be repaid after the date of redemption or sale to the county,
43 city or organization that made the repairs.

unoccupied, residential

1     Sec. 2. K.S.A. 79-2811 is hereby amended to read as follows: 79-  
 2 2811. (a) If real estate has been or shall be sold and bid by the county,  
 3 and the redemption period has expired, the board may sell such real estate  
 4 to provide affordable low-income housing or for community development  
 5 or economic development purposes which are hereby declared to be pub-  
 6 lic purposes. Any such sale shall not be subject to the provisions of K.S.A.  
 7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*  
 8 *to the proposed date of sale, the board shall cause actual notice of the date*  
 9 *and terms of the proposed sale to be given to all parties having or claiming*  
 10 *an interest in such real estate whose addresses are reasonably ascertain-*  
 11 *able, and also by publication in a newspaper of general circulation within*  
 12 *the county. The content of the notice shall include a statement of the*  
 13 *board's intent to proceed with the proposed sale on the date stated in the*  
 14 *notice unless an action seeking hearing with respect to any matter related*  
 15 *to the sale has been filed in the district court within the county and served*  
 16 *upon the board. If notice has been given as required and no such action*  
 17 *has been filed and served upon the board prior to the date of the proposed*  
 18 *sale as stated in the notice, the board may proceed with such sale pursuant*  
 19 *to this section on or after the date stated in the notice.*

20     (b) The board of county commissioners may abate any delinquent ad  
 21 valorem property taxes, special assessments or other special taxes on any  
 22 property sold pursuant to subsection (a). If such taxes or assessments are  
 23 not abated, any moneys received from the sale of such property shall be  
 24 apportioned in the manner provided by K.S.A. 79-2805, and amendments  
 25 thereto.

26     Sec. 3. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as  
 27 follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and sub-  
 28 section (b), real estate bid off by the county for both delinquent taxes and  
 29 special assessments, as defined by subsection (c), shall be held by the  
 30 county until the expiration of two years from the date of the sale, subject  
 31 only to the right of redemption as provided by this section. Any owner or  
 32 holder of the record title, the owner's or holder's heirs, devisees, execu-  
 33 tors, administrators, assigns or any mortgagee or the owner's or holder's  
 34 assigns may redeem the real estate sold in the sale at any time within two  
 35 years after the sale by paying to the county treasurer the amount for which  
 36 the real estate was sold plus the interest accrued, all delinquent taxes and  
 37 special assessments and interest thereon that have accrued after the date  
 38 of such sale which remain unpaid as of the date of redemption and costs  
 39 and expenses of the sale and redemption, including but not limited to,  
 40 abstracting costs incurred in anticipation of a tax sale.

41     (2) Any abandoned building or structure and the land accommodat-  
 42 ing such building or structure bid off by the county for ~~both~~ either delin-  
 43 quent taxes and or special assessments, as defined by subsection (c), shall

or both,

1 be held by the county until the expiration of one year from the date of  
 2 the sale, subject only to the right of redemption as provided by this sec-  
 3 tion. Any owner or holder of the record title, the owner's or holder's heirs,  
 4 devisees, executors, administrators, assigns or any mortgagee or the  
 5 owner's or holder's assigns may redeem the real estate sold in the sale at  
 6 any time within one year after the sale by paying to the county treasurer  
 7 the amount for which the real estate was sold plus the interest accrued,  
 8 all delinquent taxes and special assessments and interest thereon that have  
 9 accrued after the date of such sale which remain unpaid as of the date of  
 10 redemption and costs and expenses of the sale and redemption, including  
 11 but not limited to abstracting costs incurred in anticipation of a tax sale.

12 When used in this subsection "abandoned building or structure and  
 13 the land accommodating such building or structure" shall mean a building  
 14 or structure which, for a period of at least one year, has been unoccupied  
 15 and which there has been a failure to perform reasonable maintenance  
 16 of such building or structure and the land accommodating such building  
 17 or structure.

18 (b) (1) Except as provided by paragraph (2), real estate which is a  
 19 homestead under section 9 of article 15 of the Kansas Constitution and  
 20 all real estate not described in subsection (a) shall be held by the county  
 21 until the expiration of three years from the date of the sale and may be  
 22 redeemed partially by paying to the county treasurer the amount of taxes  
 23 for which the real estate was sold for one or more years, beginning with  
 24 the first year for which the real estate was carried on the tax-sale book of  
 25 the county plus interest at the rate prescribed by K.S.A. 79-2004, and  
 26 amendments thereto, on the amount from the date the same was carried  
 27 on the sale book. Upon payment and partial redemption, the time when  
 28 a tax foreclosure sale may be commenced shall be extended by the num-  
 29 ber of years paid in the partial redemption.

30 (2) In Johnson county, real estate which is a homestead under section  
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 33 years from the date of the sale and may be redeemed partially by paying  
 34 to the county treasurer the amount of taxes for which the real estate was  
 35 sold for one or more years, beginning with the most recent year for which  
 36 the real estate was carried on the tax-sale book of the county plus interest  
 37 at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on  
 38 the amount from the date the same was carried on the sale book.

39 (c) For the purpose of this act, the ~~term~~ terms "real estate bid off by  
 40 the county for both delinquent taxes and special assessments" and "real  
 41 estate bid off by the county for either delinquent taxes or special assess-  
 42 ments" shall include only real estate on which there are delinquent taxes  
 43 of a general ad valorem property tax nature and delinquent special as-

or both,  
 or

} or both,

3-4

1 assessments or other special taxes levied by a city, county or other munic-  
 2 ipality in response to a petition or request of the landowners. Upon pub-  
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 6 10 years shall certify to the county treasurer those listed parcels of real  
 7 estate which are located within a special assessment district, but no parcel  
 8 shall be so certified unless the public improvement was constructed pur-  
 9 suant to a petition or request of one or more landowners sufficient to  
 10 authorize the improvement under the applicable statutory special assess-  
 11 ment procedure used by the city, county or other municipality.

12 (d) If at the expiration of the redemption period, the real estate has  
 13 not been redeemed, the real estate shall be disposed of by foreclosure  
 14 and sale in the manner provided by K.S.A. 79-2801 et seq., and amend-  
 15 ments thereto.

16 Sec. 4. K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a are hereby  
 17 repealed.

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



## SENATE BILL No. 319

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning counties; relating to foreclosure and sale of real  
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and  
11 repealing the existing sections.  
12

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

14 New Section 1. (a) During the period any real estate sold for delin-  
15 quent taxes and bid in by the county is held by the county pending re-  
16 demption or sale, pursuant to K.S.A. 79-2801, and amendments thereto,  
17 the county may make, or may cause or permit any city within the county  
18 or any organization described subsection (d) of K.S.A. 12-1750, and  
19 amendments thereto, to make such repairs to any structure upon or in-  
20 cluded within such real estate as may be needed to bring or maintain  
21 such structure in compliance with minimum housing code standards.

22 (b) As a precondition of causing or permitting such repairs, the board  
23 of county commissioners shall, at least 30 days prior to the date such  
24 repairs are to be made, cause actual notice of the proposed date, descrip-  
25 tion and estimated cost of the repairs to be given to all parties having or  
26 claiming an interest in such real estate, whose addresses are reasonably  
27 ascertainable, and also by publication in a newspaper of general circula-  
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32 within the county and served upon the board. If notice has been given as  
33 required and no such action has been filed and served upon the board  
34 prior to the date of the proposed repairs as stated in the notice, the board  
35 may proceed to cause or permit such repairs pursuant to this section on  
36 or after the date stated in the notice.

37 (c) The cost of such repairs shall become part of the payment re-  
38 quired for the exercise of any redemption right prior to the date of any  
39 sale under K.S.A. 79-2803, and amendments thereto, and after the date  
40 of any such sale, shall be treated as a cost incident to the sale under  
41 subsection (a) of K.S.A. 79-2805, and amendments thereto, and shall, in  
42 all cases, be repaid after the date of redemption or sale to the county,  
43 city or organization that made the repairs.

including lienholders of record

1 Sec. 2. K.S.A. 79-2811 is hereby amended to read as follows: 79-  
 2 2811. (a) If real estate has been or shall be sold and bid by the county,  
 3 and the redemption period has expired, the board may sell such real estate  
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 5 or economic development purposes which are hereby declared to be pub-  
 6 lic purposes. Any such sale shall not be subject to the provisions of K.S.A.  
 7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*  
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## SENATE BILL No. 319

By Committee on Federal and State Affairs

2-6

9 AN ACT concerning counties; relating to foreclosure and sale of real  
10 estate; amending K.S.A. 79-2811 and K.S.A. 2006 Supp. 79-2401a and  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 New Section 1. (a) During the period any real estate sold for delin-  
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20 cluded within such real estate as may be needed to bring or maintain  
21 such structure in compliance with minimum housing code standards.

22 (b) As a precondition of causing or permitting such repairs, the board  
23 of county commissioners shall, at least 30 days prior to the date such  
24 repairs are to be made, cause actual notice of the proposed date, descrip-  
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37 (c) The cost of such repairs shall become part of the payment re-  
38 quired for the exercise of any redemption right prior to the date of any  
39 sale under K.S.A. 79-2803, and amendments thereto, and after the date  
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a cause of  
action

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 7 79-2801 et seq., and amendments thereto. *However, at least 30 days prior*  
 8 *to the proposed date of sale, the board shall cause actual notice of the date*  
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a cause of action

20     (b) The board of county commissioners may abate any delinquent ad  
 21 valorem property taxes, special assessments or other special taxes on any  
 22 property sold pursuant to subsection (a). If such taxes or assessments are  
 23 not abated, any moneys received from the sale of such property shall be  
 24 apportioned in the manner provided by K.S.A. 79-2805, and amendments  
 25 thereto.

26     Sec. 3. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as  
 27 follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and sub-  
 28 section (b), real estate bid off by the county for both delinquent taxes and  
 29 special assessments, as defined by subsection (c), shall be held by the  
 30 county until the expiration of two years from the date of the sale, subject  
 31 only to the right of redemption as provided by this section. Any owner or  
 32 holder of the record title, the owner's or holder's heirs, devisees, execu-  
 33 tors, administrators, assigns or any mortgagee or the owner's or holder's  
 34 assigns may redeem the real estate sold in the sale at any time within two  
 35 years after the sale by paying to the county treasurer the amount for which  
 36 the real estate was sold plus the interest accrued, all delinquent taxes and  
 37 special assessments and interest thereon that have accrued after the date  
 38 of such sale which remain unpaid as of the date of redemption and costs  
 39 and expenses of the sale and redemption, including but not limited to,  
 40 abstracting costs incurred in anticipation of a tax sale.

41     (2) Any abandoned building or structure and the land accommodat-  
 42 ing such building or structure bid off by the county for ~~both~~ *either* delin-  
 43 quent taxes ~~and~~ or special assessments, as defined by subsection (c), shall

# SENATE BILL No. 321

By Committee on Federal and State Affairs

2-7

9 AN ACT enacting the Fort Scott/Bourbon county riverfront authority act;  
10 creating a riverfront authority and prescribing the powers and duties  
11 thereof.  
12

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

14 Section 1. This act shall be known and may be cited as the Fort Scott/  
15 Bourbon county riverfront authority act.

16 Sec. 2. As used in this act:

- 17 (a) "Authority" means the riverfront authority created by this act.
- 18 (b) "Board" means the riverfront board created by this act.
- 19 (c) "City" means the city of Fort Scott.
- 20 (d) "Commission" means the county commission of Bourbon county.
- 21 (e) "Council" means the city council of Fort Scott.
- 22 (f) "County" means Bourbon county.
- 23 (g) "Manager" means the city manager of Fort Scott.
- 24 (h) "Mayor" means the mayor of Fort Scott.
- 25 (i) "Metropolitan area" includes the area within the corporate limits

26 of the city of Fort Scott.

27 (j) "Riverfront" means all real estate, equipment, rights and property  
28 useful for the purpose of recreation, along the banks of the [Kansas] river  
29 that runs through the city of Fort Scott and Bourbon county.

30 Sec. 3. There is hereby created the Fort Scott/Bourbon county riv-  
31 erfront authority. The purpose of the authority is to promote the general  
32 welfare and encourage private capital investment by fostering the creation  
33 of recreational, retail, entertainment, economic development and housing  
34 within the riverfront.

35 Sec. 4. The authority may sue and be sued in its corporate name, ~~but~~  
36 ~~execution shall not in any case issue against any property of the authority.~~

37 The authority may adopt a common seal and change the same at pleasure.

38 Sec. 5. For the first three years of its existence, the authority shall  
39 engage in planning and design of the riverfront. At all times the authority  
40 shall have power to acquire, construct, own, operate and maintain for  
41 public service a riverfront system in the metropolitan area and all the  
42 powers necessary or convenient to accomplish the purposes of this act,  
43 including, without limiting the generality of the foregoing, the specific

and within five miles of the corporate limits along the Marmaton river

Marmaton

strike

Section 1. Upon taking office or subscribing to an oath of office, each elected official of a public entity that is subject to the Kansas Open Meetings Act, K.S.A. 75-4317 et seq., must obtain information regarding the requirements of the Kansas Open Meetings Act. Such information shall include, but is not necessarily limited to, the definitions, requirements for compliance, and penalties for non-compliance.

Section 2. Upon being selected as a Freedom of Information officer pursuant to K.S.A. 45-226, such individual must obtain information regarding the requirements of the Kansas Open Records Act, K.S.A. 45-215 et seq. Such information shall include, but is not necessarily limited to, the definitions, requirements for compliance, and penalties for non-compliance.

