

Nick Jordan, Secretary
David N. Harper, Director

Sam Brownback, Governor

TO: Senator Les Donovan, Chairman
Senate Standing Committee on Assessment and Taxation

FROM: David Harper, Director
Kansas Division of Property Valuation

DATE: February 3, 2016

SUBJECT: Senate Bill 359

Senate Bill 359 as introduced has two sections related to the administration of the property valuation system for ad valorem property tax purposes.

Section one of Senate Bill 359 amends K.S.A. 19-432 to allow the director of property valuation to remove an appraiser from the list of persons eligible to be appointed to the office of county appraiser for failure to meet the established continuing education requirements, or for specified criminal or ethical misconduct by the appraiser.

Currently, the director of property valuation does have the authority under K.S.A. 19-431 to remove an appraiser from office for failure to perform their duties as required by law, or if the interest of the public service will be promoted by the removal of the appraiser. However, K.S.A. 19-432 does not currently provide a mechanism to allow for the removal of an appraiser from the list of those eligible to be appointed as a county appraiser. This could result in an appraiser removed from office in a specific county, remaining on the list of approved appraiser and eligible to be appointed by another county.

Senate Bill 359 as introduced allows for removal of an appraiser and grants the appraiser the opportunity to appeal the action to the state board of tax appeals and apply for reinstatement. The language of section one of Senate Bill 359 is consistent with K.S.A. 58-4118; disciplinary actions which the Kansas Real Estate Appraisal Board (KREAB) may take in governing the actions of appraisers certified by KREAB to develop appraisals for real estate related financial transactions.

Section two of Senate Bill 359 amends the requirements of K.S.A. 79-1460a for the county appraiser to annually publish the results of the market study analysis. Currently, the requirement is for the study to be published in the official county newspaper at least five business days prior to mailing change of valuation.

The bill repeals the five day requirement but continues to require publication prior to mailing the change of valuation notices. The bill also amends the provision to allow publication of the results of the market study analysis on the official county website.

This change would not only provide a small cost savings to the counties, but also improve the visibility of the annual report. The market study on the website would be available throughout the year and allow taxpayers access as needed.