

**SENATE BILL No. 500**

By Committee on Assessment and Taxation

3-12

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1 AN ACT concerning the state board of tax appeals; relating to  
2 appointments; allowing a board member to serve until a successor is  
3 appointed and confirmed; amending K.S.A. 74-2433 and repealing the  
4 existing section.  
5

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

7 Section 1. K.S.A. 74-2433 is hereby amended to read as follows: 74-  
8 2433. (a) There is hereby created a state board of tax appeals, referred to in  
9 this act as the board. The board shall be composed of three members who  
10 shall be appointed by the governor, subject to confirmation by the senate  
11 as provided in K.S.A. 75-4315b, and amendments thereto. For members  
12 appointed after June 30, 2014, one of such members shall have been  
13 regularly admitted to practice law in the state of Kansas and for a period of  
14 at least five years, have engaged in the active practice of law as a lawyer,  
15 judge of a court of record or any other court in this state; one of such  
16 members shall have engaged in active practice as a certified public  
17 accountant for a period of at least five years and one such member shall be  
18 a licensed certified general real property appraiser. In addition, the  
19 governor shall also appoint a chief hearing officer, subject to confirmation  
20 by the senate as provided in K.S.A. 75-4315b, and amendments thereto,  
21 who, in addition to other duties prescribed by this act, shall serve as a  
22 member pro tempore of the board. No successor shall be appointed for any  
23 judge of the court of tax appeals appointed before July 1, 2014. Such  
24 persons shall continue to serve as members on the board of tax appeals  
25 until their terms expire. Except as provided by K.S.A. 46-2601, and  
26 amendments thereto, no person appointed to the board, including the chief  
27 hearing officer, shall exercise any power, duty or function as a member of  
28 the board until confirmed by the senate. Not more than two members of  
29 the board shall be of the same political party. Members of the board,  
30 including the chief hearing officer, shall be residents of the state. Subject  
31 to the provisions of K.S.A. 75-4315c, and amendments thereto, no more  
32 than one member shall be appointed from any one of the congressional  
33 districts of Kansas unless, after having exercised due diligence, the  
34 governor is unable to find a qualified replacement within 90 days after any  
35 vacancy on the board occurs. The members of the board, including the  
36 chief hearing officer, shall be selected with special reference to training

1 and experience for duties imposed by this act and shall be individuals with  
2 legal, tax, accounting or appraisal training and experience. State board of  
3 tax appeals members shall be subject to the supreme court rules of judicial  
4 conduct applicable to all judges of the district court. The board shall be  
5 bound by the doctrine of stare decisis limited to published decisions of an  
6 appellate court. Members of the board, including the chief hearing officer,  
7 shall hold office for terms of four years. A member may continue to serve  
8 for a period of 90 days after the expiration of the member's term; or until a  
9 successor has been appointed and confirmed, ~~whichever is shorter~~. Except  
10 as otherwise provided, such terms of office shall expire on January 15 of  
11 the last year of such term. If a vacancy occurs on the board, or in the  
12 position for chief hearing officer, the governor shall appoint a successor to  
13 fill the vacancy for the unexpired term. Nothing in this section shall be  
14 construed to prohibit the governor from reappointing any member of the  
15 board, including the chief hearing officer, for additional four-year terms.  
16 The governor shall select one of its members to serve as chairperson. The  
17 votes of two members shall be required for any final order to be issued by  
18 the board. Meetings may be called by the chairperson and shall be called  
19 on request of a majority of the members of the board and when otherwise  
20 prescribed by statute.

21 (b) Any member appointed to the state board of tax appeals and the  
22 chief hearing officer may be removed by the governor for cause, after  
23 public hearing conducted in accordance with the provisions of the Kansas  
24 administrative procedure act.

25 (c) The state board of tax appeals shall appoint, subject to approval  
26 by the governor, an executive director of the board, to serve at the pleasure  
27 of the board. The executive director shall: (1) Be in the unclassified  
28 service under the Kansas civil service act; (2) devote full time to the  
29 executive director's assigned duties; (3) receive such compensation as  
30 determined by the board, subject to the limitations of appropriations  
31 thereof; and (4) have familiarity with the tax appeals process sufficient to  
32 fulfill the duties of the office of executive director. The executive director  
33 shall perform such other duties as directed by the board.

34 (d) Appeals decided by the state board of tax appeals shall be made  
35 available to the public and shall be published by the board on the board's  
36 website within 30 days after the decision has been rendered. The board  
37 shall also publish a monthly report that includes all appeals decided that  
38 month as well as all appeals which have not yet been decided and are  
39 beyond the time limitations as set forth in K.S.A. 74-2426, and  
40 amendments thereto. Such report shall be made available to the public and  
41 transmitted by the board to the members of the Kansas legislature.

42 (e) After appointment, members of the state board of tax appeals that  
43 are not otherwise a state certified general real property appraiser shall

1 complete the following course requirements: (1) A tested appraisal course  
2 of not less than 30 clock hours of instruction consisting of the  
3 fundamentals of real property appraisal with an emphasis on the cost and  
4 sales approaches to value; (2) a tested appraisal course of not less than 30  
5 clock hours of instruction consisting of the fundamentals of real property  
6 appraisal with an emphasis on the income approach to value; (3) a tested  
7 appraisal course of not less than 30 clock hours of instruction with an  
8 emphasis on mass appraisal; (4) an appraisal course with an emphasis on  
9 Kansas property tax laws; (5) an appraisal course on the techniques and  
10 procedures for the valuation of state assessed properties with an emphasis  
11 on unit valuation; and (6) a tested appraisal course on the techniques and  
12 procedures for the valuation of land devoted to agricultural use pursuant to  
13 K.S.A. 79-1476, and amendments thereto. Any member appointed to the  
14 board who is a certified real property appraiser shall only be required to  
15 take such educational courses as are required to maintain the appraisal  
16 license. The executive director shall adopt rules and regulations  
17 prescribing a timetable for the completion of the course requirements and  
18 prescribing continued education requirements for members of the board.

19 (f) The state board of tax appeals shall have no capacity or power to  
20 sue or be sued.

21 (g) It is the intent of the legislature that proceedings in front of the  
22 board of tax appeals be conducted in a fair and impartial manner and that  
23 all taxpayers are entitled to a neutral interpretation of the tax laws of the  
24 state of Kansas. The provisions of the tax laws of this state shall be applied  
25 impartially to both taxpayers and taxing districts in cases before the board.  
26 Valuation appeals before the board shall be decided upon a determination  
27 of the fair market value of the fee simple of the property. Nothing in this  
28 section shall prohibit a property owner, during a property valuation appeal  
29 before the board, from raising arguments regarding classification. Cases  
30 before the board shall not be decided upon arguments concerning the  
31 shifting of the tax burden or upon any revenue loss or gain which may be  
32 experienced by the taxing district.

33 Sec. 2. K.S.A. 74-2433 is hereby repealed.

34 Sec. 3. This act shall take effect and be in force from and after its  
35 publication in the Kansas register.