

HOUSE BILL No. 2236

By Representative Rhiley

2-12

1 AN ACT concerning county appraisers; relating to causes for suspension
2 or termination; percentage of applications for informal hearings;
3 amending K.S.A. 2018 Supp. 19-431 and repealing the existing section.
4

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

6 Section 1. K.S.A. 2018 Supp. 19-431 is hereby amended to read as
7 follows: 19-431. (a) Whenever it shall be made to appear to the board of
8 county commissioners of any county or the district board of an appraisal
9 district by evidence satisfactory to such board that the appraiser of such
10 county or district has failed or neglected to properly perform the duties of
11 office, by reasons of incompetency or for any other cause, the board shall
12 enter upon its journal an order suspending or terminating the county or
13 district appraiser from office. Such order shall state the reasons for such
14 suspension or termination, and upon the service of any such order upon the
15 appraiser suspended or terminated such appraiser shall at once be divested
16 of all power as county or district appraiser and shall immediately deliver to
17 the person appointed to discharge the duties of the office of such appraiser,
18 all books, records and papers pertaining to the office. The board of county
19 commissioners or district board shall appoint a temporary appraiser to
20 discharge the duties of the office until the suspension is removed or the
21 vacancy filled, and the person so appointed shall take the oath of office
22 required by law and thereupon such person shall be invested with all of the
23 powers and duties of the office. *Cause for suspension or termination may*
24 *be established if property owners of 4% or more of all parcels classified as*
25 *real property used for commercial and industrial purposes or 2% or more*
26 *of all parcels of the remaining classes of properties in a county apply for*
27 *an informal hearing on the parcel's property valuation in a calendar year.*

28 Within 15 days after service of an order of suspension or termination,
29 the appraiser may request a hearing on the order before the director of
30 property valuation. Upon receipt of a timely request, the director of
31 property valuation shall conduct a hearing in accordance with the
32 provisions of the Kansas administrative procedure act. If the appraiser is a
33 county appraiser, the hearing shall be held at the county seat of such
34 county or if such appraiser is a district appraiser at the county seat of the
35 county within the district having the greater population. At the hearing the
36 director of property valuation shall make inquiry as to all facts connected

1 with such suspension or termination, and if after such inquiry is made the
2 director of property valuation shall determine that the appraiser suspended
3 should be removed permanently and such appraiser's office declared
4 vacated or should be terminated, then the director of property valuation
5 shall render an order removing such appraiser. A copy of such order, duly
6 certified and under the seal of the director of property valuation, shall be
7 sent to the board of county commissioners or district board employing
8 such appraiser who shall cause the same to be recorded in full upon the
9 journal of the board. Immediately upon the service of such order by the
10 director of property valuation such office of appraiser shall be vacant, and
11 the board of county commissioners or district board shall appoint an
12 eligible Kansas appraiser as appraiser to fill such vacancy, who shall
13 qualify as provided by law in such cases. Should the person appointed be
14 other than the person appointed to discharge the duties of the office
15 temporarily, the person discharging the duties of the office temporarily
16 shall immediately transfer to the person appointed to fill the vacancy all
17 the books, records and files of the office.

18 (b) Whenever the director of property valuation shall on such
19 director's own motion conclude, after inquiry, that the appraiser of any
20 county or district has failed or neglected to discharge such appraiser's
21 duties as required by law and that the interest of the public service will be
22 promoted by the removal of such appraiser, the director of property
23 valuation shall enter upon the record of proceeding in such director's office
24 an order suspending or terminating such appraiser from office. Such order
25 shall state the reason for such suspension or termination and from and after
26 the date of service of such order upon such appraiser and the board of
27 county commissioners or district board employing such appraiser, the
28 person suspended or terminated shall be divested of all power as appraiser
29 and shall immediately deliver to the person appointed to discharge the
30 duties of the office of such appraiser, all books, records and papers
31 pertaining to the office. Upon receipt of an order by the director of
32 property valuation suspending or terminating the appraiser of the county or
33 district, the board of county commissioners or district board shall appoint a
34 temporary appraiser to discharge the duties of the office until the
35 suspension is removed or the vacancy filled, and the person appointed
36 shall take the oath of office required by law and thereupon such person
37 shall be invested with all of the powers and duties of the office.

38 Within 15 days after service of an order of suspension or termination by
39 the director of property valuation under this subsection, the appraiser may
40 request a hearing on the order before the state board of tax appeals. Upon
41 receipt of a timely request, the state board of tax appeals shall conduct a
42 hearing in accordance with the provisions of the Kansas administrative
43 procedure act. If the appraiser is a county appraiser, the hearing shall be

1 held at the county seat of such county or if such appraiser is a district
2 appraiser such hearing shall be held at the county seat of the county within
3 such district having the greatest population. At the hearing, the state board
4 of tax appeals shall make inquiry as to all facts connected with such
5 suspension or termination, and if after such inquiry is made the state board
6 of tax appeals determines that the appraiser suspended should be removed
7 permanently and such appraiser's office declared vacated or should be
8 terminated, then the state board of tax appeals shall render an order
9 removing such appraiser. A copy of such order, duly certified by the
10 secretary under the seal of the board, shall be sent to the board of county
11 commissioners or district board, who shall cause the same to be recorded
12 in full upon the journal of the board. Immediately upon the service of such
13 order by the state board of tax appeals such office of county appraiser shall
14 be vacant, and the board of county commissioners or district board shall
15 appoint an eligible Kansas appraiser as appraiser to fill such vacancy, who
16 shall qualify as provided by law in such cases. Should the person
17 appointed be other than the person appointed to discharge the duties of the
18 office temporarily, the person discharging the duties of the office
19 temporarily shall immediately transfer to the person appointed to fill the
20 vacancy all the books, records and files of the office.

21 Sec. 2. K.S.A. 2018 Supp. 19-431 is hereby repealed.

22 Sec. 3. This act shall take effect and be in force from and after its
23 publication in the statute book.