

## HOUSE BILL No. 2236

By Representative Rhiley

2-12

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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.  
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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.