

79-1437c. Real estate sales validation questionnaires; required to accompany transfers of title; retention time; use of information.

No deed or instrument providing for the transfer of title to real estate or affidavit of equitable interest in real estate shall be recorded in the office of the register of deeds unless such deed, instrument or affidavit shall be accompanied by a completed real estate sales validation questionnaire completed by the grantor or grantee or the agent of such grantor or grantee concerning the property transferred. Such questionnaire shall not be filed of record by the register of deeds but shall be retained for a period of five years at which time they shall be destroyed. The register of deeds shall in conjunction with the county clerk use the information derived from such questionnaires in cooperating with and assisting the director of property valuation in developing the information as provided for in K.S.A. 79-1487, and amendments thereto.

History: L. 1991, ch. 162, § 3; L. 1992, ch. 159, § 1; L. 1992, ch. 282, § 18; L. 1995, ch. 252, § 25; Jan. 1, 1996.

79-1437d. Same; devised by director of property valuation; approval by legislature; information to be contained therein.

The real estate sales questionnaire shall be devised by the director of property valuation, and the director shall furnish copies thereof to the register of deeds. Upon proposing modifications or changes to the real estate sales validation questionnaire devised and used prior to 1992 or any validation questionnaire approved by the legislature in 1992 or thereafter, the director of property valuation shall submit such proposal to the legislature. Upon the failure of the legislature to enact legislation modifying the director's proposal within 60 days of submission thereof, such proposal shall be deemed to be approved, and the director's modified questionnaire may be utilized at anytime thereafter. The questionnaire shall be devised to obtain information regarding the identification and location of the property, name and address of the purchaser, sales price, date of sale, the classification and subclassification to which such property belongs, nature and circumstances peculiar to the sale, whether any personal property was included in the sales price, whether the purchaser assumed any mortgage or liens, loans, leases or taxes, the method of financing, whether any special assessments are levied against the property and such other information as the director of property valuation shall require. No information shall be requested in such questionnaire which would require the disclosure of the interest rate paid by the purchaser or the specific term of any mortgage.

History: L. 1991, ch. 162, § 4; July 1.

79-1437e. Same; inapplicability to certain transfers of title.

- (a) The real estate sales validation questionnaire required by this act shall not apply to transfers of title:
- (1) Recorded prior to the effective date of this act;
 - (2) made solely for the purpose of securing or releasing security for a debt or other obligation;
 - (3) made for the purpose of confirming, correcting, modifying or supplementing a deed previously recorded, and without additional consideration;
 - (4) by way of gift, donation or contribution stated in the deed or other instrument;
 - (5) to cemetery lots;
 - (6) by leases and transfers of severed mineral interests;

- (7) to or from a trust, and without consideration;
 - (8) resulting from a divorce settlement where one party transfers interest in property to the other;
 - (9) made solely for the purpose of creating a joint tenancy or tenancy in common;
 - (10) by way of a sheriff's deed;
 - (11) by way of a deed which has been in escrow for longer than five years;
 - (12) by way of a quit claim deed filed for the purpose of clearing title encumbrances;
 - (13) when title is transferred to convey right-of-way or pursuant to eminent domain;
 - (14) made by a guardian, executor, administrator, conservator or trustee of an estate pursuant to judicial order;
 - (15) when title is transferred due to repossession; or
 - (16) made for the purpose of releasing an equitable lien on a previously recorded affidavit of equitable interest, and without additional consideration.
- (b) When a real estate sales validation questionnaire is not required due to one or more of the exemptions provided in subsection (a), the exemption shall be clearly stated on the document being filed.

History: L. 1991, ch. 162, § 5; L. 1992, ch. 159, § 2; L. 1994, ch. 275, § 12; L. 2002, ch.22, §1; July 1.

79-1437f. Same; disposition and use of contents thereof, to and by whom. Except as otherwise provided by K.S.A. 79-1460, and amendments thereto, contents of the real estate sales validation questionnaire shall be made available only to the following people for the purposes listed hereafter:

- (a) County officials for cooperating with and assisting the director of property valuation in developing the information as provided for in K.S.A. 79-1487, and amendments thereto;
- (b) any property owner, or the owner's representative, for prosecuting an appeal of the valuation of such owner's property or for determining whether to make such an appeal, but access shall be limited to the contents of those questionnaires concerning the same constitutionally prescribed subclass of property as that of such owner's property;
- (c) the county appraiser and appraisers employed by the county for the appraisal of property located within the county;
- (d) appraisers licensed or certified pursuant to K.S.A. 58-4101 *et seq.*, and amendments thereto, for appraisal of property and preparation of appraisal reports;
- (e) financial institutions for conducting appraisals as required by federal and state regulators;
- (f) the county appraiser or the appraiser's designee, hearing officers or panels appointed pursuant to K.S.A. 79-1602 or 79-1611, and amendments thereto, and the state court of tax appeals for conducting valuation appeal proceedings;

- (g) the board of county commissioners for conducting any of the boards statutorily prescribed duties;
- (h) the director of property valuation for conducting any of the director's statutorily prescribed duties; and
- (i) a person licensed pursuant to the real estate brokers' and salespersons' act for purposes of fulfilling such person's statutory duties and providing information on market value of property to clients and customers.

History: L. 1991, ch. 162, § 6; L. 1992, ch. 282 § 19; L. 1999, ch. 123, § 2; L. 2002, ch. 23 § 1; L. 2006, ch 151, § 3; L 2007, ch. 63, § 1; 2008, ch. 109, §87; July 1.

79-1437g. Same; penalty for violations.

Any person who shall falsify the value of real estate transferred shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than \$500.

History: L. 1991, ch. 162, § 7; L. 1992, ch. 159, § 3; April 30.

79-1444 Same; technical advisory committee; membership; qualifications, compensation and allowance; duties; additional advisory committee, appointment.

There is hereby established a technical advisory committee on the assessment-sales ratio study. The committee shall consist of three (3) members, appointed by and serving at the pleasure of the secretary of revenue. Members of the committee shall have such education and training as may be necessary to advise the director in the methodology of conducting studies of the type required under the provisions of this act. Members of the advisory committee on assessment-sales ratio study attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. The same shall be paid from appropriations to the secretary of revenue upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of revenue or a person or persons designated by him or her.

It shall be the duty of the committee to advise and consult with and assist the director in the review and evaluation of the procedures used by the director of property valuation in making the assessment-sales ratio study and to make recommendations for any changes deemed necessary. It shall be the duty of the board of regents and the administration of each of the state institutions thereunder to authorize any staff members so selected to participate as members in the activities of such committee. The secretary of revenue may appoint an additional advisory committee of not to exceed seven (7) members to serve at his or her pleasure.

History: L. 1965, ch. 516, § 6; L. 1968, ch. 208, § 14; L. 1972, ch. 362, § 7; L. 1974, ch. 348, § 99; L. 1974, ch. 428, § 7; L. 1975, ch. 416, § 27; July 1.

79-1485 Kansas real estate ratio study act: purposes.

- (a) This act shall be known and may be cited as the Kansas real estate ratio study act.
- (b) The purpose of this act is to provide statistical information regarding the relationship of the appraised value to the selling price of real estate which has sold during the study year and the relative level of uniformity of appraisal within and among counties and to report such information in convenient form to the legislature and other interested parties.

The statistical information determined pursuant to this act may be used by the director in carrying out such director's duties, including, but not limited to, assisting such director in the determination of substantial compliance under K.S.A. 79-1445, and amendments thereto.

History: L. 1992, ch. 131, § 1; L. 1994, ch. 275, § 8; July 1.

79-1486 Same; definitions. As used in this act:

- (a) "Sale" or "sales" shall include all transfers of real estate for which a real estate sales validation questionnaire is required by K.S.A. 79-1437c, and amendments thereto; however, all sales for which a real estate sales validation questionnaire is required by K.S.A. 79-1437c, and amendments thereto, need not be included in the final ratios determined;
- (b) "valid sale" is a sale that is an indicator of fair market value as defined in K.S.A. 79-503a, and amendments thereto;
- (c) "invalid sale" is a sale that is not an indicator of fair market value as defined in K.S.A. 79-503a, and amendments thereto;
- (d) "unvalidated sale" is a residential subclass sale that was not selected through a random sampling process and has not been determined to be either a valid sale or an invalid sale;
- (e) "real estate" shall include land, improvements and structures which are appraised as real property;
- (f) "director" shall mean the director of property valuation;
- (g) "classification" shall mean those classifications which apply to real property contained in K.S.A. 79-1439, and amendments thereto, or any stratification which may be prescribed by the director;
- (h) "average" shall mean that measure or measures of central tendency which the director shall determine best describes a group of individual ratios;
- (i) "ratio" shall mean the numerical relationship between the appraised or assessed value and the selling price; and
- (j) "study year" shall mean that twelve-month period beginning annually on January 1.

History: L. 1992, ch. 131, § 2; L. 1994, ch. 275, § 9; July 1.

79-1487 Same: duties of local officials; access of records by director.

It shall be the duty of all county officials to cooperate with and assist the director in the development of the information required by this act. Such county officials shall exchange such information as may be necessary to carry out the intent and purposes of this act. The director or the director's agents shall have access to all county records for the purpose of carrying out the intent and purposes of this act.

History: L. 1992, ch. 131, § 3; July 1.

79-1488 Same; authorities and duties of director.

It shall be the duty of the director to obtain all information relating to each sale of real estate as the director shall deem necessary to carry out the intent and purposes of this act. The director shall prescribe the form in which the data is obtained. The director shall assign agents who shall verify and categorize each sale as valid, invalid or unvalidated. The director shall determine the median ratio in relation to the county's certified value, the price-related differential, and the coefficient of dispersion for each classification of property in each county. If, in the director's opinion, sales from the study year are insufficient to determine reliable ratios for any classification of property in any county, sales from the four-year period preceding the study year may be used to supplement study year sales or the director may obtain or conduct appraisals for the purpose of supplementing, verifying or correcting ratios for the study year. The director may select random samples of residential subclass sales from counties having a total parcel count in excess of 15,000 to determine reliable residential subclass ratios for any such county. The random sample shall be selected prior to any validation process. Data from deeds, other instruments of conveyance and real estate sales validation questionnaires recorded or filed with the register of deeds on or after the first day of February following the study year shall not be used in determining the ratios for any county.

History: L. 1992, ch. 131, § 4; L. 1994, ch. 275, § 10; July 1.

79-1489 Same; notification of ratios to county by the director; appeals, procedure.

The director shall determine the mid-year ratios for each county and notify the board of county commissioners thereof. When the final ratios are determined, the director shall notify the board of county commissioners of each county of the ratios determined for such county. If the board of county commissioners disagrees with the ratios determined for the county, such board, within 15 days after receipt of such notice, may appeal such determination to the state court of tax appeals. Written notice of appeal shall be served on the state court of tax appeals and the director by certified mail. The notice of appeal shall clearly and specifically state the facts upon which the appeal is based. The state court of tax appeals shall conduct a summary proceeding in accordance with the provisions of the Kansas administrative procedure act within 30 days of receipt of the written notice of appeal and shall issue findings and a final order within 30 days after the conclusion of such summary proceeding. If the state court of tax appeals finds that corrections in the ratios are necessary, it shall order the director to make necessary corrections consistent with such findings prior to the publication of the study.

History: L. 1992, ch. 131, § 5; L. 1994, ch. 275, § 11; L. 2008, ch. 109, § 94; July 1.

79-1490 Same; publishing of study, when.

The director shall publish the ratio study after the procedures prescribed in K.S.A. 79-1489 have been concluded. If it is determined that the ratio study cannot be published by April 1, the director shall provide a preliminary ratio study to the governor, the speaker of the house and the president of the senate and their respective tax committees on or before March 15.

History: L. 1992, ch. 131, § 6; July 1.

79-1491 Same; rules and regulations.

The secretary of revenue shall adopt rules and regulations providing for the administration of this act.

History: L. 1992, ch. 131, § 7; July 1.

79-1492 Same; application of act.

The provisions of K.S.A. 79-1437e, 79-1485, 79-1486, 79-1488 and 79-1489 shall apply to all taxable years commencing after December 31, 1993.

History: L. 1992, ch. 131, § 8; L. 1994, ch. 275, § 13; July 1.

79-1493 Same; authority to compile and publish other statistics not affected.

Nothing in this act shall preclude the director from gathering, compiling or publishing any information or statistics in addition to those required by this act.

History: L. 1992, ch. 131, § 9; July 1.