



STATE OF KANSAS

Office of the Attorney General

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Curt T. Schneider
Attorney General

March 5, 1976

ATTORNEY GENERAL OPINION NO. 76- 78

Ms. Dorothy M. Chapman
Logan County Clerk/Assessor
Logan County Courthouse
Oakley, Kansas 67748

Re: Counties--Officers--Assessors

Synopsis: A County Clerk, who has qualified as a Certified Kansas Appraiser by the Director of Property Valuation, may be appointed as a "part time County Appraiser" while continuing to hold the office of County Clerk in a Kansas county of 20,000 or less population.

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Dear Ms. Chapman:

You inquire whether a county clerk in a county having a population of 20,000 or less may be appointed county appraiser.

At least two enactments have been adopted by the legislature in recent years to upgrade and professionalize the position of county appraiser, formerly county assessor. One of the measures enacted to achieve this purpose is a requirement, effective in January, 1977, that every county appraiser be qualified by the Director of Property Valuation as a certified Kansas appraiser under K.S.A. 19-430 *et seq.*

In the most recent of these enactments, that passed in 1974, it was envisioned that part-time county assessors and appraisers would be abolished, and that as a result, county clerks would no longer serve *ex officio* as assessor or appraiser. Thus, K.S.A. 1975 Supp. 19-426 states in pertinent part thus:

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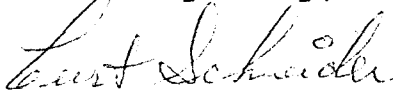
"Upon the appointment and qualification of the county or district appraiser under the provisions of this act, the county clerk of the county as ex officio county assessor or the county assessor appointed or elected under the authority of any other statute of this state shall thereupon be divested of his powers and duties relating to assessment"

At the same time, however, the Legislature recognized that in many counties, county clerks had become skilled in assessment and appraisal, and that their continued service as part-time appraisers was fully consistent with the legislative goals of the 1974 act. K.S.A. 19-430 states in pertinent part thus:

"County appraisers appointed in counties having a population of more than twenty thousand (20,000) shall devote full time to the duties of such office but county appraisers appointed in counties having a population of twenty thousand (20,000) or less may be appointed either as a full-time or a part-time county appraiser as prescribed in the resolution providing for such appointment."

Thus, a county clerk who is qualified as a certified Kansas appraiser by the Director of Property Valuation is eligible for appointment as a part-time county appraiser while continuing to hold the office of county clerk in counties having a population of 20,000 or less.

Yours very truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:CJM:kj