

**132.370 Property valuation administrator's status as state official -- Election -- Qualification -- Terms -- Removal -- Accrued leave and compensatory time.**

- (1) There shall be a property valuation administrator in each county in lieu of a county assessor. Property valuation administrators shall be state officials and all deputies and assistants of their offices shall be unclassified state employees.
- (2) Property valuation administrators shall be elected in the year in which county elections are held and shall enter upon the discharge of the duties of their office on the first Monday in December after their election and continue in office for a period of four (4) years, and until the election and qualification of their successors. Property valuation administrators shall possess the qualifications required by Section 100 of the Constitution and by KRS 132.380 and shall be eligible for reelection.
- (3) The property valuation administrators and all deputies and assistants of their offices who qualify as full-time employees shall be eligible for participation in the provisions of KRS 18A.205, 18A.230 to 18A.355, and 61.510 to 61.705.
- (4) A property valuation administrator may be removed from office by the Circuit Court of his or her county, upon petition of any taxpayer, or by the commissioner of revenue for willful disobedience of any just or legal order of the department, or for misfeasance or malfeasance in office or willful neglect in the discharge of his or her official duties, including but not limited to intentional underassessment or overassessment of properties and chronic underassessment of properties. For purposes of this section and KRS 133.250, "chronic underassessment" means a widespread pattern and practice of assessing properties at levels substantially below fair market value which persists for a period of two (2) or more years as disclosed by randomly selected sample appraisals conducted under the provisions of KRS 133.250, special audits conducted pursuant to KRS 133.250, or other means.
- (5) If the commissioner determines that a property valuation administrator should be removed from office, the property valuation administrator shall be notified in writing, and the notice of intent to remove shall state the specific reasons for removal. The notice shall also advise the property valuation administrator of his or her right to a preremoval conference and an administrative hearing.
- (6) A property valuation administrator may request a preremoval conference to appear with or without counsel before the commissioner or his or her designee to answer the charges against him or her. The preremoval conference shall be requested in writing within six (6) working days of the date on which the notice of intent to remove is received, and a preremoval conference shall be scheduled within seven (7) working days of the date on which the request is received. The commissioner or his or her designee shall render a decision within five (5) working days of the conclusion of the preremoval conference. Failure of a property valuation administrator to request a preremoval hearing shall not waive his or her right to contest his or her removal through an administrative hearing.
- (7) If an action to remove a property valuation administrator is initiated by the commissioner of revenue, the property valuation administrator shall have the right to appeal and upon appeal an administrative hearing shall be conducted in

accordance with KRS Chapter 13B. Appeal of the final order of the commissioner of revenue may be filed in a Circuit Court of an adjacent judicial circuit in accordance with KRS Chapter 13B, notwithstanding the provisions of KRS Chapter 18A.

- (8) If a property valuation administrator is removed from office as provided in subsections (4) to (7) of this section, he or she shall be ineligible to serve in the office at any future date and shall forfeit any and all certification from the Department of Revenue pertaining to the office.
- (9) Notwithstanding the provisions of KRS 18A.110(5)(c), the department shall promulgate administrative regulations allowing property valuation administrators and their deputies to receive lump-sum payments for accrued annual leave and compensatory time when separated from employment because of termination by the employer, resignation, retirement, or death.

**Effective:** January 1, 2010

**History:** Amended 2009 Ky. Acts ch. 10, sec. 38, effective January 1, 2010. -- Amended 2005 Ky. Acts ch. 85, sec. 193, effective June 20, 2005. -- Amended 2000 Ky. Acts ch. 392, sec. 1, effective July 14, 2000. -- Amended 1996 Ky. Acts ch. 318, sec. 37, effective July 15, 1996. -- Amended 1990 Ky. Acts ch. 411, sec. 1, effective July 13, 1990. -- Amended 1988 Ky. Acts ch. 418, sec. 2, effective July 15, 1988. -- Amended 1982 Ky. Acts ch. 448, sec. 67, effective July 15, 1982. -- Amended 1980 Ky. Acts ch. 188, sec. 103, effective July 15, 1980. -- Amended 1978 Ky. Acts ch. 233, sec. 1, effective June 17, 1978. -- Amended 1968 Ky. Acts ch. 212, sec. 1. -- Amended 1960 Ky. Acts ch. 186, Art. I, sec. 9. -- Amended 1949 (1st Extra. Sess.) Ky. Acts ch. 3, sec. 1. -- Amended 1942 Ky. Acts ch. 131, sec. 32. -- Recodified 1942 Ky. Acts ch. 208, sec. 1, effective October 1, 1942, from Ky. Stat. sec. 4042a-1, 4042a-2, 4042a-3, 4042a-7.