



Kansas Association of Counties Legislative Update ***March 29, 2024***

Welcome to the 2024 Kansas Legislative Session. This is the second year of the biennium, so bills and resolutions from the 2023 Session **do** carry over to the 2024 Session. Bill numbers also carry over, meaning they pick up where they left off last year, rather than starting over at 1 (Senate) or 2001 (House). It also means that legislation that was “dead” last year has been revived and can be debated again this year during the legislative session.

For a review of common legislative terms, please refer to the [Common Legislative Terms](#) list on KAC’s website or bookmark this link: <https://www.kansascounties.org/legislative/common-legislative-terms/view>

Summaries of all legislation passed during the 2023 session can be found at www.kslegresearch.org under the Publications tab by searching the 2023 Summary of Legislation and 2023 Legislative Highlights.

What Happened This Week

Anything can happen in an election year. This is critical to remember when thinking about legislative activities this session. Anything can happen in an election year.

This was not the update I thought I was going to write when the House wrapped up their vote on [SB 300](#), the House tax plan. The plan had not just bipartisan support, but unanimous support.

The Senate Tax plan, [SB 539](#) as you may remember, had bipartisan support, with one Democrat voting for the proposal, but was not unanimous receiving just 29 votes.

Then Senate President Masterson declared that SB 300 had been materially altered and referred it to committee. This procedural maneuver effectively kills the bill with so little time remaining in the session. The Senate Tax plan sits in a House committee, conferenceable, but because it is in a Senate bill rather than a House vehicle, not eligible to go to conference itself. The House Tax plan (in a Senate bill) sits in a Senate committee, eligible for conference, but heading nowhere because committees cannot meet without permission from the Senate President.

So what happens now? Stay tuned.

In the meantime, let’s focus on some things that did pass.

- [HB 2661](#), which would change the way commissioners are elected when the number of county commissioners is increased, passed the Senate by a margin of 40-0. This bill now heads to the governor for signature.
- [SB 381](#), which would allow counties that are not the largest in their judicial district to appoint their own coroner at their own cost, passed in the House and will also go to the governor for signature.

- [SB 384](#), the EMS bill, had the compromise language stripped out on the House floor and replaced with the original contents of the bill. The amended version passed in the House and is now heading to conference committee. KAC is working with other stakeholders on a path forward for the compromise language.
- [HB 2690](#), which would eliminate the 911 Commission and replace it with the State 911 Board, while also allowing public service answering points (PSAPs) to contract with other PSAPs for answering services, passed in the Senate, but was amended in the committee and again on the Senate floor. That means this bill is heading for conference committee.
- [SB 362](#), which would eliminate the sunset provision of the Sedgwick county nuisance abatement bill, passed the House and is now heading to the governor for signature.
- [SB 458](#), the Senate version of the asset forfeiture bill was amended by the House. This is now heading for conference committee, where the Senate may be entrenched in its position.
- [HB 2754](#), which would again allow counties to utilize home rule authority to exempt themselves from school safety inspections, passed 40-0 in the Senate and is heading to the governor's desk as well.
- [SB 542](#), the homelessness bill, is dead, but may be revived as a budget proviso. The amended version of SB 542 was problematic for counties as that local governments would have increased liability for homelessness (along with homeless shelters). All cities and counties would have to adopt ordinances or resolutions banning camping or sleeping without a permit (as well as requiring enforcement) as well as allowing any citizen to bring a writ of mandamus against the city or county and, if successful, be awarded both damages and attorneys fees. That this may end up in a budget bill makes it something to watch because a budget will pass eventually, but the changes made to SB 542 are untenable for local government.
- [H Sub for SB 172](#), the former [HB 2766](#), which would prohibit foreign principals from certain countries from holding an interest in certain real property in Kansas has advanced out of the House. It will head to conference where anything can happen.

The conference committee on [SB 28](#), the budget bill, met early in the week, but postponed further negotiations until next week. With the fallout from the tax situation, that may prove to be too large a lift, as things could stall even longer as negotiations on taxes move along. Things could get back on track, but until the tax questions are answered, there likely will not be movement on the other large issues this session.

[HB 2446](#), which would ban plastic bags and other single use plastics, passed the Senate with 24 votes. It now heads to the governor, who has vetoed similar legislation in the past. Whether the governor chooses to veto this legislation or not is an open question.

[H Sub for SB 291](#), the cyber security bill, is a bill that seems to have everyone aligned. Everyone agrees that the state needs new cyber policy and requirements, but there is not a consensus on exactly how to do this. With the coming battles over the tax plan and budget, this may be too hefty a lift for the legislature this year. Keep an eye on this number, however, because it could move late if there is time after a budget deal.

Neither [HCR 5025](#), which would amend Section 1, Article 11 of the Kansas Constitution to change the valuation of residential property to a ten year rolling average to determine the fair market value, or [SCR 1611](#) which would amend Section 1, Article 11 of the Kansas Constitution to limit the increase in valuation on real property in Kansas to 4% per year, is moving forward this year. Either proposal

would need to be amended before being placed on the ballot, making the remote possibility even more unlikely with the distance between the two chambers on tax policy.

[HB 2825](#), which would create a requirement for price disclosures for hospitals, and contains monetary penalties for noncompliance, was defeated on the floor after multiple amendments made it untenable. There was concern for local governments that monetary penalties could impact taxpayer dollars. A federal program already oversees this, so there was concern among legislators that this was duplicitous.

Medical marijuana enjoys the same fate as Medicaid expansion. The Senate Federal and State Affairs committee held a hearing on [SB 555](#), which would have introduced a medical cannabis pilot program. Immediately after hearing from proponents and opponents, the bill was tabled, with no real discussion.

[Senate Sub for HB 2646](#) would transfer teachers out of KPERS 3 and back into KPERS 2. It is also trapped in a Senate committee. We probably won't see any activity on it, although the joint referral in the Senate to Financial Institutions and Insurance and Ways and Means could open the door for a conference committee since Financial Institutions and Insurance has multiple potential vehicles for gut and go purposes.

Some other bills to keep an eye on when conference committees do get moving:

- [SB 468](#), which would require that any county or city that grants any property tax exemptions, revenue bonds or other tax abatements remain at the revenue neutral rate. Counties need to engage their legislative delegations and encourage them to oppose this legislation, as well as engaging your business community to engage with your legislative delegation to explain how important these economic development tools are to your community.
- [SB 311](#) would impact how commercial property can be appraised. The original bill would prevent using the sale price or value from an IRS 1031 exchange to determine fair market value. The committee added in language that would prevent using “build-to-suit transactions or sale-leaseback agreements” to determine fair market value or as comparable sales for valuation purposes. This could allow use of “dark store theory” in determining the value of commercial property. Counties should be urging House members, particularly members of the tax committee to not put this into a conference committee report (CCR) where it could get bundled with other unrelated legislation.
- [HB 2806](#), which would place limit the fees that counties can charge to telecommunications providers and video service providers operating in the county right-of-way, was amended before advancing out of committee. KAC is concerned that this bill would treat counties differently than it does cities. The bill advanced to the Senate but is unlikely to see action. This topic is, however, now conferenceable.
- [SB 367](#), which would prohibit using federal funds for expenditures related to election activities, passed the Senate 28-12. That makes it conferenceable. Whether this has any chance of advancing or not is unclear given the unsettled current state of the legislature.

What's Coming Next Week

Anything can happen in an election year. Everything that happens from this point forward will be impacted by the tax debate. The budget conference committee did not meet after Tuesday, and while they appeared to be close at that time, the tax debate may have divided the chambers significantly.

Every other conference committee is also impacted by this tax fight. The majority from each chamber may come into the conference with specific instructions to take a hard line on some (or even all) issues. This may lead to a lot of stalemates and ultimately, a lot of hurry up and wait next week.

There is potential for floor action, but it is unclear what each chamber may want to run if there is a stalemate on running items from the opposing chamber. The Monday calendar has nothing above the line (scheduled to be worked). We will see where that takes us.

The big issues are as follows:

- Taxes. Let's be honest, the only thing that matters in this legislative session right now is taxes. Commercial property taxes. Tax packages. Demand transfers. Dark store theory is back. You can study up on [dark store theory](#) on the KAC website as a refresher. [SB 311](#) includes language that would prevent county appraisers from using sale leaseback provisions and build-to-suit agreements in valuing these types of properties. Counties should make sure legislators understand that this type of policy would likely result in a property tax shift from commercial properties to residential and other properties classes. There are a variety of bills ([HB 2508](#), [SB 196](#), [SB 332](#), and [SB 536](#)) that would fund LAVTR in a variety of ways, with a variety of restrictions. There are other bills ([HB 2815](#), [HB 2844](#)) that would eliminate LAVTR and CCRS. These transfers will be a part of the tax package debate in some form, probably in an attempt to eliminate them altogether. Both the House (SB 300) and Senate (SB 536) have their own version of a tax plan. Neither is heading anywhere. What happens next will determine how (and how long) the rest of the legislative session will run.
- The budget. SB 28 is the budget vehicle. That does not include school funding, which is in a separate bill. The appropriations process is being held captive by the tax dustup. One cannot move without the other. Both will likely move eventually, but that does not mean quickly.

If you have not already done so, [SUBSCRIBE](#) to KAC legislative alerts to stay up to date on what is going on.

Additional Resources

For additional information on things happening in the Legislature, follow [@KansasCounties](#) and [@JayHallKS](#) on X (formerly Twitter).

You can find information on the Kansas Legislature, such as daily calendars, audio links, and bill text at www.kslegislature.org.

You can watch or listen to committee proceedings at: www.sq001-harmony.sliq.net/00287/Harmony/en/View/Calendar/ or by following the Kansas Legislature on YouTube.

2024 Legislative deadlines can be found at:

https://kslegislature.org/li/documents/2024_session_deadlines.pdf