



Kansas Association of Counties Legislative Update April 1, 2021

Welcome to the 2021 Kansas Legislative Session. This is the first year of the biennium, so bills and resolutions from the 2020 Session do not carry over to the 2021 Session. For many bills, all that means is that they get a new number and start over. The bill numbers will start over at 1 (Senate) and 2001 (House).

For a review of common legislative terms, please refer to the “Common Legislative Terms” list on the www.KansasCounties.org website in the “Services” Tab under “Legislative,” or bookmark <http://www.kansascounties.org/services/legislative/common-legislative-terms.pdf/view>

Summaries of all legislation passed during the 2020 session or special session can be found at www.kslegresearch.org under the Publications tab by searching the 2020 Summary of Legislation and 2020 Legislative Highlights. You can also find helpful resources in the Legislative Briefing Book. Topics of interest covered in the 2021 Briefing Book include Elections and Ethics, Redistricting, State and Local Government, Taxation and Transportation, among others.

What Happened This Week

First adjournment is a mere week away. Quite a bit that affects counties was passed in the last several days. There were around 60 pieces of legislation that passed in the two chambers. The highlights on county related items are below.

S Sub for HB 2104

The Senate passed Senate Sub. for HB 2104, which does quite a few things, all of which have some impact on county operations at some level. Senate Sub. for HB 2104 amends the law related to the list of eligible county appraisers, the qualifications of county and district appraisers, makes changes to appraisal standards, addresses Board of Tax Appeals (BOTA) administration and membership, has a section that deals with property valuation appeals and judicial review of property tax disputes, BOTA membership, and school district budget certification. That is quite a bit in one bill, but breaks down into categories fairly clearly.

County Appraisers

The bill allows for the removal of an appraiser from the list of eligible appraisers for certain acts or omissions. Unlike a similar bill from last year, this bill also requires notice and hearing prior to allowing for that removal to address due process issues. The bill requires county commissions

to notify the Director of Property Valuation when a person no longer holds the office of appraiser and include the reason for the separation.

The bill requires that appraisals are to be performed in compliance with the Uniform Standards of Professional Appraisal Practice (USPAP). Previously the Director of Property Valuation had the ability to set the statewide standards. The bill also gives the Kansas real estate appraisal board (KREAB) the responsibility of approving appraisal courses. KREAB did not request this responsibility. Courses necessary to qualify for a registered mass appraiser designation and subsequent continuing education courses would also be approved by KREAB. KREAB does not currently have a mass appraiser designation.

BOTA and Property Tax Appeals

The bill would require BOTA to serve orders and notices via electronic means to parties that have requested electronic service. It would also extend the period for requesting a full opinion from 14 days to 21 days.

The bill would prohibit BOTA or the county appraiser from increasing the valuation on appeal. This portion of the law may conflict with the fair market value standard already in law.

The bill shifts the burden of proof on appeal to the district court from the taxpayer to the county appraiser. By law, only the taxpayer may appeal to district court.

The bill extends the number of days an individual can serve after their term has expired from 90 days to 180 days while awaiting the appointment of a replacement. It also allows the Governor to appoint a former member of BOTA who remains in good standing to serve as a member pro tempore of BOTA for a period of up to one year while awaiting a full-time appointment.

SB 13 Trailer Language

The bill would modify some dates passed in SB 13. The bill would change the earliest possible date for a taxing subdivision to consider exceeding the revenue-neutral rate from August 10 to August 20 and the latest possible date for such hearing from September 10 to September 20. This would help align with school district budget laws. The bill would also change the date by which taxing subdivisions required to conduct a public hearing to exceed the revenue-neutral rate must certify the amount of property tax to be levied from September 20 to October 1.

This conference committee report now goes to the House for approval, then on to the Governor.

Election Laws

HB 2332 has a variety of election related legislation in it. It would require identification of the sender on third party solicitations to registered voters to file for advanced ballot. This bill was amended on the floor of the Senate to clarify where a voter is able to become registered, amending the language to state that a registered address must correspond to a location that may be occupied. This addresses concerns regarding the registration of homeless persons. The bill passed as amended and will now go back to the House for a motion to concur.

Senate Sub. for HB 2183 also has several facets. It would make it a crime to alter an advance ballot postmark. It would also prohibit county officials from accepting advance ballots without first verifying the signature on the ballot matches the signature on file.

The bill removes the authority for the Secretary of State to extend the advance ballot deadline. It also requires the Secretary of State to publish information regarding the total number of registered voters in each county, the number of registered voters in each political party and the number of registered voters in the county identified as having mail that is undeliverable.

The bill prohibits the delivery of an advanced ballot by someone other than the voter unless that delivery is accompanied by a written statement authorizing such delivery. A form for this statement would be established by the Secretary of State. The bill also prohibits any individual from delivering more than five advance voting ballots.

Transportation

Senate Sub. for HB 2201, which decreases the amount of investment required to use alternative delivery for a project in the Eisenhower Legacy Transportation Program, passed the Senate. It will move to the House for approval before going to the Governor.

HB 2295, which would exempt motor grader operators working for cities, counties, and townships from the requirement of having a commercial driver's license, passed both the House (122-1) and Senate (40-0). This bill is on its way to the Governor for signature.

STAR Bonds

House Sub. for SB 124 passed the House on Tuesday. The Senate concurred on Wednesday. This bill adds rural redevelopment projects and major business facilities to eligible projects. It also makes changes to the notice and hearing provisions surrounding STAR bond projects and extends the sunset date, among other changes to the STAR bonds program.

State Budget

A floor amendment in the Kansas House to the State budget cuts 2% out of the budget across the board. This could create shortfalls in any area that draws funding from the state general fund. It is unclear at this time how this will be reconciled, or how this will affect school funding under the *Gannon* decision. It is likely the budget will undergo several more changes before approval, but this version is the official House position moving forward in negotiations.

Taxes

SB 50 would require the collection and remittance of certain taxes by marketplace facilitators. The bill would amend income tax law regarding fraudulent unemployment benefits, itemized and standard deductions, business income related to 2017 federal legislation, corporation return filing, net operating losses, and the business expensing deduction. This bill has been approved by both the House and Senate, and now goes to the Governor for signature.

COVID-19/Emergency Provisions

SB 283 was signed by the governor and is now law. It extends several emergency provisions until March 31, 2022, including temporary licensure and telemedicine provisions. It would also provide businesses and certain healthcare providers immunity until March of 2022.

Opioid Litigation

HB 2412, which was brought by the Attorney General, was passed by the House. This bill would create funds to pay out grants to address opioid addiction in Kansas. This will now head to the Senate for consideration. The Senate held hearings on an identical bill already, so this bill may proceed directly to the Senate floor.

What's Coming Next Week

Most of next week will be spent on the floor, with bills that have made it through the committee process being heard on the floor. There may be some activity in conference committees, but regular committee activity is essentially complete for the 2021 legislative session.

Bills may get moved around and packaged with other legislation, similar to what happened in the conference committee report for Senate Sub. for HB 2104 as described above. As a result, it is important to watch not just what the bill number is, but also what is contained in bills, as different things can be moved around into new bill numbers at any moment.

If there is a particular bill or issue of concern to you or your county, feel free to contact KAC with questions.

Additional Resources

For daily information on things happening in the Legislature, follow @KansasCounties and @JayHallKS on Twitter.

You can find information on the Kansas Legislature, such as daily calendars, audio links, and bill text at www.kslegislature.org. With most activities happening via technology due to COVID-19, you can watch or listen to committee proceedings here: www.sg001-harmony.sliq.net/00287/Harmony/en/View/Calendar/ or by following the Kansas Legislature on YouTube.

2021 Legislative deadlines can be found at:

www.kslegislature.org/li/documents/2021_anticipated_deadlines.pdf