



Kansas Association of Counties Legislative Update March 19, 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

SB 13 is finally to the governor. It passed with a veto-proof majority in both chambers.

SB 40, the vehicle for the KEMA legislation (formerly HB 2416 and SB 273) also passed both chambers with a veto proof majority. As of last Friday, the conferees from each chamber were very far apart on this bill. Leadership, however, had set a deadline of March 17 to approve the KEMA bill. The agreement came together on Monday evening, with each chamber voting to approve the conference committee report on Tuesday, March 16.

So what’s in the bill? First and foremost, SB 40 would extend the state of disaster emergency through May 28, 2021. This is important, as the disaster declaration allows the state to continue to draw down federal disaster aid.

SB 40 would prevent any entity other than the local school board from closing or preventing attendance at a school, or authorize any form of attendance other than full-time, in-person attendance. It would also prevent local health officers or the county commission from mandating any action by students or employees while on school district property. This would be only during the COVID-19 state of disaster emergency. The bill also contains a grievance process that would require the local school board to conduct a hearing within 72 hours of receiving a request for a hearing. If a person was aggrieved by the school board decision, they could appeal to district court within 30 days. The court would be required to issue an order within seven days following the hearing, otherwise the requested relief would be automatically granted.

Technical colleges and community colleges would have similar powers, with their boards having oversight over their campuses and attendance centers. Local health officers and the county commission would

not be able to issue orders to bind these facilities. A similar grievance policy as outlined above for public schools would apply here.

In each case, non-public institutions would not be bound at all.

The bill makes several changes to KEMA, including deeming the Legislative Coordinating Council (LCC) as the entity that reviews executive orders rather than the State Finance Council (SFC). The bill also changes the makeup of the LCC, adding the Vice President of the Senate to the LCC (current members are the Speaker, Speaker Pro Tem, Majority Leader and Minority Leader from the House, and the President, Majority Leader and Minority Leader from the Senate). The bill also changes the vote requirement to extend a disaster emergency regarding domestic animals, plants, raw agricultural commodities, animal feed, or processed food to an affirmative vote of five members, rather than a unanimous vote.

The bill places several restrictions on gubernatorial authority during disasters, and requires that the LCC approve any executive order issued by the governor. A similar grievance policy as outlined above for public schools would apply here as well.

The bill would require local health officers to propose orders to the board before issuing any orders limiting the size of gatherings, curtailing business operations or controlling the movement of the population or limiting religious gatherings. As before, a grievance process is in place for any county actions as well.

The hearing on SB 286 was moved to Friday, March 19, 2021. As a reminder, SB 286 would require counties to refund property tax dollars to businesses as a result of any order (in the case of SB 286, even mask orders are considered to be a restriction that would require a refund). This would place an even greater burden on residential property owners, who would be forced both to pay for the refunded tax dollars for businesses, as well as pay for existing county services (or lose those services) with residential property tax dollars.

What's Coming Next Week

We are approaching the end of the regular portion of the legislative session. In fact, the last day to consider all bills (March 31) is less than two weeks away. As a result, committee activity is picking up and the schedules are changing constantly. This means that, while I may include hearings that KAC is aware of at the time of writing this update, there could be hearings added, changed, or eliminated by the time you read this. That is a function of the timing of the session.

It should also be noted that some hearings and meetings have changed with very little notice. While KAC endeavors to get information to you in time for you to respond, we are at the mercy of legislative announcements. KAC tries to avoid making official announcements based only on rumors, but those official announcements sometimes come very late in the process.

Next week will be busy, likely busier than is indicated below.

- The House Taxation committee is hearing three separate bills on Monday, March 22, all dealing with appraisers and/or tax appeals.
 - SB 98 would place the burden of proof on the county appraiser in certain valuation and classification appeal hearings before the district court and extend the time a state board of tax appeals member may continue to serve after that member's term has expired. KAC is

- monitoring this combination of items, as the extension of service time is a necessary change, but the burden of proof shift is an item that KAC is cautious about.
- SB 119 combines even more topics. It would 1) change the time to request full and complete opinions from the state board tax appeals; 2) require the state board of tax appeals to serve orders and notices by electronic means if requested by the party; 3) prohibit valuation increases of certain property in appeals; 4) require appraisal directives to require compliance with uniform standards of professional appraisal practice; and 5) provide for notice and opportunity to be heard prior to removal from county appraiser eligibility list and providing notification when an individual no longer holds office of county appraiser.
 - SB 72 would require continuing education courses for county appraisers be approved by the Kansas Real Estate Appraisal Board. It is important to note that the Real Estate Appraisal Board focuses on single property appraisal, while county appraisers focus on mass appraisal.
 - House Judiciary will hear HB 2412, which would create the Kansas Fights Addiction Act, the act that would determine how opioid settlement money that flows through the state would be distributed. That hearing is Monday at 3:30 p.m.
 - Senate Utilities will hear SB 279, which would pre-empt counties in some areas of wind generation regulation and siting. That hearing is spread across three different time slots—Monday at 10:30, Monday at 1:30 p.m. and Tuesday at 1:30 p.m.
 - Senate Transportation will hear HB 2201, which would decrease the amount necessary for use of alternative delivery under the Eisenhower Transportation Plan. That will be heard on Tuesday at 8:30 a.m.
 - Senate Transportation will hear HB 2295, which grants an exemption to the requirement for a CDL for motor grader operators. That hearing is Wednesday at 8:30 a.m.

There are, of course other bills working their way through the legislature. 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 at 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