



Kansas Association of Counties Legislative Update March 26, 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

Late Wednesday evening, the Governor Kelly signed SB 40 into law. It was published in the Kansas Register on Thursday, March 25 and is now effective. SB 40 is, of course, the bill that (among other things) extends the disaster declaration to May 28, 2021. The bill also makes a number of changes to both COVID-19 emergency powers and the Kansas Emergency Management Act overall. I detailed many of those changes last week.

SB 13 remains on the governor’s desk. There is an additional trailer bill that may modify the dates for SB 13 as a result of the inclusion of schools in the final version of SB 13. By including schools, SB 13 opened the realm of school finance. Schools have separate statutes that dictate their budgeting dates that need to be changed so that the requirements of SB 13 and school finance match up. KAC and the county clerks association are continuing to work together on these issues to get the dates right so that the new requirements are manageable.

The trailer bill is Senate Substitute for HB 2104. This bill also contains both SB 119 and SB 98. 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 and SB 119 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.

All of this was placed in HB 2104, along with SB 277, which addresses the dates in SB 13, as well as the statewide school mill levy authorization. It is anticipated that the House will concur on these amendments next week, sending this to the governor's desk as well.

SB 279 has gotten attention this week, with two days of hearings on the proposed wind farm restrictions. SB 279 would pre-empt counties in some areas of wind generation regulation and siting. KAC has taken a position of local control on this issue. In some communities, there is a desire to bring in wind farms. Those communities should have the ability to do so. In others, the people do not want wind farms. Those communities should have that choice as well. KAC will continue to monitor this legislation. At the time of this writing, it had not been scheduled to be worked in the Senate committee.

SB 118, which allows for special districts to be dissolved, was passed by the House on Tuesday, March 23. It now goes to the governor for signature. KAC supports this as an opportunity for government efficiency if a special district is no longer necessary.

By the time you read this, the hearing on SB 286, which is scheduled for Friday, March 26 at 10:30 a.m. will probably be over. This bill would establish a claims fund for governmental use during COVID-19 for businesses. It would also allow for the reimbursement to certain property owners of property taxes resulting from a forced shutdown or capacity limitation and create a loan forgiveness program for businesses. KAC testified against this bill in the Senate Tax committee earlier this week and will testify against this bill again on Friday.

The Governor's Council on Tax Reform Property Tax subcommittee also met on Thursday afternoon. Once again, KAC was well represented, as Rick Piepho (Harvey) represented the clerks, Sean Robertson (Saline) represented appraisers, Will Johnson (Butler) represented KAC, and Jay Hall presented a county perspective on pending property tax legislation to the subcommittee. The Governor's Council will make recommendations later this year.

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 is one hearing of note. SB 303 would permit residents and patients to waive city, state or federal restrictions on visitors that are imposed to control transmission or prevention of an infectious disease. It would also prohibit counties from restricting visitors in those facilities. This bill will be heard in the Senate Public Health and Welfare committee at 8:30 a.m. on Monday, March 29.

It is unclear whether any of the bills requiring refunding or reimbursement of property taxes (SBs 149 and 286, and HB 2142) will advance. As of now, none of them are eligible for conference

committee because they have not passed either chamber, but that does not kill them at this point.

The Golden Years Homestead Property Tax Relief Act (formerly SB 76, now in Senate Substitute for HB 2239) may also make it to the Senate floor. The committee is working on amendments for this bill. KAC supports the general idea behind this bill but wants to limit the overall number of programs for ease of administration.

There are, of course other bills working their way through the legislature. There is always a chance that conference committees will meet, and of course, bills may be packaged together or moved around with very little notice. 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