



## **Kansas Association of Counties Legislative Update March 5, 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](http://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](http://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**

Turnaround week is always a bit of an adventure. Bills that seemed simple can get held up on the floor by amendments. Other bills that may have been controversial on the surface suddenly sail across the floor with little or no fanfare. And of course, there are major debates on legislation.

House Substitute for HB 88 likely set a new speed record for approval of a bill. This bill addresses the crisis created by the spike in natural gas prices during the mid-February cold snap that gripped much of the Midwest, including the entire Southwest Power Pool region. As a result of the spike in prices, many municipal utilities are facing enormous bills. While counties do not generally have municipal utilities, counties still have an interest as market participants that receive power from these utilities in many areas of the state. The bill had a committee hearing at 8:30 AM on Tuesday and was signed by 8:30 PM that same day. Because of the speed with which it moved through the process, there is likely to be a trailer bill later in the session to address issues surrounding the bill and the loans it allows, but the bill helps avoid large spikes in billing for consumers.

SB 13, which has been a topic of conversation since it stormed out of the blocks to begin the legislative session, finally made it to the House floor this week. As a reminder, this is the bill that would eliminate the tax lid but creates new notice and hearing requirements if a county is increasing the dollar amount collected in revenue. KAC was able to negotiate an amendment that backed up some of the bill requirements in the House committee, but the bill had sat below the line (i.e., not up for debate) for nearly a month.

It finally made it to the floor, where it was amended again to eliminate the exemptions for smaller government entities, meaning smaller special districts are now again subject to this law. The amendment also created a state fund to provide refunds for the cost of notifications. This amendment was added, and

the bill passed as amended. SB 13 is now likely headed for conference committee. As of this writing, no meetings have been scheduled, but as always, conference committees can happen with little or no warning.

SB 21, which is a dedicated sales tax for Cherokee County was also passed, but an amendment was added to strike the apportionment formula for municipalities. Because SB 21 is a dedicated sales tax, financing ambulance services, renovation and maintenance of county buildings and other projects approved by the county, the apportionment formula does not apply, but the amendment adds unnecessary language to this bill. KAC will be in contact with the House members on this issue, although this bill can simply be approved by the Senate without a conference committee if the Senate determines to do such.

SB 116, which allows more freedom to use alternative delivery methods on Eisenhower Legacy Program transportation projects, was approved by the Senate. It now moves to the House for consideration.

SB 124, which is the STAR bond bill, also received Senate approval. It was amended on the floor to state that public officials cannot directly or indirectly benefit financially from STAR bonds. The parameters of what an indirect benefit means were not clearly defined, so this bill will probably receive some attention when the House committee takes it up. The underlying bill does make it easier for STAR bond projects to locate in rural areas, although it is yet to be seen if and how that will be done.

SB 23, which allows buildings and improvements destroyed or substantially destroyed by a natural disaster to be abated from property tax, was approved by the Senate. Counties that experience a disaster may need to establish policies and procedures for approval before disasters strike to make it clear to the public what the process is and how abatements will be processed and/or approved if this bill also receives approval from the House.

HB 2183, which prohibits the governor, executive branch, and judicial branch from altering election laws or procedures. This bill passed, but may require a second look, as there are questions as to whether the language restricting the other branches of government is appropriate in this bill. KAC will continue to monitor this bill as it moves to the Senate.

HB 2234 is a clean-up bill that removes references to local medical societies, which are largely non-existent through much of the state. It moves the oversight to the medical directors of emergency medical services.

HB 2332 would require that the sender of an advanced voting application must be verifiable both on the inside on every page and on the outside of the envelope. An amendment that would have allowed any individual to apply for permanent advance voting status failed. This bill is now heading to the Senate. KAC will continue to work with the Clerks and Election Officials on this bill as it progresses.

Both SB 119 and SB 98 were passed by the Senate. Both bills contain multiple provisions. Each has one provision that is of concern to KAC. SB 119 has a concerning provision that may not pass constitutional muster, as it states that valuation cannot increase during a tax appeal. The Kansas constitution requires property be assessed at its fair market value. While that value is usually found to be lower on appeal, there are some instances where the fair market value is higher. KAC will bring its concerns about constitutionality to the House committee. SB 98 places the burden on appraisers at the district court level, among other things. This concerns KAC because the county cannot make an appeal to the district court level. KAC will work with the House committee on these issues.

HB 2295, which exempts motor grader operators from the CDL requirements, passed the House without amendments.

Finally, the House and Senate both passed separate KEMA bills (HB 2416 and SB 273). The Senate bill is much more restrictive on counties, and particularly on the powers of county health officers. KAC is concerned that these restrictions may prevent county health officers from effectively responding to a non-COVID emergency. Both bills passed their respective chamber and were immediately conferenced. KAC will continue to monitor these bills. There is some indication that the House would like to have further hearings on the bills, though none have been scheduled as of this writing.

A few other items of note that passed this week. Each of these items will now move to the opposite chamber for consideration:

- SB 106 – remote notaries, carrying forward the provisions originally enacted during COVID-19.
- SB 175 – establishing the rural emergency hospital act.
- HB 2361 – authorizes the supreme court to adopt rules establishing specialty courts in judicial districts, such as drug courts.
- SB 167 – allows public utility vehicles to be classified as emergency vehicles without county commission designation.
- SB 283 – changing business liability provision in the COVID-19 response.
- HB 2227 – allows the chief justice to suspend certain time limitations during a state of local disaster emergency.

### **What's Coming Next Week**

Next week is a lighter week, as the legislature is taking Monday and Tuesday off before returning on Wednesday to work on the bills received from the opposite chamber.

An important bill will be heard on Thursday, March 11. SB 286 would establish a fund for businesses to receive income tax credits from as a result of businesses that were shut down due to COVID-19. This bill would also provide for reimbursement of property taxes as a result of a forced shutdown. Obviously, this bill would affect counties substantially, as it reintroduces the concept of paying back property taxes as a result of COVID-19. Watch One Big Thing for more information on this bill.

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](http://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/](http://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](http://www.kslegislature.org/li/documents/2021_anticipated_deadlines.pdf)