



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Assessment and Taxation Committee
March 11, 2021
Senate Bill 286

Kansas Association of Counties
Opponent Testimony

Chairwoman Tyson and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer testimony opposing SB 286. KAC opposes SB 286 for the following reasons – 1) SB 286 is duplicative; 2) SB 286 imposes on local control; 3) SB 286 infringes on the ability of local officials to apply reasonable restrictions.

SB 286 is duplicative

Subsection (e) of Section 2 of SB 286 states that this bill “shall provide an alternative remedy for settling a claim of governmental commandeering or use under K.S.A. 48-933. There are already civil claims under the Kansas Emergency Management Act (KEMA) that potentially address this issue. SB 286 is duplicative.

SB 286 imposes on local control

When Special Session 2020 HB 2016 passed last summer, the legislation moved forward with the promise of local control to avoid a “one-size-fits-all” approach in response to COVID-19. SB 286 is diametrically opposed to this position. Further, SB 286 vests the power to make these determinations with the Secretary of State, rather than with local officials, effectively cutting local commissioners out of the process.

SB 286 infringes on the ability of local officials to apply reasonable restrictions

Local officials are tasked with acting as the board of public health. This bill would penalize local officials for taking action consistent with those responsibilities as they deem necessary, dependent upon the information available to them at that time. SB 286 essentially punishes local officials for taking any steps. This discourages local officials from upholding their statutory duties in the way they deem appropriate.

For these reasons, KAC is opposed to SB 286. Thank you for the opportunity to provide this testimony to the committee. Please let me know if KAC and its member counties can provide further assistance on this topic.

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