



KANSAS
ASSOCIATION OF
COUNTIES

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Senate Federal and State Affairs Committee
February 27, 2025
SB 254

Kansas Association of Counties
Neutral Testimony – Written Only

Chairman Thompson and members of the Committee:

Thank you for allowing the Kansas Association of Counties to offer neutral testimony on SB 254, which would prohibit individuals that are unlawfully present in the United States from receiving state or local public benefits. This neutral testimony focuses only on potential questions around enforcement and implementation if SB 254 passes. KAC is neutral on SB 254 because there are questions surrounding the scope of this legislation, as well as how counties are going to implement this legislation.

First, what is considered a “public benefit”. 8 USC § 1621(b) has the following exceptions for “public benefits” 1) Assistance for health care necessary for treatment of emergency medical conditions, 2) Short-term disaster relief, 3) Immunizations, and 4) Programs specified by the U.S. Attorney General.

Given the broad reach of programs that do not fall under those four categories, most services offered by counties could be considered a “public benefit.” Would, for example, use of a shelter house at a county park be considered a “public benefit.” If so, would counties need to require ID for use of all shelter houses at county parks?

How should counties verify the “affirmative proof” as required in New Section 1 (b)(2)? Is this a simple visual verification or does the documentation have to be captured and stored by the county? If the documentation must be captured and stored, how long must that documentation be stored? Do counties have liability for that information if it is lost, stolen or misused? As in the shelter house example above, would a county parks and recreation employee need to be onsite to view or collect this information before individuals use the facilities at a county park?

Further, what, if any liability do counties have if they improperly deny benefits to an individual that is eligible? Should there be protection for a county from liability for denying benefits to otherwise eligible individuals?

Again, KAC is neutral on SB 254 as introduced. The questions surrounding implementation and enforcement need to be answered if SB 254 advances. Thank you for your time and consideration.

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