

HOUSE BILL No. 2495

By Committee on Local Government

Requested by Representative Lewis

1-21

1 AN ACT concerning water; relating to counties; authorizing counties to
2 adopt resolutions to regulate activities on or within navigable rivers;
3 relating to crimes involving property; adding navigable rivers to the
4 crime of criminal trespass; amending K.S.A. 21-5808 and K.S.A. 2025
5 Supp. 19-101a and repealing the existing sections.
6

7 *Be it enacted by the Legislature of the State of Kansas:*

8 Section 1. K.S.A. 2025 Supp. 19-101a is hereby amended to read as
9 follows: 19-101a. (a) The board of county commissioners may transact all
10 county business and perform all powers of local legislation and
11 administration it deems appropriate, subject only to the following
12 limitations, restrictions or prohibitions:

13 (1) Counties shall be subject to all acts of the legislature ~~which~~ *that*
14 apply uniformly to all counties.

15 (2) Counties may not affect the courts located therein.

16 (3) Counties shall be subject to acts of the legislature prescribing
17 limits of indebtedness.

18 (4) In the exercise of powers of local legislation and administration
19 authorized under provisions of this section, the home rule power conferred
20 on cities to determine their local affairs and government shall not be
21 superseded or impaired without the consent of the governing body of each
22 city within a county ~~which~~ *that* may be affected.

23 (5) Counties may not legislate on social welfare administered under
24 state law enacted pursuant to or in conformity with public law No. 271 –
25 74th congress, or amendments thereof.

26 (6) Counties shall be subject to all acts of the legislature concerning
27 elections, election commissioners and officers and their duties as such
28 officers and the election of county officers.

29 (7) Counties shall be subject to the limitations and prohibitions
30 imposed under K.S.A. 12-187 through 12-195, and amendments thereto,
31 prescribing limitations upon the levy of retailers' sales taxes by counties.

32 (8) Counties may not exempt from or effect changes in statutes made
33 nonuniform in application solely by reason of authorizing exceptions for
34 counties having adopted a charter for county government.

35 (9) No county may levy ad valorem taxes under the authority of this

1 section upon real property located within any redevelopment project area
2 established under the authority of K.S.A. 12-1772, and amendments
3 thereto, unless the resolution authorizing the same specifically authorized
4 a portion of the proceeds of such levy to be used to pay the principal of
5 and interest upon bonds issued by a city under the authority of K.S.A. 12-
6 1774, and amendments thereto.

7 (10) Counties shall have no power under this section to exempt from
8 any statute authorizing or requiring the levy of taxes and providing
9 substitute and additional provisions on the same subject, unless the
10 resolution authorizing the same specifically provides for a portion of the
11 proceeds of such levy to be used to pay a portion of the principal and
12 interest on bonds issued by cities under the authority of K.S.A. 12-1774,
13 and amendments thereto.

14 (11) Counties may not exempt from or effect changes in the
15 provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

16 (12) Except as otherwise specifically authorized by K.S.A. 12-1,101
17 through 12-1,109, and amendments thereto, counties may not levy and
18 collect taxes on incomes from whatever source derived.

19 (13) Counties may not exempt from or effect changes in K.S.A. 19-
20 430, and amendments thereto.

21 (14) Counties may not exempt from or effect changes in K.S.A. 19-
22 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

23 (15) Counties may not exempt from or effect changes in K.S.A. 19-
24 15,139, 19-15,140 and 19-15,141, and amendments thereto.

25 (16) Counties may not exempt from or effect changes in the
26 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
27 ~~and, 12-1226, 12-1260 through 12-1270 and 12-1276,~~ and amendments
28 ~~thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-~~
29 ~~1276, and amendments thereto.~~

30 (17) Counties may not exempt from or effect changes in the
31 provisions of K.S.A. 19-211, and amendments thereto.

32 (18) Counties may not exempt from or effect changes in the
33 provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

34 (19) Counties may not regulate the production or drilling of any oil or
35 gas well in any manner ~~which~~ *that* would result in the duplication of
36 regulation by the state corporation commission and the Kansas department
37 of health and environment pursuant to chapter 55 and chapter 65 of the
38 Kansas Statutes Annotated, and amendments thereto, and any rules and
39 regulations adopted pursuant thereto. Counties may not require any license
40 or permit for the drilling or production of oil and gas wells. Counties may
41 not impose any fee or charge for the drilling or production of any oil or gas
42 well.

43 (20) Counties may not exempt from or effect changes in K.S.A. 79-

1 41a04, and amendments thereto.

2 (21) Counties may not exempt from or effect changes in K.S.A. 79-
3 1611, and amendments thereto.

4 (22) Counties may not exempt from or effect changes in K.S.A. 79-
5 1494, and amendments thereto.

6 (23) Counties may not exempt from or effect changes in K.S.A. 19-
7 202(b), and amendments thereto.

8 (24) Counties may not exempt from or effect changes in K.S.A. 19-
9 204(b), and amendments thereto.

10 (25) Counties may not levy or impose an excise, severance or any
11 other tax in the nature of an excise tax upon the physical severance and
12 production of any mineral or other material from the earth or water.

13 (26) Counties may not exempt from or effect changes in K.S.A. 79-
14 2017 or 79-2101, and amendments thereto.

15 (27) Counties may not exempt from or effect changes in K.S.A. 2-
16 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
17 1,178 through 65-1,199, 65-3001 through 65-3028, and amendments
18 thereto.

19 (28) Counties may not exempt from or effect changes in K.S.A. 80-
20 121, and amendments thereto.

21 (29) Counties may not exempt from or effect changes in K.S.A. 19-
22 228, and amendments thereto.

23 (30) Counties may not exempt from or effect changes in the Kansas
24 911 act.

25 (31) Counties may not exempt from or effect changes in K.S.A. 26-
26 601, and amendments thereto.

27 (32) (A) Counties may not exempt from or effect changes in the
28 Kansas liquor control act except as provided by paragraph (B).

29 (B) Counties may adopt resolutions~~which~~ *that* are not in conflict
30 with the Kansas liquor control act.

31 (33) (A) Counties may not exempt from or effect changes in the
32 Kansas cereal malt beverage act except as provided by paragraph (B).

33 (B) Counties may adopt resolutions~~which~~ *that* are not in conflict
34 with the Kansas cereal malt beverage act.

35 (34) Counties may not exempt from or effect changes in the Kansas
36 lottery act.

37 (35) Counties may not exempt from or effect changes in the Kansas
38 expanded lottery act.

39 (36) Counties may neither exempt from nor effect changes to the
40 eminent domain procedure act.

41 (37) Any county granted authority pursuant to the provisions of
42 K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be
43 subject to the limitations and prohibitions imposed under K.S.A. 19-5001

1 through 19-5005, and amendments thereto.

2 (38) Except as otherwise specifically authorized by K.S.A. 19-5001
3 through 19-5005, and amendments thereto, counties may not exercise any
4 authority granted pursuant to K.S.A. 19-5001 through 19-5005, and
5 amendments thereto, including the imposition or levy of any retailers' sales
6 tax.

7 (39) Counties may not exempt from or effect changes in K.S.A. 65-
8 201 and 65-202(a), (b), (d), (e) and (f), and amendments thereto.

9 (40) (A) *Counties may adopt resolutions to regulate activities on or*
10 *within navigable rivers. Such resolutions shall be for the purpose of*
11 *protecting public health, safety and welfare.*

12 (B) *As used in this paragraph:*

13 (i) *"Activities" includes, but is not limited to, camping, disposal of*
14 *personal property or waste and vehicle operation.*

15 (ii) *"Navigable river" means the Arkansas river, Kansas river and*
16 *Missouri river, including the dried channels thereof.*

17 (b) Counties shall apply the powers of local legislation granted in
18 subsection (a) by resolution of the board of county commissioners. If no
19 statutory authority exists for such local legislation other than that set forth
20 in subsection (a) and the local legislation proposed under the authority of
21 such subsection is not contrary to any act of the legislature, such local
22 legislation shall become effective upon passage of a resolution of the
23 board and publication in the official county newspaper. If the legislation
24 proposed by the board under authority of subsection (a) is contrary to an
25 act of the legislature ~~which~~ that is applicable to the particular county but
26 not uniformly applicable to all counties, such legislation shall become
27 effective by passage of a charter resolution in the manner provided in
28 K.S.A. 19-101b, and amendments thereto.

29 (c) Any resolution adopted by a county ~~which~~ that conflicts with the
30 restrictions in subsection (a) is null and void.

31 Sec. 2. K.S.A. 21-5808 is hereby amended to read as follows: 21-
32 5808. (a) Criminal trespass is entering or remaining upon or in any:

33 (1) Land, ~~nonnavigable~~ body of water, structure, vehicle, aircraft or
34 watercraft by a person who knows such person is not authorized or
35 privileged to do so, and:

36 (A) Such person enters or remains therein in defiance of an order not
37 to enter or to leave such premises or property personally communicated to
38 such person by the owner thereof or other authorized person;

39 (B) such premises or property are posted as provided in K.S.A. 32-
40 1013, and amendments thereto, or in any other manner reasonably likely to
41 come to the attention of intruders, or are locked or fenced or otherwise
42 enclosed, or shut or secured against passage or entry; or

43 (C) such person enters or remains therein in defiance of a restraining

1 order issued pursuant to K.S.A. 23-2707, 38-2243, 38-2244, 38-2255, 60-
2 3105, 60-3106, 60-3107, 60-31a05 or 60-31a06 ~~or K.S.A. 23-2707, 38-~~
3 ~~2243, 38-2244 or 38-2255~~, and amendments thereto, and the restraining
4 order has been personally served upon the person so restrained; or

5 (2) public or private land or structure in a manner that interferes with
6 access to or from any ~~health-care~~ *healthcare* facility by a person who
7 knows such person is not authorized or privileged to do so and such person
8 enters or remains thereon or therein in defiance of an order not to enter or
9 to leave such land or structure personally communicated to such person by
10 the owner of the ~~health-care~~ *healthcare* facility or other authorized person.

11 (b) Criminal trespass is a class B nonperson misdemeanor. Upon a
12 conviction of a violation of subsection (a)(1)(C), a person shall be
13 sentenced to not less than 48 consecutive hours of imprisonment ~~which~~
14 *that* shall be served either before or as a condition of any grant of
15 probation or suspension, reduction of sentence or parole.

16 (c) As used in this section:

17 (1) *"Body of water" includes, but is not limited to, the Arkansas river,*
18 *Kansas river and Missouri river, including the dried channels thereof;*

19 (2) ~~"health-care~~ *healthcare* facility" means any licensed medical care
20 facility, certificated health maintenance organization, licensed mental
21 health center or mental health clinic, licensed psychiatric hospital or other
22 facility or office where services of a ~~health-care~~ *healthcare* provider are
23 provided directly to patients; and

24 ~~(2)(3)~~ *"health-care *healthcare* provider" means any person:*

- 25 (A) Licensed to practice a branch of the healing arts;
- 26 (B) licensed to practice psychology;
- 27 (C) licensed to practice professional or practical nursing;
- 28 (D) licensed to practice dentistry;
- 29 (E) licensed to practice optometry;
- 30 (F) licensed to practice pharmacy;
- 31 (G) registered to practice podiatry;
- 32 (H) licensed as a social worker; or
- 33 (I) registered to practice physical therapy.

34 (d) This section shall not apply to:

35 (1) A land surveyor, licensed pursuant to article 70 of chapter 74 of
36 the Kansas Statutes Annotated, and amendments thereto, and such
37 surveyor's authorized agents and employees who enter upon lands, waters
38 and other premises in the making of a survey; or

39 (2) railroad property as defined in K.S.A. 21-5809, and amendments
40 thereto, or nuclear generating facility as defined in K.S.A. 66-2302, and
41 amendments thereto.

42 Sec. 3. K.S.A. 21-5808 and K.S.A. 2025 Supp. 19-101a are hereby
43 repealed.

1 Sec. 4. This act shall take effect and be in force from and after its
2 publication in the statute book.