

SENATE BILL No. 531

By Committee on Federal and State Affairs

3-9

1 AN ACT concerning data centers; relating to the siting and development of
2 large load data centers; prohibiting the installation, placement,
3 construction or operation of any new large load data center in any
4 county that has had a drought emergency declared for such county
5 pursuant to the Kansas emergency management act within the
6 preceding three years; amending K.S.A. 2025 Supp. 19-101a and
7 repealing the existing section.
8

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

10 New Section 1. (a) As used in this section and section 2, and
11 amendments thereto:

12 (1) "Data center" means any facility, including any buildings,
13 equipment, structures or other items of a facility that are:

14 (A) Located on a single premises or on any contiguous and adjacent
15 premises;

16 (B) used by any person or entity to house computer and network
17 systems and infrastructure, including, but not limited to, associated
18 components such as servers, network equipment and appliances,
19 communications and data storage systems, systems for monitoring and
20 managing system and infrastructure performance, data communications
21 connections, environmental controls, cooling or heat removal systems, fire
22 protection systems and security systems and service; and

23 (C) operated for the primary purpose of providing for the storage,
24 management, processing and transferring of digital data.

25 (2) "Large load data center" means any data center that is reasonably
26 expected to have a monthly maximum electrical demand of 10 megawatts
27 or more.

28 (b) A new large load data center shall not be installed, placed,
29 constructed or operated within any county that has had a drought
30 emergency declared for such county pursuant to the Kansas emergency
31 management act, K.S.A. 48-924 et seq., and amendments thereto, within
32 the preceding three calendar years. The board of county commissioners of
33 any such county shall deny any installation, placement, construction or
34 operation of a new large load data center during any such three-calendar-
35 year period following the declaration of a drought emergency for such
36 county. The board of county commissioners of any such county may issue

1 a moratorium to prohibit the installation, placement, construction or
2 operation of any such data center until the end of such three calendar year
3 period.

4 New Sec. 2. (a) Nothing in this act shall be construed to apply to any
5 large load data center that:

6 (1) Was installed, placed, constructed or operated on or before July 1,
7 2026; or

8 (2) was authorized to be installed, placed, constructed or operated by
9 a county or city prior to July 1, 2026, through:

10 (A) The issuance of a building, zoning or development permit that
11 authorizes the installation, placement, construction or operation of the
12 large load data center pursuant to zoning regulations;

13 (B) the issuance of a conditional or special use permit that authorizes
14 the installation, placement, construction or operation of the large load data
15 center notwithstanding zoning regulations; or

16 (C) the execution of a written agreement between the county or city
17 and the owner or operator of a large load data center that authorizes the
18 installation, placement, construction or operation of the large load data
19 center.

20 (b) Nothing in this act shall preempt or prohibit a county or city from
21 adopting or implementing planning and land use laws and regulations
22 pursuant to K.S.A. 12-741 et seq., and amendments thereto, or any other
23 statute that are more restrictive than the provisions of this act.

24 Sec. 3. K.S.A. 2025 Supp. 19-101a is hereby amended to read as
25 follows: 19-101a. (a) The board of county commissioners may transact all
26 county business and perform all powers of local legislation and
27 administration—~~it that the board~~ deems appropriate, subject only to the
28 following limitations, restrictions or prohibitions:

29 (1) Counties shall be subject to all acts of the legislature—~~which that~~
30 apply uniformly to all counties.

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

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

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

39 (5) Counties may not legislate on social welfare administered under
40 state law enacted pursuant to or in conformity with public law No. 271 –
41 74th congress, or amendments thereof.

42 (6) Counties shall be subject to all acts of the legislature concerning
43 elections, election commissioners and officers and their duties as such

1 officers and the election of county officers.

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

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

8 (9) No county may levy ad valorem taxes under the authority of this
9 section upon real property located within any redevelopment project area
10 established under the authority of K.S.A. 12-1772, and amendments
11 thereto, unless the resolution authorizing the same specifically authorized
12 a portion of the proceeds of such levy to be used to pay the principal of
13 and interest upon bonds issued by a city under the authority of K.S.A. 12-
14 1774, and amendments thereto.

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

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

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

27 (13) Counties may not exempt from or effect changes in K.S.A. 19-
28 430, and amendments thereto.

29 (14) Counties may not exempt from or effect changes in K.S.A. 19-
30 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

31 (15) Counties may not exempt from or effect changes in K.S.A. 19-
32 15,139, 19-15,140 and 19-15,141, and amendments thereto.

33 (16) Counties may not exempt from or effect changes in the
34 provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c
35 ~~and, 12-1226, and amendments thereto, or the provisions of K.S.A. 12-~~
36 ~~1260 through 12-1270 and 12-1276, and amendments thereto.~~

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

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

41 (19) Counties may not regulate the production or drilling of any oil or
42 gas well in any manner ~~which~~ *that* would result in the duplication of
43 regulation by the state corporation commission and the Kansas department

1 of health and environment pursuant to chapter 55 and chapter 65 of the
2 Kansas Statutes Annotated, and amendments thereto, and any rules and
3 regulations adopted pursuant thereto. Counties may not require any license
4 or permit for the drilling or production of oil and gas wells. Counties may
5 not impose any fee or charge for the drilling or production of any oil or gas
6 well.

7 (20) Counties may not exempt from or effect changes in K.S.A. 79-
8 41a04, and amendments thereto.

9 (21) Counties may not exempt from or effect changes in K.S.A. 79-
10 1611, and amendments thereto.

11 (22) Counties may not exempt from or effect changes in K.S.A. 79-
12 1494, and amendments thereto.

13 (23) Counties may not exempt from or effect changes in K.S.A. 19-
14 202(b), and amendments thereto.

15 (24) Counties may not exempt from or effect changes in K.S.A. 19-
16 204(b), and amendments thereto.

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

20 (26) Counties may not exempt from or effect changes in K.S.A. 79-
21 2017 or 79-2101, and amendments thereto.

22 (27) Counties may not exempt from or effect changes in K.S.A. 2-
23 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-
24 1,178 through 65-1,199; *or* 65-3001 through 65-3028, and amendments
25 thereto.

26 (28) Counties may not exempt from or effect changes in K.S.A. 80-
27 121, and amendments thereto.

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

30 (30) Counties may not exempt from or effect changes in the Kansas
31 911 act.

32 (31) Counties may not exempt from or effect changes in K.S.A. 26-
33 601, and amendments thereto.

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

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

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

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

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

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

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

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

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

14 (39) Counties may not exempt from or effect changes in K.S.A. 65-
15 201 and 65-202(a), (b), (d), (e) and (f), and amendments thereto.

16 (40) *Counties may not exempt from or effect changes in the*
17 *provisions of section 1, and amendments thereto.*

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

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

32 Sec. 4. K.S.A. 2025 Supp. 19-101a is hereby repealed.

33 Sec. 5. This act shall take effect and be in force from and after its
34 publication in the statute book.