2025 Kansas Statutes

19-101a. Home rule powers; limitations, restrictions and prohibitions; procedure. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

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

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

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of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

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

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

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

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

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

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

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

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

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

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503,

19-805 or 19-1202, and amendments thereto.
(15) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.
(16) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.
(17) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.
(18) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
(19) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.
(20) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.
(21) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.
(22) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.
(23) Counties may not exempt from or effect changes in K.S.A. 19-202(b), and amendments thereto.
(24) Counties may not exempt from or effect changes in K.S.A. 19-204(b), and amendments thereto.
(25) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.
(26) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.
(27) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, 65-3001 through 65-3028, and amendments thereto.
(28) Counties may not exempt from or effect changes in K.S.A. 80-121, and amendments thereto.
(29) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.
(30) Counties may not exempt from or effect changes in the Kansas 911 act.
(31) Counties may not exempt from or effect changes in K.S.A. 26-601, and amendments thereto.
(32) (A) Counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).
(B) Counties may adopt resolutions which are not in conflict with the Kansas liquor control act.
(33) (A) Counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).

(B) Counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.
(34) Counties may not exempt from or effect changes in the Kansas lottery act.
(35) Counties may not exempt from or effect changes in the Kansas expanded lottery act.
(36) Counties may neither exempt from nor effect changes to the eminent domain procedure act.
(37) Any county granted authority pursuant to the provisions of K.S.A. 19-5001 through 19-5005, and amendments thereto, shall be subject to the limitations and prohibitions imposed under K.S.A. 19-5001 through 19-5005, and amendments thereto.
(38) Except as otherwise specifically authorized by K.S.A. 19-5001 through 19-5005, and amendments thereto, counties may not exercise any authority granted pursuant to K.S.A. 19-5001 through 19-5005, and amendments thereto, including the imposition or levy of any retailers' sales tax.
(39) Counties may not exempt from or effect changes in K.S.A. 65-201 and 65-202(a), (b), (d), (e) and (f), and amendments thereto.
(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.
(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.
History: L. 1974, ch. 110, § 2; L. 1975, ch. 152, § 1; L. 1976, ch. 121, § 1; L. 1978, ch. 56, § 10; L. 1979, ch. 52, § 9; L. 1980, ch. 84, § 3; L. 1980, ch. 85, § 1; L. 1982, ch. 114, § 1; L. 1982, ch. 63, § 11; L. 1982, ch. 115, § 1; L. 1983, ch. 91, § 1; L. 1983, ch. 92, § 1; L. 1984, ch. 97, § 1; L. 1984, ch. 98, § 27; L. 1984, ch. 69, § 8; L. 1984, ch. 69, § 9; L. 1985, ch. 208, § 1; L. 1985, ch. 95, § 2; L. 1986, ch. 98, § 4; L. 1986, ch. 203, § 1; L. 1990, ch. 89, § 3; L. 1990, ch. 358, § 2; L. 1992, ch. 133, § 13; L. 1993, ch. 95, § 1; L. 1994, ch. 109, § 1; L. 1996, ch. 68, § 2; L. 1998, ch. 188, § 10; L. 1999, ch. 146, § 4; L. 2000, ch. 159, § 2; L. 2001, ch. 103, § 14; L. 2001, ch. 211, § 3; L. 2002, ch. 108, § 9; L. 2003, ch. 35, § 9; L. 2004, ch. 72, § 20; L. 2004, ch. 180, § 4; L. 2005, ch. 186, § 8; L. 2005, ch. 201, § 1; L. 2006, ch. 207, § 4; L. 2007, ch. 110, § 57; L. 2009, ch. 141, § 41; L. 2012, ch. 170, § 3; L. 2014, ch. 127, § 4; L. 2019, ch. 39, § 18; L. 2020, ch. 1, § 25 (Special Session); L. 2024, ch. 38, § 1; July 1.