



Ellis County (KS) Bar Association

GENE F. ANDERSON MEMORIAL VIRTUAL CLE APRIL 24, 2026 Ag Law

PROF. ROGER A. MCEOWEN
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Upcoming Events

- **Chief Logan State Park, WV (June 4-5)**
- **Western Kansas Council on Estate Planning**
 - July 23 - Hays, KS
- **Huntsville, UT (Aug 3-4)**

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Overview of the 2026 Legislative Session

- **Legislative Focus:**
 - Emphasis on property rights, water management, and rural security.
- **Key Trend:**
 - Shift toward landowner autonomy and reduced "regulatory creep."
- **Effective Date:**
 - Most provisions become law on July 1, 2026.

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Property Rights & Rural Security

- **Removal of Squatters Act (HB 2378)**
 - Expedited removal process via notarized affidavit.
 - Law enforcement required to serve 24-hour vacate notice.
 - Protects homes, outbuildings, and seasonal hunting cabins.
 - Includes criminal penalties for false filings; liability immunity for "good faith" law enforcement actions.

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Increased Penalties for Livestock Theft (HB 2413)

- **Moves away from value-based sentencing.**
- **Theft of cattle/horses/machinery = Level 5 nonperson felony.**
- **Theft of grain/hay = Level 6 nonperson felony.**
- **Authority granted to seize property/vehicles used in thefts.**

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Agritourism Liability (Sub for HB 2111)

- Exempts registered "nonpublic" operations from urban-style building/zoning codes.
- Applies to invitation-only activities related to agricultural production (e.g., weddings in barns, farm-stays).
- Strengthens "Inherent Risk" protections; operator not liable for natural farm risks (unless grossly negligent).

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Motorsports Venue Protection (HB 2416)

- "Right-to-Race" bill: Provides immunity from "coming-to-the-nuisance" lawsuits.
- Protects tracks operating in compliance with original permits from noise/light/dust litigation.
- Preserves revenue streams for rural tracks (tractor pulls, dirt tracks).

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Stream/Dam Regulation (HB 2114)

- **Clarifies definitions to reduce "accidental" non-compliance for small field crossings.**
- **Permit thresholds for structures**
- **Mandatory professional engineering (PE) oversight for all regulated dams.**
- **New disclosure requirements for land sales in "inundation zones."**

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Water Right Change-of-Use (HB 2477)

- **Mandatory 1/2-mile radius notification for new diversions or significant changes.**
- **Requires interactive online map for real-time tracking of pending water changes.**
- **Statutory 45-day review period for Groundwater Management Districts (GMDs) regarding Water Conservation Areas.**

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Tax, Litigation & Regulatory Reform

- **Property Tax Protest (HB 2745):**
 - Allows voters to block tax collections increasing >3% via a 5% petition threshold.

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Public Nuisance Reform (SB 462)

- **Centralizes "public nuisance" litigation under the Attorney General.**
- **Bars damages for plaintiffs involved in "wrongful conduct" (felonies/Class A/B misdemeanors).**

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Regulatory De Novo Review (HB 2183)

- **Prohibits courts from automatically deferring to state agency interpretations of law.**
- **Judges must interpret regulations "from scratch."**

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Conclusion

- **Core Goal:**
 - Providing a more predictable and secure operating environment for Kansas producers.
- **Key Takeaway:**
 - Enhanced digital transparency (water) and legislative protections (property/nuisance) significantly shift the balance of power toward the private landowner.

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Overview of the Rural Attorney Shortage

- **The "Legal Desert" Crisis:**
 - 80% of Kansas attorneys are concentrated in only 6 of 105 counties.
 - 31 counties have fewer than 4 attorneys per 1,000 residents; 2 counties have zero.
 - Rural attorney population declined by 5% over the last three years.

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Agricultural Impact

- **Knowledge gap" prevents proper succession planning; tax optimization (e.g., Schedule J); and water rights litigation.**
- **Retiring attorneys take decades of "institutional memory" with them.**
- **Effective Date: July 1, 2026.**

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Program Mechanism I

- **Law Student Stipends**
 - Target: Students at KU and Washburn Law.
 - Financial Benefit: \$3,000 annual stipend (up to 3 years/max \$9,000).
 - The "Work-for-Equity" Structure:
 - Stipends are "conditional debt" until service is completed. 1-to-1 Service Ratio: For every year of funding, the recipient commits to one year of rural practice.
 - The 90-Day Rule: Must begin practice in a qualifying rural county within 90 days of admission to the Kansas Bar.
 - Penalty: Failure to meet service requirements triggers full repayment of the stipend at prime rate + 2%.

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Program Mechanism II

- **Retention & Repayment“**
 - The Retention Engine":
 - Up to \$20,000 per year paid directly toward existing student loans.
 - Program Cap: Up to \$100,000 in total benefits over 5 years.
 - Defining "Rural": Includes 100 out of 105 counties (excludes Douglas, Johnson, Sedgwick, Shawnee, and Wyandotte).
 - Eligibility: Must be "actively engaged" in the practice of law (private practice, county attorney, or local government counsel).
 - Objective: The 5-year incentive serves as the "tipping point" for professionals to build a client base and integrate into the community long-term.

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Oversight & Administration

- **Rural Attorney Program Fund:**
 - Dedicated treasury fund established for stipends and loan repayments.
 - Advisory Committee:
 - Includes representatives from the Kansas Bar Association, Kansas Supreme Court, and state law schools to prioritize placements based on population density.
 - Accountability:“
 - Clawback" provisions for early departure from rural practice.
 - Sunset Provision (July 1, 2031):
 - Mandatory performance audit to evaluate success in shrinking "legal deserts."



Conclusion & Future Outlook

- **Strategic Value:**
 - Provides "infrastructure" support for Kansas producers by securing local access to specialized agricultural legal expertise.
- **Strategic Limitation:**
 - While the Act solves the *placement* issue, it does not currently address the *specialized training* deficit (the "front-end" problem) in law school curricula.
- **Final takeaway:**
 - By lowering barriers to entry, the state creates a predictable and secure operating environment for multi-generational agricultural operations.



THANK YOU!

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