



BOARD OF COMMISSIONERS

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March 11, 2024

Emil Bergquist, Chairman  
House Committee on Local Government  
State Capitol, Room 281-N  
Topeka, KS 66612

Re: Written and Oral Testimony in Support of SB 162

Dear Chairman Bergquist and Members of the Committee:

The Board of Riley County Commissioners introduced unanimously and continues to unanimously support SB 162 as it was amended in Senate Local Government. SB 162 passed out of the Senate by a vote of 34-5.

SB 162 allows Riley County to clean up public nuisance real properties in the unincorporated area and impose those county clean-up costs upon such nuisance real property.

We accepted all amendments offered in the Senate, because they made it abundantly clear SB 162 does not apply to agricultural operations, agri-business operations or agritourism operations. Historically, and currently, none of Riley County's public nuisance properties are agricultural operations, agri-business operations or agrotourism operations.

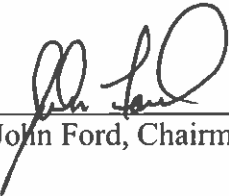
Current law, represented by a Kansas Court of Appeals decision, prohibits every county from cleaning up public nuisance properties and imposing those county clean-up costs on the property. That court decision limits counties' ability to resolve even extreme public nuisance properties. Instead, counties can only file suit in district court, then rely upon the *possibility* a district court may impose a small fine. The experience of our lawyers in such cases is that courts are extremely reluctant to impose even those small fines when a public nuisance is brought before them.

The best evidence why this statute is necessary can be seen in the photos of 3 different properties. All 3 are located in the unincorporated area of Riley County. None of these properties are used for an agricultural operation, or for an agri-business operation, or for agritourism. You will see that in each photo today. All aerial photos attached to our county counselor's written testimony date from county-wide aerial flights in 2022. You will hear more about the specifics of these 3 properties from him. You will hear more about why the current system doesn't work. You will understand why SB 162, as amended by the Senate, is a solution worthy of this committee's support.

Thank you for allowing this Board to testify in unanimous support of SB 162.


Sincerely,

BOARD OF COMMISSIONERS OF  
RILEY COUNTY, KANSAS



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John Ford, Chairman



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Greg McKinley, Vice Chairman



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Kathryn G. Focke, Member