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February 14, 2023

Carolyn McGinn, Chair
Senate Local Government Committee
State Capitol, Room 142-S
Topeka, KS 66612

Re: Written and Oral Testimony in Support of SB 162

Dear Chair McGinn and Members of the Committee:

Riley County's SB 162, before you today, is identical to SB 52, the "Sedgwick County Urban Area Nuisance Abatement Act," from the 2021 legislative session. SB 52 was first amended by this committee, then subsequently passed by both chambers, and thereafter became law July 1, 2021. SB 52 now appears in current law as K.S.A. 19-26,115 et seq. That statute includes a "sunset" provision, ending it July 1, 2024. K.S.A. 19-26,120. We believe it's important you know Riley County is today asking for your support of the very same limited nuisance abatement authority which you allowed Sedgwick County in 2021. SB 162 is nothing new, except our bill's title, the county it grants nuisance abatement authority to, and SB 52's designation of Sedgwick County as an "urban area."

The legal reason why Riley County needs SB 162 is the Court of Appeals decision in *Barnes v. Board of County Commissioners of Cowley County*, 47 Kan. App. 2d 353 (2012). That case stands for the rule counties have no right to "utilize self-help to abate nuisances" because the "only statutory authority for a county to enforce its resolutions is K.S.A. 19-101d" (emphasis in original). The Court of Appeals then examined the text of K.S.A. 19-101d and concluded, "This statute provides no authority for self-help remedies." 47 Kan. App. 2d at 364-365. So unlike cities, counties have no statutory authority to use "self-help" to clean up the type of nuisance properties you see today in the 9 distinct photographs before you as "Property #1," "Property #2" and "Property #3." SB 162 provides Riley County currently absent enforcement authority.

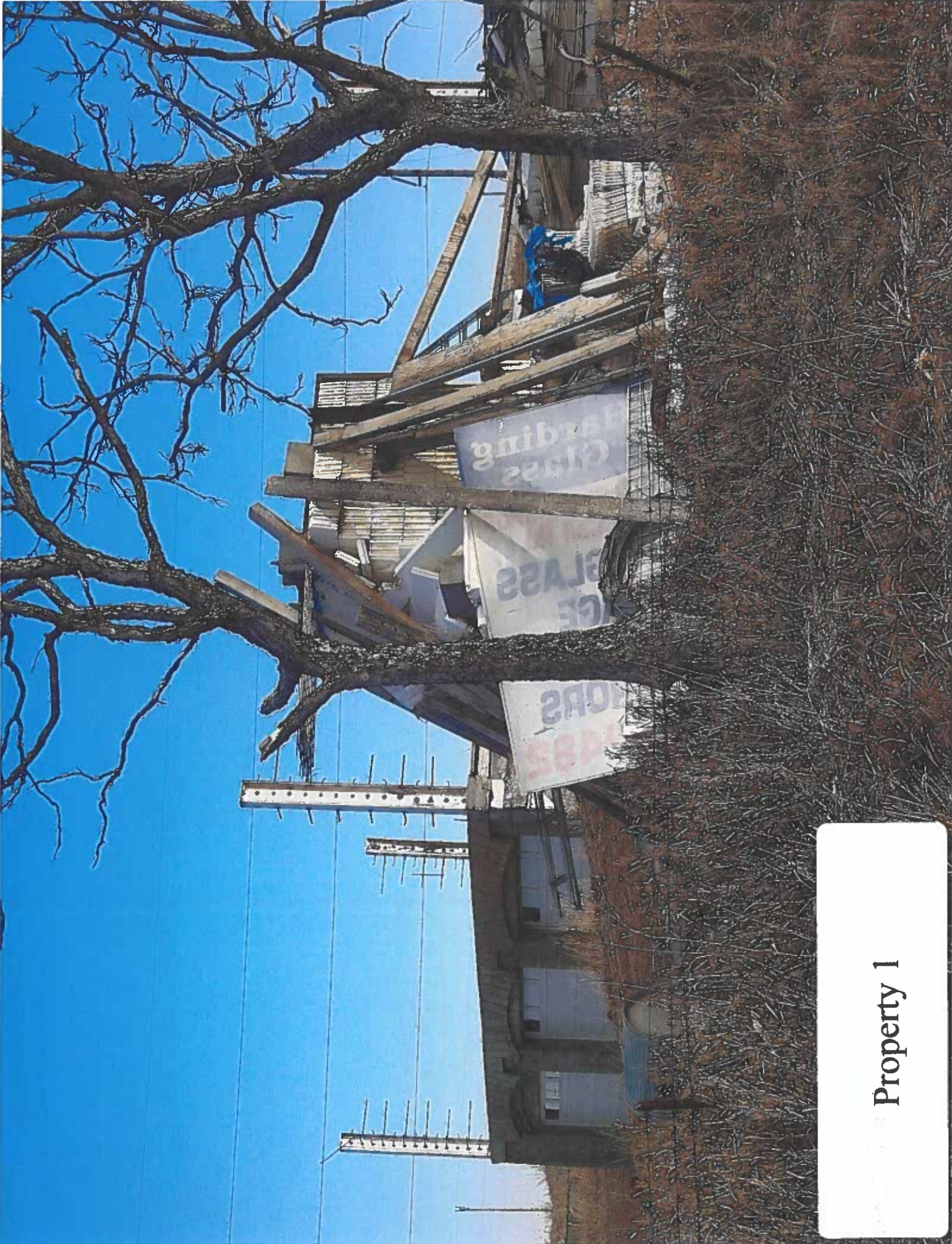
There are two powerful practical reasons why this committee should pass SB 162. As described above, SB 162 mirrors identical legislation you passed in 2021 for Sedgwick County. SB 162 includes the same 3-year "sunset" provision. Common sense tells us this "sunset" gives you an opportunity to evaluate whether Riley County uses this new authority in a fair and responsible manner. Second, by designating Riley County an "urban area" under Article 2, Section 17 of the Kansas Constitution, enactment of SB 162 will place Riley County under "uniform" legislation. This means Riley County will be unable to "charter out" from and change any of SB 162's text. You will know exactly what limitations exist on Riley County's statutory authority for "self-help" on our nuisance properties the entire time you leave our authority in place.

I am confident Riley County's conduct will justify your trust in us.

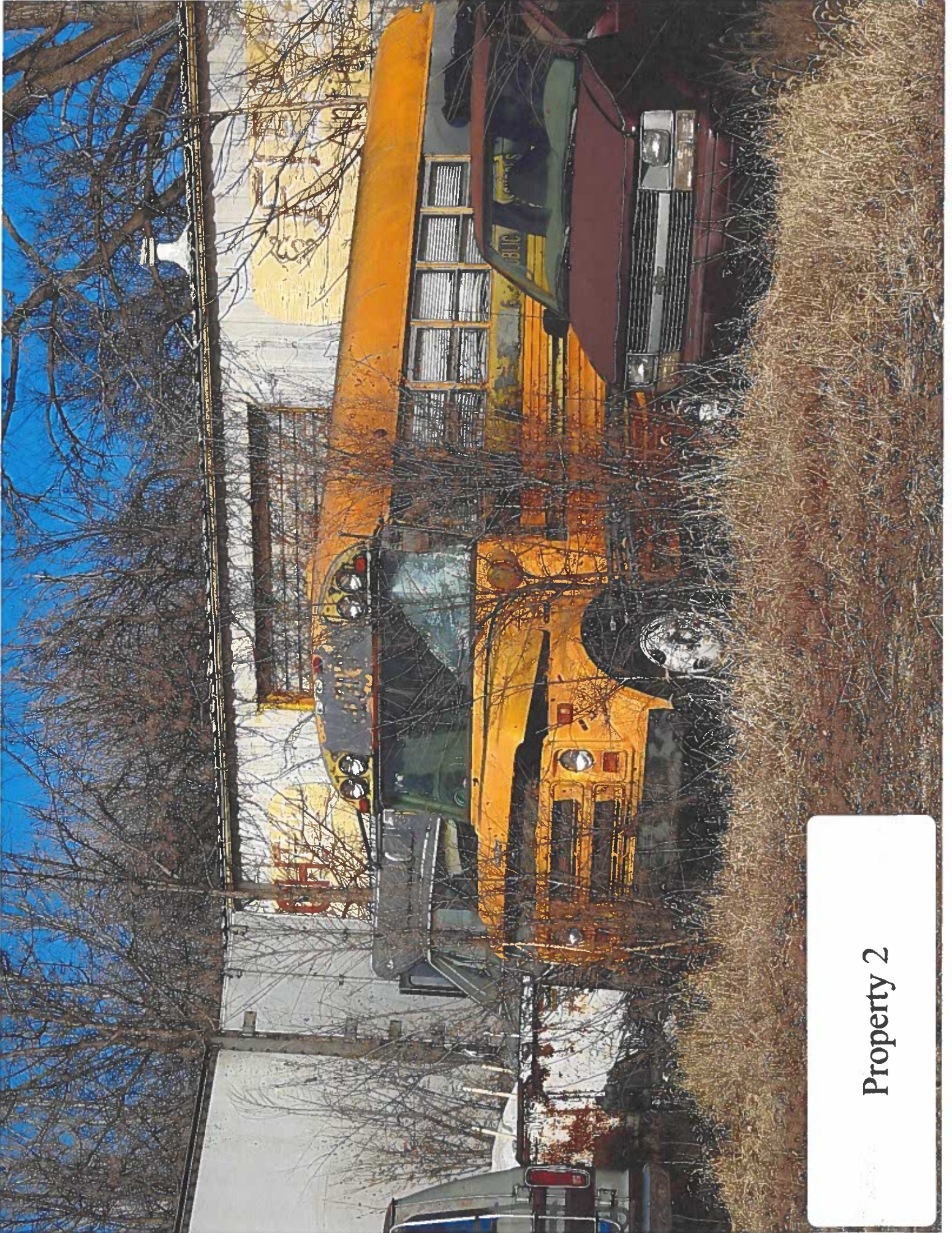
Thank you for allowing me to testify in support of SB 162.

Sincerely,


Clancy Holeman
Riley County Counselor



Property 1



Property 2



Property 3