

Riley and Crawford Counties Unincorporated Area Nuisance Abatement Acts; Emergency Medical Services; SB 384

SB 384 creates the Riley County Unincorporated Area Nuisance Abatement Act and the Crawford County Unincorporated Area Nuisance Abatement Act and amends statutes pertaining to the Emergency Medical Services Board (EMS Board).

Riley and Crawford Counties Unincorporated Area Nuisance Abatement Acts

Determination of Nuisance and Order for Abatement

The bill requires the county to have obtained a conviction for a county code violation resulting from the nuisance within the prior 12 months before any nuisance abatement process could begin. The bill authorizes the board of county commissioners (Board) to order the removal or abatement of any nuisance within the unincorporated area of the county and the demolition of any structure or the removal or abatement of any other type of nuisance. The bill requires the Board order to require the owner of the property to pay all costs associated with the abatement.

The bill authorizes the Board to make the determination of nuisance and issue an order by resolution that requires the nuisance to be removed or abated, if the Board or other agency designated by the Board files a statement in writing with the county clerk describing the nuisance and declaring the nuisance is a menace and dangerous to the health of county residents.

The bill directs the Board to order the owner of the property to remove and abate the nuisance within no less than ten days; the bill authorizes the Board to grant extensions of time. The bill empowers the property owner to request a hearing before the Board if the request is made during the waiting period or any extension.

The bill authorizes the Board to notify the property owner of the order by various means, including by certified mail with return receipt requested, but would require notice to be given by telephone or first-class mail if the property is unoccupied and the owner is a non-resident. The bill requires all orders and notices to be served on the owner of record or, if there is more than one owner of record, then on at least one of those owners.

Abatement and Payment

If the owner fails to comply with the order, the bill authorizes the Board to order the repair or demolition of any structure and have the items described in the order removed and abated from the property. The bill requires the county to notify the owner, by certified mail with return receipt requested, of the total cost incurred for the abatement or removal and to state in the notice that payment of the cost is due and payable within 60 days of the mailing of the notice. If the payment is not paid within the 60-day period, the bill requires the cost to be assessed against the lot or parcel of land and the county clerk to certify the costs and extend the cost on the tax roll, to be collected by the county treasurer.

The bill requires the county, in determining the cost, to subtract the value of the property removed or abated and, if that value is greater than the cost incurred, pay the owner the difference. The bill authorizes the property owner to request a hearing before the Board prior to the deadline for payment of removal or abatement costs.

The bill makes any decision of the Board subject to review in accordance with the Kansas Judicial Review Act (KSA 77-601 *et seq.*).

Motor Vehicles

The bill authorizes Riley and Crawford counties to remove and abate a motor vehicle determined to be a nuisance, except when the vehicle is on public property or property that is not open to the public. The bill requires disposition of these vehicles to comply with procedures for impoundment, notice, and public auction in continuing law for vehicles abandoned on public highways or other property open to use by the public (KSA 8-1102), which include public auction. If a public auction is conducted but no responsible bid is received, the bill authorizes the county to file proof with the Division of Vehicles (Division), Kansas Department of Revenue, and requires the Division to issue a certificate of title to the vehicle to the county.

Any person whose motor vehicle is disposed of under these provisions is eligible for a refund of motor vehicle tax, with the amount to be determined as provided in continuing law.

Acts Not Applicable to Agricultural Activity or Oil and Gas Exploration and Development Activity

The bill states the Legislature declares it is the policy of Kansas to protect and encourage the production and processing of food and other agricultural products, and it is the intent of these acts to protect agricultural and agribusiness activities from public and private nuisance actions.

The bill states the acts do not apply to land, structures, machinery and equipment, or motor vehicles used for an agricultural activity or an oil or natural gas exploration and development activity. "Agricultural activity" has the meaning in continuing law applicable to protection of farmland and agricultural activities, and also includes real and personal property, machinery, equipment, stored grain, and agricultural input products owned or maintained by commercial grain elevators and agribusiness facilities.

Sunset

The acts expire on July 1, 2027.

Emergency Medical Services Board Ambulance Staffing Requirements

The bill authorizes the EMS Board to grant a permanent variance from a rule and regulation adopted to implement, enforce, or otherwise regulate provisions regarding minimal staffing on each vehicle providing emergency services. [*Note:* Prior law authorized the EMS Board to grant only temporary variances.] The bill prohibits the EMS Board from requiring an ambulance to operate with more than one person who is a paramedic, emergency medical

technician, an individual licensed to practice medicine and surgery, a physician assistant, an advanced practice registered nurse, or a professional nurse when:

- The ambulance is providing an interfacility transfer;
- The transfer is from a county with population of no more than 30,000; and
- The driver of the ambulance is certified in cardiopulmonary resuscitation.