

**CONFERENCE COMMITTEE REPORT BRIEF  
SENATE BILL NO. 384**

As Agreed to April 3, 2024

**Brief\***

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

***Riley and Crawford Counties Unincorporated Nuisance Abatement Acts***

*Determination of Nuisance and Order for Abatement*

The bill would require 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 would authorize 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 would require the Board order to require the owner of the property to pay all costs associated with the abatement.

The bill would authorize 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 Commission or other agency designated by the Commission 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 would direct the Board to order the owner of the property to remove and abate the nuisance within no less than ten days; the bill would authorize the Board to grant extensions of time. The bill would empower the property owner to request a hearing before the Board if the request is made during the waiting period or any extension.

The bill would authorize the Board to notify the property owner of the order by various means, including by certified mail and 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-

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kIRD>

resident. The bill would require 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 would authorize 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 would require the county to notify the owner by certified mail and 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 would require 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.

In determining the cost, the county would be required 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 would authorize the property owner to request a hearing before the Board prior to the deadline for payment of removal or abatement costs.

The bill would make 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 would authorize 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 would require 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 would authorize the county to file proof with the Division of Vehicles (Division), Kansas Department of Revenue, and require 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 would be 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 would state 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 would state the acts would 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" would have the meaning in continuing law applicable

to protection of farmland and agricultural activities, and also include 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 would expire on July 1, 2027.

### ***Emergency Medical Services Board***

The bill would authorize 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: Current law allows only for the EMS Board to grant temporary variances for the span of one year.] The bill would prohibit the EMS Board from requiring an ambulance to operate with more than one person that 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 30,000 or less; and
- The driver of the ambulance is CPR-certified.

The bill also would make a technical amendment to clarify the personnel required on each vehicle providing emergency medical service.

### **Conference Committee Action**

The Conference Committee agreed to the provisions of SB 384, as amended by the Senate Committee, with an amendment to reinsert modified language removed by the Senate Committee regarding limiting the EMS Board's authority to require certain personnel on ambulances. The Conference Committee also agreed to insert the provisions creating the Riley County Unincorporated Area Nuisance Abatement Act and the Crawford County Unincorporated Area Nuisance Abatement Act (SB 162, as passed by the Senate).

### **Background**

The Conference Committee added the contents of SB 162, as amended by the Senate Committee on Local Government, to SB 384.

### ***SB 384 (Emergency Medical Services Board)***

The bill was introduced by the Senate Committee on Local Government at the request of a representative of the League of Kansas Municipalities (LKM).

### *Senate Committee on Local Government*

In the Senate Committee hearing on February 1, 2024, a representative of LKM provided **proponent** testimony, stating rules and regulations adopted by the EMS Board require a minimum of two medical certified staff on an ambulance, and rural communities especially face shortages of people serving as emergency medical staff. He noted the EMS Board offers 12-month waivers.

Written-only proponent testimony was provided by the Administrator of the North Central Kansas Medical Center (Concordia), a representative of the City of Concordia, and the President of the Kansas Legislative Policy Group.

The Executive Director of the EMS Board and representatives of the Kansas Emergency Medical Services Association, Kansas State Firefighters Association, and Mid-America Regional Council Emergency Rescue provided **opponent** testimony, stating having only one medically certified person both driving an ambulance and also responsible for the patient would increase risk to patients and to providers. The EMS Board Executive Director described variances granted to five ambulance services from certain staffing requirements.

A representative of the American Heart Association provided written-only neutral testimony.

In the continuation of the Senate Committee hearing on February 13, 2024, a representative of LKM described an amendment to which proponents had agreed.

No other testimony was provided.

The Senate Committee amended the bill to:

- Authorize the EMS Board to grant a permanent variance to any rule and regulation regarding minimum staffing on any emergency medical service vehicle [*Note: The Conference Committee retained this amendment*]; and
- Remove provisions that would have prohibited the EMS Board from requiring more staff on any emergency medical service vehicle than minimal staffing required by statute in a city or county with a population of less than 50,000 [*Note: The Conference Committee retained this amendment*].

### *House Committee on Local Government*

In the House Committee hearing on March 13, 2024, **proponent** testimony was provided by Representative Droge and representatives of the EMS Board, Kansas EMS Association, and League of Kansas Municipalities. The proponents generally stated the bill would address an issue that has existed for five to six years and does so while providing flexibility to rural communities without compromising the oversight responsibilities of the EMS Board.

Written-only proponent testimony was provided by a representative of the Kansas Legislative Policy Group who identified himself as a Meade County Commissioner.

Written-only neutral testimony was provided by a representative of the American Health Association. The representative urged for the consideration of additional tools such as training

911 operators in telecommunicator cardiopulmonary resuscitation in order to increase the survival rate of individuals suffering cardiac arrest in rural areas.

No other testimony was provided.

#### *House Committee of the Whole*

The House Committee of the Whole amended the bill to:

- Remove the provision granting permanent variance authority to the EMS Board [*Note:* The Conference Committee did not retain this amendment]; and
- Reinstate the provision prohibiting the EMS Board from requiring more staff on any emergency medical service vehicle than minimal staffing required by statute in a city or county with a population of less than 50,000. [*Note:* The Conference Committee did not retain this amendment.]

SB 162 (Unincorporated Nuisance Abatement Acts)

The bill was introduced by the Senate Committee on Local Government at the request of a representative of the Riley County Board of County Commissioners.

#### *Senate Committee on Local Government*

In the Senate Committee hearing on February 14, 2023, a representative of the Riley County Board of Commissioners, the Riley County Counselor, the Deputy Riley County Counselor, and the Crawford County Counselor provided **proponent** testimony. They described nuisance properties and the steps taken to try to effect cleanup, and discussed a 2012 Kansas Court of Appeals ruling in *Barnes v. Board of County Commissioners of Cowley County* that determined a county could not use its home rule powers to abate nuisances.

A representative of the Kansas Association of Counties provided written-only proponent testimony.

No other testimony was provided.

On January 23, 2024, the Senate Committee reviewed the bill, received an update from the Riley County Counselor, and received neutral testimony from a representative of the Kansas Grain and Feed Association and the Kansas Agribusiness Retailers Association.

On February 8, 2024, the Senate Committee amended the bill to:

- Add a statement of legislative intent regarding protecting agricultural and agribusiness activities from nuisance actions [*Note:* The Conference Committee retained this amendment.];
- Add land, structures, machinery and equipment, or motor vehicles used for oil and gas exploration and development activity to the exemptions [*Note:* The Conference Committee retained this amendment.]; and

- Add the identical (except for county designation) Crawford County Unincorporated Area Nuisance Abatement Act. [Note: The Conference Committee retained this amendment.]

## **Fiscal Information**

### ***SB 384 (Emergency Medical Services Board)***

According to the fiscal note prepared by the Division of the Budget on SB 384, as introduced, the EMS Board indicates enactment would result in fee fund expenditures of \$290,000 in FY 202, and \$280,000 in FY 2026 to support 3.0 new FTE analyst positions, who would review the eligibility of 40 transports per work hour for 2,080 hours each year. The State Board of Healing Arts indicates enactment of the bill would not have an effect on its operations. Any fiscal effect associated with enactment of SB 384 is not reflected in *The FY 2025 Governor's Budget Report*.

LKM and the Kansas Association of Counties indicate enactment of the bill would reduce emergency medical service staffing costs for local governments.

### ***SB 162 (Unincorporated Nuisance Abatement Acts)***

According to the fiscal note prepared by the Division of the Budget on SB 162, as introduced, the Kansas Department of Revenue estimates enactment of the bill could result in administrative expenditures of \$250 to update policies and procedures if the nuisance involves a motor vehicle. The Office of Judicial Administration stated enactment of the bill could increase the number of cases filed in district court because decisions made by the Board would be subject to the Kansas Judicial Review Act and also could result in collection of docket fees for those cases; however, a fiscal effect cannot be determined.

Any fiscal effect associated with enactment of SB 162 is not reflected in *The FY 2024 Governor's Budget Report*.

The Kansas Association of Counties states the bill could have an effect on Riley County due to costs for repair or removing the nuisance and a loss to the county if the value of the property exceeds removal costs.

Emergency medical services board; ambulances; rules and regulation variance

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