

HOUSE BILL No. 3024

By Committee on Appropriations

3-15

AN ACT concerning the powers and duties of certain boards of county commissioners; relating to community corrections and court services operations; amending K.S.A. 20-361 and 75-5292 and K.S.A. 2001 Supp. 19-101a and 75-52,110 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 2001 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not consolidate or alter county boundaries.

(3) Counties may not affect the courts located therein.

(4) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(5) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(6) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 271—74th congress, or amendments thereof.

(7) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(8) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(9) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(10) No county may levy ad valorem taxes under the authority of this

1 section upon real property located within any redevelopment project area
2 established under the authority of K.S.A. 12-1772, and amendments
3 thereto, unless the resolution authorizing the same specifically authorized
4 a portion of the proceeds of such levy to be used to pay the principal of
5 and interest upon bonds issued by a city under the authority of K.S.A.
6 12-1774, and amendments thereto.

7 (11) Counties shall have no power under this section to exempt from
8 any statute authorizing or requiring the levy of taxes and providing sub-
9 stitute and additional provisions on the same subject, unless the resolution
10 authorizing the same specifically provides for a portion of the proceeds
11 of such levy to be used to pay a portion of the principal and interest on
12 bonds issued by cities under the authority of K.S.A. 12-1774, and amend-
13 ments thereto.

14 (12) Counties may not exempt from or effect changes in the provi-
15 sions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

16 (13) Except as otherwise specifically authorized by K.S.A. 12-1,101
17 through 12-1,109, and amendments thereto, counties may not levy and
18 collect taxes on incomes from whatever source derived.

19 (14) Counties may not exempt from or effect changes in K.S.A. 19-
20 430, and amendments thereto.

21 (15) Counties may not exempt from or effect changes in K.S.A. 19-
22 302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

23 (16) (A) Counties may not exempt from or effect changes in K.S.A.
24 13-13a26, and amendments thereto.

25 (B) This provision shall expire on June 30, 2003.

26 (17) (A) Counties may not exempt from or effect changes in K.S.A.
27 2001 Supp. 71-301a, and amendments thereto.

28 (B) This provision shall expire on June 30, 2003.

29 (18) Counties may not exempt from or effect changes in K.S.A. 19-
30 15,139, 19-15,140 and 19-15,141, and amendments thereto.

31 (19) Counties may not exempt from or effect changes in the provi-
32 sions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-
33 1226, and amendments thereto, or the provisions of K.S.A. 12-1260
34 through 12-1270 and 12-1276, and amendments thereto.

35 (20) Counties may not exempt from or effect changes in the provi-
36 sions of K.S.A. 19-211, and amendments thereto.

37 (21) Counties may not exempt from or effect changes in the provi-
38 sions of K.S.A. 19-4001 through 19-4015, and amendments thereto.

39 (22) Counties may not regulate the production or drilling of any oil
40 or gas well in any manner which would result in the duplication of reg-
41 ulation by the state corporation commission and the Kansas department
42 of health and environment pursuant to chapter 55 and chapter 65 of the
43 Kansas Statutes Annotated and any rules and regulations adopted pur-

1 suant thereto. Counties may not require any license or permit for the
2 drilling or production of oil and gas wells. Counties may not impose any
3 fee or charge for the drilling or production of any oil or gas well.

4 (23) Counties may not exempt from or effect changes in K.S.A. 79-
5 41a04, and amendments thereto.

6 (24) Counties may not exempt from or effect changes in K.S.A. 79-
7 1611, and amendments thereto.

8 (25) Counties may not exempt from or effect changes in K.S.A. 79-
9 1494, and amendments thereto.

10 (26) Counties may not exempt from or effect changes in subsection
11 (b) of K.S.A. 19-202, and amendments thereto.

12 (27) Counties may not exempt from or effect changes in subsection
13 (b) of K.S.A. 19-204, and amendments thereto.

14 (28) Counties may not levy or impose an excise, severance or any
15 other tax in the nature of an excise tax upon the physical severance and
16 production of any mineral or other material from the earth or water.

17 (29) Counties may not exempt from or effect changes in K.S.A. 79-
18 2017 or 79-2101, and amendments thereto.

19 (30) Counties may not exempt from or effect changes in K.S.A. 2-
20 3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219 or 65-171d or
21 K.S.A. 2001 Supp. 17-5909 or 65-1,178 through 65-1,199, and amend-
22 ments thereto.

23 (31) Counties may not exempt from or effect changes in K.S.A. 2001
24 Supp. 80-121, and amendments thereto.

25 (32) Counties may not exempt from or effect changes in K.S.A. 2001
26 Supp. 19-228, and amendments thereto.

27 (33) *Counties may not exempt from or effect changes in K.S.A. 75-
28 5292 or 75-52,110, and amendments thereto.*

29 (b) Counties shall apply the powers of local legislation granted in
30 subsection (a) by resolution of the board of county commissioners. If no
31 statutory authority exists for such local legislation other than that set forth
32 in subsection (a) and the local legislation proposed under the authority
33 of such subsection is not contrary to any act of the legislature, such local
34 legislation shall become effective upon passage of a resolution of the
35 board and publication in the official county newspaper. If the legislation
36 proposed by the board under authority of subsection (a) is contrary to an
37 act of the legislature which is applicable to the particular county but not
38 uniformly applicable to all counties, such legislation shall become effec-
39 tive by passage of a charter resolution in the manner provided in K.S.A.
40 19-101b, and amendments thereto.

41 (c) Any resolution adopted by a county which conflicts with the re-
42 strictions in subsection (a) is null and void.

43 Sec. 2. K.S.A. 20-361 is hereby amended to read as follows: 20-361.

1 (a) The state shall pay the salaries of all nonjudicial personnel of the
2 district courts of this state, except for personnel enumerated in subsection
3 (b) of K.S.A. 20-162 and amendments thereto, and no county may sup-
4 plement the compensation of district court personnel paid by the state.
5 ~~For employees of the district court who were employees of such court~~
6 ~~on December 31, 1978, a full month's proportion of the employee's an-~~
7 ~~ual pay shall be paid for the state payroll period ending on January 17,~~
8 ~~1979, notwithstanding that such period is shorter than the normal state~~
9 ~~payroll period.~~ With regard to judicial and nonjudicial personnel of the
10 district courts whose salary is payable by the state, the state shall provide
11 for unemployment security coverage, employer contributions for retire-
12 ment, workmen's compensation coverage, health insurance coverage and
13 surety bond coverage.

14 (b) The supreme court shall establish a formal pay plan for court
15 reporters serving district judges. Within the limits of legislative appro-
16 priations therefor, compensation of such court reporters shall be paid by
17 the state in an amount prescribed by the pay plan established by the
18 supreme court and no county may supplement the compensation of such
19 court reporters. The plan shall detail each reporters position by classifi-
20 cation, pay grade and pay step.

21 (c) *For the purposes of this section, any compensation paid to per-*
22 *sonnel of the district court for services attributable to community correc-*
23 *tions duties or functions under a consolidated community corrections pro-*
24 *gram and court services operations shall not be considered to*
25 *supplemental compensation.*

26 Sec. 3. K.S.A. 75-5292 is hereby amended to read as follows: 75-
27 5292. (a) Subject to the other provisions of this act, each county may
28 qualify to receive grants under this act by complying with the provisions
29 of K.S.A. 75-52,110 *and amendments thereto.*

30 (b) Subject to the requirements of centralized administration and
31 control of correctional services under K.S.A. 75-52,110 *and amendments*
32 *thereto* and the provisions of agreements between cooperating counties
33 under subsection (c), the respective boards of county commissioners shall
34 retain all authority for the expenditure of moneys, including grants re-
35 ceived under this act, and for the implementation of and the operations
36 under the comprehensive plan approved by the secretary of corrections.
37 The comprehensive plan shall be reviewed and approved by the board of
38 county commissioners of each county to which the plan pertains prior to
39 submission to the secretary of corrections for approval.

40 (c) The boards of county commissioners of all counties cooperating
41 together to establish a corrections advisory board and to adopt a compre-
42 hensive plan pursuant to this act may enter into cooperative agreements
43 to qualify their respective counties for grants under this act. Such counties

1 shall cooperate and enter into such agreements for all purposes of this
2 act in the manner prescribed by K.S.A. 12-2901 through 12-2907 and
3 amendments thereto, to the extent that those statutes do not conflict with
4 the provisions of this act.

5 *(d) The board of county commissioners of Douglas county and the*
6 *chief judge of the district court of the seventh judicial district may enter*
7 *into an agreement consolidating the district's court services operations*
8 *and community corrections program.*

9 Sec. 4. K.S.A. 2001 Supp. 75-52,110 is hereby amended to read as
10 follows: 75-52,110. (a) Before July 1, 1990, each county in this state, based
11 on the recommendation from the chief judge of the judicial district in
12 which each such county is located as provided in subsection (b), shall
13 have:

14 (1) Established a corrections advisory board in accordance with
15 K.S.A. 75-5297 and amendments thereto and adopted a comprehensive
16 plan for the development, implementation, operation and improvement
17 of the correctional services described in K.S.A. 75-5291 and amendments
18 thereto which has been approved by the secretary of corrections and
19 which, in addition to such matters as are prescribed by rules and regu-
20 lations of the secretary of corrections, provides for centralized adminis-
21 tration and control of the correctional services under such plan;

22 (2) entered into an agreement with a group of cooperating counties
23 to establish a regional or multi-county community correctional services
24 program; established a corrections advisory board in accordance with
25 K.S.A. 75-5297 and amendments thereto; and adopted a comprehensive
26 plan for the development, implementation, operation and improvement
27 of the correctional services described in K.S.A. 75-5291 and amendments
28 thereto which has been approved by the secretary of corrections and
29 which, in addition to such matters as are prescribed by rules and regu-
30 lations of the secretary of corrections, provides for centralized adminis-
31 tration and control of the correctional services under such plan. Such
32 group of counties may comply with the provisions of this subsection
33 through cooperative action pursuant to the provisions of K.S.A. 12-2901
34 through 12-2907 and amendments thereto, to the extent that those stat-
35 utes do not conflict with the provisions of this act; ~~or~~

36 (3) contracted for correctional services described in K.S.A. 75-5291
37 and amendments thereto from any county or group of cooperating coun-
38 ties, as provided in K.S.A. 75-52,107 and amendments thereto, which are
39 receiving grants under this act; *or*

40 (4) *entered into an agreement providing for the consolidation of the*
41 *community corrections program with the district court's services opera-*
42 *tions as authorized by K.S.A. 75-5292 and amendments thereto.*

43 (b) Before September 15, 1989, the chief judge in each judicial dis-

1 trict shall make a recommendation to the board of county commissioners
2 in each county in such judicial district which has not established a pro-
3 gram to provide for the correctional services described in K.S.A. 75-5291
4 and amendments thereto, as to which option provided in subsection (a)
5 each such county in such judicial district should choose to comply with
6 the provisions of this act.

7 Sec. 5. K.S.A. 20-361 and 75-5292 and K.S.A. 2001 Supp. 19-101a
8 and 75-52,110 are hereby repealed.

9 Sec. 6. This act shall take effect and be in force from and after its
10 publication in the statute book.

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