

## HOUSE BILL No. 2112

By Committee on Local Government

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AN ACT concerning counties; relating to the enforcement of county resolutions; amending K.S.A. 2002 Supp. 19-101d and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 19-101d is hereby amended to read as follows: 19-101d. (a) (1) The board of county commissioners of any county shall have the power to enforce all resolutions ~~passed~~ *adopted* pursuant to county home rule powers, as designated by K.S.A. 19-101c, and amendments thereto. Such resolutions may be enforced by enjoining violations thereof or by prescribing penalties for violations of such resolutions, either by fine, or by confinement in the county jail, or by both such fine and confinement. Unless otherwise provided by the resolution that defines and makes punishable the violation of such resolution, the penalty imposed shall be in accordance with the penalties established by law for conviction of a class C misdemeanor. In no event shall the penalty imposed for the violation of a resolution exceed the penalties established by law for conviction of a class B misdemeanor.

(2) Prosecution for any such violation shall be commenced in the district court in the name of the county and, except as provided in subsection (b), shall be conducted in the manner provided by law for the prosecution of misdemeanor violations of state laws. Writs and process necessary for the prosecution of such violations shall be in the form prescribed by the judge or judges of the courts vested with jurisdiction of such violations by this act, and shall be substantially in the form of writs and process issued for the prosecution of misdemeanor violations of state laws. Each county shall provide all necessary supplies, forms and records at its own expense.

(b) (1) In addition to all other procedures authorized for the enforcement of county codes and resolutions, ~~in any county with a population in excess of 150,000,~~ the prosecution for violation of codes and resolutions adopted by the board of county commissioners may be commenced in the district court in the name of the county and may be conducted, except as otherwise provided in this section, in the manner provided for and in accordance with the provisions of the code for the enforcement of county

1 codes and resolutions.

2 (2) For the purposes of aiding in the enforcement of county codes  
3 and resolutions, the board of county commissioners may employ or ap-  
4 point code enforcement officers for the county who shall have power to  
5 sign, issue and execute notices to appear and uniform citations or uniform  
6 complaints and notices to appear, as provided in the appendix of forms  
7 of the code contained in this act to enforce violations of county codes and  
8 resolutions, but shall have no power to issue warrants or make arrests.  
9 All warrants shall be issued and arrests made by law enforcement officers  
10 pursuant to and in the manner provided in chapter 21 of the Kansas  
11 Statutes Annotated.

12 (3) The board of county commissioners may employ or appoint at-  
13 torneys for the purpose of prosecuting actions for the enforcement of  
14 county codes and resolutions, ~~and~~. Such attorneys shall have the duties,  
15 powers and authorities provided by the board as necessary to prosecute  
16 actions under the code.

17 (4) All costs for the enforcement and prosecution of violations of  
18 county codes and resolutions, except for compensation and expenses of  
19 the district court judge, shall be paid from the revenues of the county  
20 and, the board of county commissioners may establish a special law en-  
21 forcement fund for the purpose of paying for the costs of code enforce-  
22 ment within the county. In addition, the board of county commissioners  
23 is hereby authorized to levy a tax of not to exceed ½ mill upon all taxable  
24 tangible property within such county to pay the costs of code  
25 enforcement.

26 (c) Notwithstanding the provisions of subsection (b), any action com-  
27 menced in the district court for the enforcement of county codes and  
28 resolutions, wherein a person may be subject to detention or arrest or  
29 wherein an accused person, if found guilty, would or might be deprived  
30 of such person's liberty, shall be conducted in the manner provided by  
31 law for the prosecution of misdemeanor violations of state laws under the  
32 Kansas code of criminal procedure and not under the code for the en-  
33 forcement of county codes and resolutions.

34 Sec. 2. K.S.A. 2002 Supp. 19-101d is hereby repealed.

35 Sec. 3. This act shall take effect and be in force from and after its  
36 publication in the statute book.

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