

Approved February 4, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

10:00 a.m./~~p.m.~~ on February 2, 1988 in room 514-S of the Capitol.

All members were present ~~except~~:

Senators Frey, Hoferer, Burke, Feleciano, Gaines, Langworthy, Parrish, Steineger, Talkington, Winter and Yost.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee:

Judge Herb Walton, Tenth Judicial District
Representative Vincent Snowbarger
Don Jarrett, Johnson County Chief Counsel

SENATE Bill 458 - Establishment of municipal courts for certain counties.

The chairman explained this is a recommendation of the interim committee concerning creation of a new court system in Johnson and Sedgwick Counties.

Judge Herb Walton, Tenth Judicial District, presented background information on the bill. He stated he met with the representative from the Kansas Judicial Council and a representative from the Kansas County and District Attorneys and all opposed the idea of a separate county court. They said this should be handled by our regular court system. We should never have a separate court facility to handle this. It was suggested a creation of an enforcement of county resolutions procedure act which would incorporate most of the provisions of the code of municipal court procedure, but would be within the district court system and not be a separate court. A committee member inquired, from experience in Johnson County can you get magistrates to come in? Judge Walton replied yes, there are more judges in Western Kansas than in Eastern Kansas.

Representative Vincent Snowbarger appeared in support of the bill. He stated this bill accomplishes what we need to do very easily. Johnson and Sedgwick Counties can set up their own courts on a municipal code kind of basis. He explained the major provisions of the bill. A copy of the provisions is attached (See Attachment I). During committee discussion a committee member inquired why don't you do this under home rule? Representative Snowbarger replied we tried for a year. Staff explained there is a difference in city and county home rule. Representative Snowbarger said we are interested in any proposal that will be quick. Another committee member commented we put on new judges last year. It is the responsibility of the state to provide a judicial system. Aren't we living up to our responsibility in Johnson County? Representative Snowbarger replied you are focusing too much on the court aspect of this. You need an authority to issue citations as quickly as possible. We need a procedure that will work faster.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 10:00 a.m./~~p.m.~~ on February 2, 1988

Senate Bill 458 continued

Don Jarrett, Johnson County Chief Counsel, testified two years ago we began looking seriously at the urbanizing problems facing them and to come up with ways to solving problems that were occurring. Johnson County had urban expanse so they needed code enforcement. They were looking at code enforcement process and how to deal with these problems. The problem was not with the judges or the district attorney, and they also talked to the sheriff and to Judge Walton. They discussed the simplification of procedures. There was a question of jurisdiction. They decided to ask the legislature for jurisdiction to do that. They came up with Senate Bill 294 last year. Senate Bill 294 was not to bother the courts. Mr. Jarrett explained we got to Senate Bill 458 through the interim committee. Then they worked on another draft to coordinate the concerns. During committee discussion, a committee member inquired what the fiscal impact would be on the counties? Mr. Jarrett replied it depends upon the code enforcement process. From the judicial aspect, \$20,000 the first two years. Code enforcement officers would be \$15,000 per personnel as staff is added. We need three people in the system. He said the fees from the fines would cover the costs particularly from the judge side. Another committee member inquired how many cases were filed last year? He replied less than 10 went through the court system. Considerable committee discussion was held with Mr. Jarrett.

The chairman announced there is a proposal in the works that is near completion. We will not take action on this bill until we see the other proposal.

The meeting adjourned.

A copy of the guest list is attached See Attachment II).

STATE OF KANSAS

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HOUSE OF
REPRESENTATIVES

COMMITTEE ASSIGNMENTS
VICE CHAIRMAN LEGISLATIVE JUDICIAL AND
CONGRESSIONAL APPORTIONMENT
MEMBER JUDICIARY
TAXATION
TRANSPORTATION

Testimony before the Senate Judiciary Committee on S.B. 458
February 2, 1988

MAJOR PROVISIONS OF PROPOSED BILL

1. A Code for Limited Procedure for the Enforcement of County Resolutions within the state court system would be created. This would be an alternative option to the current enforcement procedure. (Similar to Small Claims court.)
2. The Code would cover all resolution violations except traffic violations. Abandoned vehicles, parking and traffic regulations on county owned property would be covered.
3. The Code would not provide for confinement in jail. Fines collected under the Code would go to the County General Fund.
4. Counties would be required to pay for administrative costs of the procedure and be authorized to levy a tax and create a special fund for this purpose.
5. The administrative judge would have the authority to hire pro tem judges to hear these cases.
6. Counties could appoint code enforcement officers without arrest powers.
7. Appeals would go to the district court in the same manner provided in the Small Claims Procedure Act.
8. County counselor or a county-appointed prosecutor would prosecute case.

Attach I