

SESSION OF 2005

**SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2309**

As Amended by Senate Committee of the Whole

**Brief\***

HB 2309 would extend to Crawford, Douglas, Franklin, Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee, and Wyandotte counties the ability to opt for the enforcement of county codes and resolutions in a special court docket within the district court. Currently, only counties with a population in excess of 150,000 may use such procedures and prosecute code violations.

**Background**

Representatives from Douglas County, Franklin County, Miami County, and the Kansas Association of Counties testified in support of the bill. There was no testimony in opposition of the bill.

The bill, as introduced, would allow cities with a population of more than 100,000 to establish a special court docket for code enforcement. The House Committee on Federal and State Affairs amended the bill to strike the limitation to cities with a population of more than 100,000. With this provision stricken, the bill would allow all counties to establish a special court docket for code enforcement.

The House Committee of the Whole's amendment to the bill would authorize Douglas, Franklin, Johnson, Miami, Sedgwick, Shawnee, and Wyandotte county to establish a special court docket for code enforcement.

The Senate Committee of the Whole's amendment to the bill would add Crawford, Jefferson, and Riley counties to the counties with the

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\*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

ability to establish a special court docket for enforcement of county codes and resolutions.

The Code for the Enforcement of County Codes and Resolutions has been utilized in the district courts in Johnson, Sedgwick, and Wyandotte counties. The Code applies to cases involving violations of county codes and resolutions, but does not apply to traffic offenses, nor in situations where violation of a county code provision could result in arrest, detention, or deprivation of a person's liberty.

The law authorizes counties to appoint code enforcement officers who have the power to issue citations and notices to appear but who do not have arrest powers. Costs (except for district judge salaries), including costs of judges pro tem appointed by the administrative district judge, are borne by the county. Counties are authorized to levy not to exceed one-half mill for this purpose. Prosecution is by the county counselor or other attorney as designated by the board of county commissioners. All fines and penalties collected under the code are paid over for deposit in the county general fund or in the special law enforcement fund.

Actual procedures under the new code parallel for the most part the Kansas Code of Procedure for Municipal Courts. Appeals shall be tried *de novo* before a district judge other than a judge from which the appeal is taken. See KSA 19-4701 *et seq.*

The fiscal note states the passage of the bill is not expected to have a fiscal effect on the budget of any state agency. The fiscal note was prepared for the original version of the bill.