

HOUSE BILL No. 2309

AN ACT concerning counties; relating to enforcement of county codes and resolutions; amending K.S.A. 2004 Supp. 19-101d and repealing the existing section.

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

Section 1. K.S.A. 2004 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 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, in Crawford, Douglas, Franklin, Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee and Wyandotte counties,~~ 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 codes and resolutions.

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

(3) The board of county commissioners may employ or appoint attorneys for the purpose of prosecuting actions for the enforcement of county codes and resolutions, ~~and such.~~ The attorneys shall have the duties, powers and authorities provided by the board ~~as that are~~ necessary to prosecute actions under the code.

(4) All costs for the enforcement and prosecution of violations of county codes and resolutions, except for compensation and expenses of the district court judge, shall be paid from the revenues of the county ~~and~~. The board of county commissioners may establish a special law enforcement fund for the purpose of paying for the costs of code enforcement within the county. In addition, the board of county commissioners is ~~hereby~~ authorized to levy a tax ~~of~~ not to exceed ½ mill upon all taxable tangible property within ~~such the~~ county to pay the costs of code enforcement.

(c) Notwithstanding the provisions of subsection (b), any action commenced in the district court for the enforcement of county codes and resolutions, ~~wherein in which~~ a person may be subject to detention or arrest or ~~wherein in which~~ an accused person, if found guilty, would or might be deprived of ~~such the~~ person's liberty, shall be conducted in the manner provided by law for the prosecution of misdemeanor violations

of state laws under the Kansas code of criminal procedure and not under the code for the enforcement of county codes and resolutions.

Sec. 2. K.S.A. 2004 Supp. 19-101d is hereby repealed.

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

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE concurred in
SENATE amendments _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.