

SESSION OF 2003

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2112

As Recommended by House Committee on
Local Government

Brief*

HB 2112 extends to all counties the ability to opt for the enforcement of county codes and resolutions in a special court created within the district court. Currently, only counties with a population in excess of 150,000 may use such procedures and prosecute code violations.

Background

The bill was supported by the Kansas Association of Counties, the Kansas Association of Planning and Zoning Officials, and a representative of Butler County.

The Code for the Enforcement of County Codes and Resolutions has been utilized in the district courts in Johnson and Sedgwick 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

*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/klrd>

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 there would be no impact on the state.