

SENATE BILL No. 403

By Committee on Ways and Means

2-3

1 AN ACT concerning municipalities; relating to traffic citations and
2 limitations on revenue generation; amending K.S.A. 12-4112 and 20-
3 301 and K.S.A. 2015 Supp. 12-189, 12-4104 and 12-4106 and
4 repealing the existing sections.

5
6 *Be it enacted by the Legislature of the State of Kansas:*

7 New Section 1. (a) Each city and county shall annually calculate the
8 percentage of their annual general operating revenue that was revenue
9 from traffic infractions for the immediately preceding fiscal year. If such
10 percentage exceeds 10% of the annual general operating revenue for such
11 city or county for such fiscal year, then that amount which is in excess of
12 10% shall be remitted to the director of taxation of the department of
13 revenue. The director shall remit any moneys so received to the state
14 treasurer in accordance with K.S.A. 75-4215, and amendments thereto.
15 Upon receipt of each such remittance, the state treasurer shall deposit the
16 entire amount in the state treasury to the credit of the state general fund.

17 (b) Within 90 days after the end of the fiscal year of the city or
18 county, such city or county shall submit a financial report on the general
19 operating revenue of such city or county for the immediately preceding
20 fiscal year to the director. The financial report shall be prepared in such
21 form and manner as prescribed by the secretary of revenue, and shall be
22 notarized and signed by a member of the governing body of such city or
23 county with knowledge as to the accuracy of the contents of the report.
24 The financial report shall contain an accounting of:

25 (1) The annual general operating revenue;
26 (2) the aggregate revenue from traffic infractions; and
27 (3) the percentage of annual general operating revenue that is revenue
28 from traffic infractions.

29 (c) The director of taxation shall review the information submitted by
30 cities and counties pursuant to subsection (b) and determine if any city or
31 county has failed to submit the required financial report or has failed to
32 remit the appropriate excess revenue amount as determined under
33 subsection (a). If the director finds that a city or county has failed to either
34 submit the required financial report or remit the required excess revenue
35 amount, then the director shall notify such city or county of the deficiency.
36 Such notice shall be provided in writing and shall state that the city or

1 county has 60 days from the date of the notice to correct the deficiency.

2 (d) If, after receiving notice of failure to submit a financial report
3 pursuant to subsection (c), a city or county submits a financial report, the
4 director of taxation shall review the report and determine if the city or
5 county remitted the appropriate excess revenue amount. If the director
6 determines that the city or county failed to remit the appropriate amount,
7 then the director shall notify such city or county of such failure in
8 accordance with subsection (c).

9 (e) If a city fails to correct any deficiency within the time specified in
10 the notice, the director of taxation shall notify the municipal court of such
11 city, if any, of such deficiency and that such municipal court's jurisdiction
12 is suspended in accordance with K.S.A. 12-4104, and amendments thereto.
13 Such notice shall be sent to each municipal judge of such court.

14 (f) Any city or county that receives a notice from the director of
15 taxation may seek review of the director's determination in accordance
16 with the Kansas judicial review act.

17 (g) On or before January 1, 2017, the secretary of revenue shall adopt
18 rules and regulations necessary to implement the provisions of this section.

19 (h) As used in this section:

20 (1) (A) "Annual general operating revenue" means the aggregate of
21 all revenue received by a city or county during its fiscal year that may be
22 lawfully expended for any expenditures, purchases or other obligations
23 incurred by such city or county, including, but not limited to, sales and
24 compensating use taxes, ad valorem taxes, fees from the issuance of
25 licenses or permits, fines imposed for municipal resolution or ordinance
26 violations, forfeitures of appearance bonds and any other moneys received
27 by such city or county.

28 (B) The term "annual general operating revenue" shall not include the
29 proceeds of any bonds issued by a city or county.

30 (2) "Revenue from traffic infractions" means: (A) Fines imposed for
31 municipal ordinance violations that are classified as ordinance traffic
32 infractions pursuant to K.S.A. 12-4305, and amendments thereto; and (B)
33 forfeitures of appearance bonds pursuant to K.S.A. 12-4303 et seq., and
34 amendments thereto, in ordinance traffic infraction cases.

35 New Sec. 2. (a) Commencing July 1, 2016, at the end of each quarter
36 of its fiscal year, each municipal court shall calculate an amount equal to
37 70% of all revenue from traffic infractions for violations occurring on the
38 national network of highways, and within 10 days after the end of such
39 quarter shall remit such amount to the director of taxation of the
40 department of revenue. The director shall remit any moneys so received to
41 the state treasurer in accordance with K.S.A. 75-4215, and amendments
42 thereto. Upon receipt of each such remittance, the state treasurer shall
43 deposit the entire amount in the state treasury to the credit of the state

1 highway fund.

2 (b) At the time of any remittance required under subsection (a), the
3 municipal court shall submit a financial report on revenue from traffic
4 infractions for the immediately preceding quarter with the director of
5 taxation. The financial report shall be prepared in such form and manner as
6 prescribed by the secretary of revenue, and shall be notarized and signed
7 by the municipal judge. The financial report shall contain an accounting
8 of:

9 (1) The aggregate amount of revenue from traffic infractions;

10 (2) the aggregate revenue from traffic infractions for violations
11 occurring on the national network of highways; and

12 (3) the amount calculated by multiplying 70% by the amount
13 determined under subsection (b)(2).

14 (c) The director of taxation shall review the information submitted by
15 the municipal court pursuant to subsection (b) and determine if the
16 municipal court has failed to submit the required financial report or has
17 failed to remit the appropriate amount as determined under subsection (a).
18 If the director finds that the municipal court has failed to either submit the
19 required financial report or remit the required amount, then the director
20 shall notify the municipal court of the deficiency. Such notice shall be
21 provided in writing and shall state that the municipal court has 60 days
22 from the date of the notice to correct the deficiency.

23 (d) If the municipal court fails to correct any deficiency within the
24 time specified in the notice, the director of taxation shall notify the
25 municipal court of such deficiency and that such municipal court's
26 jurisdiction is suspended in accordance with K.S.A. 12-4104, and
27 amendments thereto. Such notice shall be sent to each municipal judge of
28 such court.

29 (e) Any municipal court that receives a notice from the director of
30 taxation may seek review of the director's determination in accordance
31 with the Kansas judicial review act.

32 (f) On or before January 1, 2017, the secretary of revenue shall adopt
33 rules and regulations necessary to implement the provisions of this section.

34 (h) As used in this section:

35 (1) "National network of highways" shall have the same meaning as
36 that term is defined in K.S.A. 8-1487, and amendments thereto.

37 (2) "Revenue from traffic infractions" means: (A) Fines imposed for
38 municipal ordinance violations that are classified as ordinance traffic
39 infractions pursuant to K.S.A. 12-4305, and amendments thereto; and (B)
40 forfeitures of appearance bonds pursuant to K.S.A. 12-4303 et seq., and
41 amendments thereto, in ordinance traffic infraction cases.

42 Sec. 3. K.S.A. 2015 Supp. 12-189 is hereby amended to read as
43 follows: 12-189. The rate of any city retailers' sales tax shall be fixed in

1 increments of 0.05% and in an amount not to exceed 2% for general
2 purposes and not to exceed 1% for special purposes which shall be
3 determined by the governing body of the city. For any retailers' sales tax
4 imposed by a city for special purposes, such city shall specify the purposes
5 for which such tax is imposed. All such special purpose retailers' sales
6 taxes imposed by a city shall expire after 10 years from the date such tax is
7 first collected. The rate of any countywide retailers' sales tax shall be fixed
8 in an amount not to exceed 1% and shall be fixed in increments of 0.25%,
9 and which amount shall be determined by the board of county
10 commissioners, except that:

11 (a) The board of county commissioners of Wabaunsee county, for the
12 purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such
13 rate at 1.25%; the board of county commissioners of Osage or Reno
14 county, for the purposes of K.S.A. 12-187(b)(2), and amendments thereto,
15 may fix such rate at 1.25% or 1.5%; the board of county commissioners of
16 Cherokee, Crawford, Ford, Saline, Seward, Thomas or Wyandotte county,
17 for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix
18 such rate at 1.5%, the board of county commissioners of Atchison county,
19 for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix
20 such rate at 1.5% or 1.75%; the board of county commissioners of
21 Anderson, Barton, Jefferson or Ottawa county, for the purposes of K.S.A.
22 12-187(b)(2), and amendments thereto, may fix such rate at 2%; the board
23 of county commissioners of Marion county, for the purposes of K.S.A. 12-
24 187(b)(2), and amendments thereto, may fix such rate at 2.5%; the board
25 of county commissioners of Franklin, Linn and Miami counties, for the
26 purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix such
27 rate at a percentage which is equal to the sum of the rate allowed to be
28 imposed by the respective board of county commissioners on July 1, 2007,
29 plus up to 1.0%; and the board of county commissioners of Brown county,
30 for the purposes of K.S.A. 12-187(b)(2), and amendments thereto, may fix
31 such rate at up to 2%;

32 (b) the board of county commissioners of Jackson county, for the
33 purposes of K.S.A. 12-187(b)(3), and amendments thereto, may fix such
34 rate at 2%;

35 (c) the boards of county commissioners of Finney and Ford counties,
36 for the purposes of K.S.A. 12-187(b)(4), and amendments thereto, may fix
37 such rate at 0.25%;

38 (d) the board of county commissioners of any county for the purposes
39 of K.S.A. 12-187(b)(5), and amendments thereto, may fix such rate at a
40 percentage which is equal to the sum of the rate allowed to be imposed by
41 a board of county commissioners on the effective date of this act plus
42 0.25%, 0.5%, 0.75% or 1%, as the case requires;

43 (e) the board of county commissioners of Dickinson county, for the

1 purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix such
2 rate at 1.5%, and the board of county commissioners of Miami county, for
3 the purposes of K.S.A. 12-187(b)(7), and amendments thereto, may fix
4 such rate at 1.25%, 1.5%, 1.75% or 2%;

5 (f) the board of county commissioners of Sherman county, for the
6 purposes of K.S.A. 12-187(b)(8), and amendments thereto, may fix such
7 rate at 2.25%;

8 (g) the board of county commissioners of Crawford or Russell county
9 for the purposes of K.S.A. 12-187(b)(9), and amendments thereto, may fix
10 such rate at 1.5%;

11 (h) the board of county commissioners of Franklin county, for the
12 purposes of K.S.A. 12-187(b)(10), and amendments thereto, may fix such
13 rate at 1.75%;

14 (i) the board of county commissioners of Douglas county, for the
15 purposes of K.S.A. 12-187(b)(11) and (b)(30), and amendments thereto,
16 may fix such rate at 1.75%;

17 (j) the board of county commissioners of Jackson county, for the
18 purposes of K.S.A. 12-187(b)(13), and amendments thereto, may fix such
19 rate at 1.4%;

20 (k) the board of county commissioners of Sedgwick county, for the
21 purposes of K.S.A. 12-187(b)(3)(C), and amendments thereto, may fix
22 such rate at 2%;

23 (l) the board of county commissioners of Neosho county, for the
24 purposes of K.S.A. 12-187(b)(14), and amendments thereto, may fix such
25 rate at 1.0% or 1.5%;

26 (m) the board of county commissioners of Saline county, for the
27 purposes of K.S.A. 12-187(b)(15), and amendments thereto, may fix such
28 rate at up to 1.5%;

29 (n) the board of county commissioners of Harvey county, for the
30 purposes of K.S.A. 12-187(b)(16), and amendments thereto, may fix such
31 rate at 2.0%;

32 (o) the board of county commissioners of Atchison county, for the
33 purpose of K.S.A. 12-187(b)(17), and amendments thereto, may fix such
34 rate at a percentage which is equal to the sum of the rate allowed to be
35 imposed by the board of county commissioners of Atchison county on the
36 effective date of this act plus 0.25%;

37 (p) the board of county commissioners of Wabaunsee county, for the
38 purpose of K.S.A. 12-187(b)(18), and amendments thereto, may fix such
39 rate at a percentage which is equal to the sum of the rate allowed to be
40 imposed by the board of county commissioners of Wabaunsee county on
41 July 1, 2007, plus 0.5%;

42 (q) the board of county commissioners of Jefferson county, for the
43 purpose of K.S.A. 12-187(b)(19) and (25), and amendments thereto, may

1 fix such rate at 2.25%;

2 (r) the board of county commissioners of Riley county, for the
3 purpose of K.S.A. 12-187(b)(20), and amendments thereto, may fix such
4 rate at a percentage which is equal to the sum of the rate allowed to be
5 imposed by the board of county commissioners of Riley county on July 1,
6 2007, plus up to 1%;

7 (s) the board of county commissioners of Johnson county for the
8 purposes of K.S.A. 12-187(b)(21), and amendments thereto, may fix such
9 rate at a percentage which is equal to the sum of the rate allowed to be
10 imposed by the board of county commissioners of Johnson county on July
11 1, 2007, plus 0.25%;

12 (t) the board of county commissioners of Wilson county for the
13 purposes of K.S.A. 12-187(b)(22), and amendments thereto, may fix such
14 rate at up to 2%;

15 (u) the board of county commissioners of Butler county for the
16 purposes of K.S.A. 12-187(b)(23), and amendments thereto, may fix such
17 rate at a percentage which is equal to the sum of the rate otherwise allowed
18 pursuant to this section, plus 0.25%, 0.5%, 0.75% or 1%;

19 (v) the board of county commissioners of Barton county, for the
20 purposes of K.S.A. 12-187(b)(24), and amendments thereto, may fix such
21 rate at up to 1.5%;

22 (w) the board of county commissioners of Lyon county, for the
23 purposes of K.S.A. 12-187(b)(3)(D), and amendments thereto, may fix
24 such rate at 1.5%;

25 (x) the board of county commissioners of Rawlins county, for the
26 purposes of K.S.A. 12-187(b)(3)(E), and amendments thereto, may fix
27 such rate at 1.75%;

28 (y) the board of county commissioners of Chautauqua county, for the
29 purposes of K.S.A. 12-187(b)(3)(F), and amendments thereto, may fix
30 such rate at 2.0%;

31 (z) the board of county commissioners of Pottawatomie county, for
32 the purposes of K.S.A. 12-187(b)(26), and amendments thereto, may fix
33 such rate at up to 1.5%;

34 (aa) the board of county commissioners of Kingman county, for the
35 purposes of K.S.A. 12-187(b)(27), and amendments thereto, may fix such
36 rate at a percentage which is equal to the sum of the rate otherwise allowed
37 pursuant to this section, plus 0.25%, 0.5%, 0.75%, or 1%;

38 (bb) the board of county commissioners of Edwards county, for the
39 purposes of K.S.A. 12-187(b)(28), and amendments thereto, may fix such
40 rate at 1.375%;

41 (cc) the board of county commissioners of Rooks county, for the
42 purposes of K.S.A. 12-187(b)(29), and amendments thereto, may fix such
43 rate at up to 1.5%; and

1 (dd) the board of county commissioners of Bourbon county, for the
2 purposes of K.S.A. 12-187(b)(3)(G) and (b)(31), and amendments thereto,
3 may fix such rate at up to 2.0%.

4 Any county or city levying a retailers' sales tax is hereby prohibited
5 from administering or collecting such tax locally, but shall utilize the
6 services of the state department of revenue to administer, enforce and
7 collect such tax. Except as otherwise specifically provided in K.S.A. 12-
8 189a, and amendments thereto, such tax shall be identical in its
9 application, and exemptions therefrom, to the Kansas retailers' sales tax act
10 and all laws and administrative rules and regulations of the state
11 department of revenue relating to the Kansas retailers' sales tax shall apply
12 to such local sales tax insofar as such laws and rules and regulations may
13 be made applicable. The state director of taxation is hereby authorized to
14 administer, enforce and collect such local sales taxes and to adopt such
15 rules and regulations as may be necessary for the efficient and effective
16 administration and enforcement thereof.

17 Upon receipt of a certified copy of an ordinance or resolution
18 authorizing the levy of a local retailers' sales tax, the director of taxation
19 shall cause such taxes to be collected within or without the boundaries of
20 such taxing subdivision at the same time and in the same manner provided
21 for the collection of the state retailers' sales tax. Such copy shall be
22 submitted to the director of taxation within 30 days after adoption of any
23 such ordinance or resolution. All moneys collected by the director of
24 taxation under the provisions of this section shall be credited to a county
25 and city retailers' sales tax fund which fund is hereby established in the
26 state treasury, except that all moneys collected by the director of taxation
27 pursuant to the authority granted in K.S.A. 12-187(b)(22), and
28 amendments thereto, shall be credited to the Wilson county capital
29 improvements fund. Any refund due on any county or city retailers' sales
30 tax collected pursuant to this act shall be paid out of the sales tax refund
31 fund and reimbursed by the director of taxation from collections of local
32 retailers' sales tax revenue. Except for local retailers' sales tax revenue
33 required to be deposited in the redevelopment bond fund established under
34 K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax
35 revenue collected within any county or city pursuant to this act shall be
36 apportioned and remitted at least quarterly by the state treasurer, on
37 instruction from the director of taxation, to the treasurer of such county or
38 city.

39 Revenue that is received from the imposition of a local retailers' sales
40 tax which exceeds the amount of revenue required to pay the costs of a
41 special project for which such revenue was pledged shall be credited to the
42 city or county general fund, as the case requires.

43 The director of taxation shall provide, upon request by a city or county

1 clerk or treasurer or finance officer of any city or county levying a local
2 retailers' sales tax, monthly reports identifying each retailer doing business
3 in such city or county or making taxable sales sourced to such city or
4 county, setting forth the tax liability and the amount of such tax remitted
5 by each retailer during the preceding month and identifying each business
6 location maintained by the retailer and such retailer's sales or use tax
7 registration or account number. Such report shall be made available to the
8 clerk or treasurer or finance officer of such city or county within a
9 reasonable time after it has been requested from the director of taxation.
10 The director of taxation shall be allowed to assess a reasonable fee for the
11 issuance of such report. Information received by any city or county
12 pursuant to this section shall be confidential, and it shall be unlawful for
13 any officer or employee of such city or county to divulge any such
14 information in any manner. Any violation of this paragraph by a city or
15 county officer or employee is a class A misdemeanor, and such officer or
16 employee shall be dismissed from office. Reports of violations of this
17 paragraph shall be investigated by the attorney general. The district
18 attorney or county attorney and the attorney general shall have authority to
19 prosecute violations of this paragraph.

20 *Notwithstanding any provision of this section to the contrary:*

21 *(1) If any city or county fails to timely file the financial report*
22 *required under section 1, and amendments thereto, the director shall*
23 *withhold any moneys that would otherwise be remitted to such city or*
24 *county pursuant to this section until such time as the director determines*
25 *that such city or county has complied with the provisions of section 1, and*
26 *amendments thereto.*

27 *(2) If any city or county fails to timely remit the appropriate amount*
28 *of excess revenue in accordance with section 1, and amendments thereto,*
29 *the director shall withhold an amount equal to such excess revenues, and*
30 *shall remit such amount to the state treasurer in accordance with K.S.A.*
31 *75-4215, and amendments thereto. Upon receipt of each such remittance,*
32 *the state treasurer shall deposit the entire amount in the state treasury to*
33 *the credit of the state school district finance fund.*

34 Sec. 4. K.S.A. 2015 Supp. 12-4104 is hereby amended to read as
35 follows: 12-4104. (a) The municipal court of each city shall have
36 jurisdiction to hear and determine cases involving violations of the
37 ordinances of the city, including concurrent jurisdiction to hear and
38 determine a violation of an ordinance when the elements of such ordinance
39 violation are the same as the elements of a violation of one of the
40 following state statutes and would constitute, and be punished as, a felony
41 if charged in district court:

42 (1) K.S.A. 8-1567, and amendments thereto, driving under the
43 influence;

1 (2) K.S.A. 2015 Supp. 21-5414, and amendments thereto, domestic
2 battery;

3 (3) K.S.A. 2015 Supp. 21-5801, and amendments thereto, theft;

4 (4) K.S.A. 2015 Supp. 21-5821, and amendments thereto, giving a
5 worthless check; or

6 (5) ~~subsection (b)(3) of~~ K.S.A. 2015 Supp. 21-5706(b)(3), and
7 amendments thereto, possession of marijuana.

8 (b) Search warrants shall not issue out of a municipal court.

9 (c) *If a city is determined to have failed to comply with the provisions*
10 *of section 1, and amendments thereto, either in failing to submit the*
11 *required financial report or remitting the appropriate excess revenue*
12 *amount, the jurisdiction of the municipal court for such city, if any,*
13 *granted under this section shall be suspended and all pending matters*
14 *before the court shall be transferred to the district court with jurisdiction*
15 *over such matters. All such transferred cases shall be subject to such rules*
16 *of civil procedure and court rules as if such matter had been initially filed*
17 *in the district court. Upon receipt of notice that all deficiencies have been*
18 *corrected in accordance with section 1, and amendments thereto, the*
19 *municipal court may resume activities as prescribed by this section and*
20 *may request the re-transfer of any pending matters that had been*
21 *transferred to the district court back to the municipal court.*

22 (d) *If the municipal court is determined to have failed to comply with*
23 *the provisions of section 2, and amendments thereto, either in failing to*
24 *submit the required financial report or remitting the appropriate amount,*
25 *the jurisdiction of the municipal court granted under this section shall be*
26 *suspended and all pending matters before the court shall be transferred to*
27 *the district court with jurisdiction over such matters. All such transferred*
28 *cases shall be subject to such rules of civil procedure and court rules as if*
29 *such matter had been initially filed in the district court. Upon receipt of*
30 *notice that all deficiencies have been corrected in accordance with section*
31 *2, and amendments thereto, the municipal court may resume activities as*
32 *prescribed by this section and may request the re-transfer of any pending*
33 *matters that had been transferred to the district court back to the*
34 *municipal court.*

35 Sec. 5. K.S.A. 2015 Supp. 12-4106 is hereby amended to read as
36 follows: 12-4106. (a) The municipal judge shall have the power to
37 administer the oaths and enforce all orders, rules and judgments made by
38 such municipal judge, and may fine or imprison for contempt in the same
39 manner and to the same extent as a judge of the district court.

40 (b) The municipal judge shall have the power to hear and determine
41 all cases properly brought before such municipal judge to: Grant
42 continuances; sentence those found guilty to a fine or confinement in jail,
43 or both; commit accused persons to jail in default of bond; determine

1 applications for parole; release on probation; grant time in which a fine
2 may be paid; correct a sentence; suspend imposition of a sentence; set
3 aside a judgment; permit time for post trial motions; and discharge accused
4 persons.

5 (c) The municipal judge shall maintain a docket in which every cause
6 commenced before such municipal judge shall be entered. Such docket
7 shall contain the names of the accused persons and complainant, the nature
8 or character of the offense, the date of trial, the names of all witnesses
9 sworn and examined, the finding of the court, the judgment and sentence,
10 the date of payment, the date of issuing commitment, if any, and every
11 other fact necessary to show the full proceedings in each case.

12 (d) The municipal judge shall promptly make such reports and
13 furnish the information requested by any departmental justice or the
14 judicial administrator, in the manner and form prescribed by the supreme
15 court.

16 (e) The municipal judge shall ensure that information concerning
17 dispositions of city ordinance violations that result in convictions
18 comparable to convictions for offenses under Kansas criminal statutes is
19 forwarded to the Kansas bureau of investigation central repository. This
20 information shall be transmitted, on a form or in a format approved by the
21 attorney general, within 30 days of final disposition.

22 (f) In all cases alleging a violation of a city ordinance prohibiting the
23 acts prohibited by K.S.A. 8-2,144, 8-1567 or 32-1131 or K.S.A. 2015
24 Supp. 8-1025, 21-6419 or 21-6421, and amendments thereto, the
25 municipal court judge shall ensure that the municipal court reports the
26 filing and disposition of such case to the Kansas bureau of investigation
27 central repository, and, on and after July 1, 2014, reports the filing and
28 disposition of such case electronically to the Kansas bureau of
29 investigation central repository.

30 (g) In all cases in which a fine is imposed for a violation of a city
31 ordinance prohibiting the acts prohibited by K.S.A. 8-2,144 or 8-1567 or
32 K.S.A. 2015 Supp. 8-1025 or 21-6421, and amendments thereto, the
33 municipal court judge shall ensure that the municipal court remits the
34 appropriate amount of such fine to the state treasurer as provided in K.S.A.
35 2015 Supp. 12-4120, and amendments thereto.

36 (h) *Each year at such time as the financial report on annual general*
37 *operating revenue is submitted under section 1, and amendments thereto,*
38 *the municipal judge shall certify that the municipal court is in substantial*
39 *compliance with the municipal court procedures set forth in this*
40 *subsection. Such certification shall be signed by the municipal judge and*
41 *submitted to the director of taxation of the department of revenue. The*
42 *municipal court procedures are as follows:*

43 (1) *Defendants in custody pursuant to an initial arrest warrant issued*

1 by the municipal court are given an opportunity to be heard by the
2 municipal judge in person, by telephone or via video conferencing as soon
3 as practicable, and in no event more than 48 hours after the arrest for
4 traffic infractions, or more than 72 hours after the arrest for any other
5 ordinance violations, and if such defendant is not given that opportunity,
6 then the defendant is released from custody;

7 (2) defendants in municipal custody are not held more than 24 hours
8 without a warrant for arrest;

9 (3) no defendant is detained in order to coerce payment of fines and
10 court costs;

11 (4) the municipal court has established procedures whereby an
12 indigent defendant may present evidence of such defendant's financial
13 condition, and the municipal court takes such evidence into account in
14 determining fines and court costs, and in establishing payment
15 requirements;

16 (5) the municipal court only assesses fines and court costs as
17 authorized by law;

18 (6) no additional complaint is issued for a failure to appear for a
19 traffic violation;

20 (7) proceedings of the municipal court are conducted in a courtroom
21 that is open to the public and large enough to reasonably accommodate
22 the public, the parties and attorneys;

23 (8) the municipal court utilizes alternative payment plans and
24 community service alternatives; and

25 (9) the municipal court has adopted an electronic payment system or
26 a payment-by-mail system for the payment of traffic violations.

27 (i) If a city is determined to have failed to comply with the provisions
28 of section 1, and amendments thereto, either in failing to submit the
29 required financial report or remitting the appropriate excess revenue
30 amount, the authority of the municipal judge of the municipal court for
31 such city, if any, granted under this section shall be suspended. Upon
32 receipt of notice that all deficiencies have been corrected in accordance
33 with section 1, and amendments thereto, the municipal judge may resume
34 all authority as prescribed by this section.

35 (j) If the municipal court is determined to have failed to comply with
36 the provisions of section 2, and amendments thereto, either in failing to
37 submit the required financial report or remitting the appropriate amount,
38 the authority of the municipal judge of such municipal court granted
39 under this section shall be suspended. Upon receipt of notice that all
40 deficiencies have been corrected in accordance with section 2, and
41 amendments thereto, the municipal judge may resume all authority as
42 prescribed by this section.

43 Sec. 6. K.S.A. 12-4112 is hereby amended to read as follows: 12-

1 4112. (a) No person shall be assessed costs for the administration of
2 justice in any municipal court case, except for witness fees and mileage as
3 set forth in K.S.A. 12-4411, and amendments thereto; for the assessment
4 required by K.S.A. 2001 Supp. 20-1a11, and amendments thereto; for the
5 judicial branch education fund; for the assessment required by K.S.A. 12-
6 4117, and amendments thereto, for the law enforcement training center
7 fund established pursuant to K.S.A. 74-5619, and amendments thereto, the
8 local law enforcement training reimbursement fund established pursuant to
9 K.S.A. 74-5620, and amendments thereto, and the juvenile detention
10 facilities fund as provided in K.S.A. 12-4117, and amendments thereto;
11 and for the assessment required by K.S.A. 12-16,119, and amendments
12 thereto, for the detention facility processing fee.

13 (b) *A person shall not be assessed costs for the administration of*
14 *justice described in subsection (a) if such person makes an appearance,*
15 *waiver, plea and payment in accordance with K.S.A. 12-4305(c), and*
16 *amendments thereto.*

17 Sec. 7. K.S.A. 20-301 is hereby amended to read as follows: 20-301.

18 (a) There shall be in each county a district court, which shall be a court of
19 record, and shall have general original jurisdiction of all matters, both civil
20 and criminal, unless otherwise provided by law, and also shall have such
21 appellate jurisdiction as prescribed by law.

22 (b) *A district court shall have jurisdiction to hear and determine*
23 *cases involving violations of the ordinances of a city when the jurisdiction*
24 *of the municipal court of such city has been suspended pursuant to K.S.A.*
25 *12-4104, and amendments thereto. The jurisdiction granted by this*
26 *subsection shall continue until such time as the jurisdiction of the*
27 *municipal court is no longer suspended, except that any pending cases*
28 *transferred to the district court as a result of such suspension may remain*
29 *under the jurisdiction of the district court at the sole discretion of the chief*
30 *judge of the judicial district.*

31 Sec. 8. K.S.A. 12-4112 and 20-301 and K.S.A. 2015 Supp. 12-189,
32 12-4104 and 12-4106 are hereby repealed.

33 Sec. 9. This act shall take effect and be in force from and after its
34 publication in the statute book.