

SESSION OF 2007

**CONFERENCE COMMITTEE REPORT BRIEF  
HOUSE BILL NO. 2058**

As Agreed to April 2, 2007

**Brief\***

HB 2058 would allow any county to enforce county codes and resolutions in a special code court docket in the district court. If any of the counties currently authorized to have code courts (Crawford, Douglas, Franklin, Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee, and Wyandotte Counties), has not enacted a code court by July 1, 2007, any action to enact a code court would be subject to a protest petition election. Any remaining county in the State of Kansas also would be able to enact a code court, but such action also would be subject to a protest petition election. The bill also would eliminate counties' authority to levy a tax of up to ½ mill to pay for the costs of code enforcement.

The bill also would amend KSA 12-3304 and KSA 12-3010 by reducing the number of official copies of any code incorporated by county resolution or city ordinance. The bill would make the technical changes to the statute to change the reference to "copies" from "copy" to reflect the change from three copies to one copy, and clean up other statutory language.

The bill also would amend current law regarding unilateral annexation of county-owned land by a city. The bill would prohibit a city from annexing land owned by a county except by express permission of the board of county commissioners of the county.

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\*Conference committee report briefs are prepared by the Legislative Research Department and do not express legislative intent. No summary is prepared when the report is an agreement to disagree. Conference committee report briefs may be accessed on the Internet at <http://www.kslegislature.org/kldr>

The bill would be effective upon publication in the *Kansas Register*.

### **Conference Committee Action**

The Conference Committee on HB 2058 amended the bill to remove possible conflicting language and allow for any county to enact a code court. Those counties currently authorized to enact a code court, but which did not do so by June 30, 2007, would be subject to a protest petition election in the future if that county decided to enact a code court. Further, any county which is not currently authorized to enact a code court would be authorized to enact a code court, but any such enactment of a code court would be subject to a protest petition election.

The Conference Committee also inserted the language of HB 2217 into this bill, as amended by the Senate Committee, to allow cities and counties to keep only one official copy of codes incorporated by reference.

The Conference Committee also inserted the language from HB 2267 which would amend the current statute affecting a city's annexation of county-owned land, but amended the current version on HB 2267 to the version adopted by the House, with a minor technical adjustment to remain consistent with other statutory provisions related to the annexation of roadways.

### **Background**

HB 2058 would make the options of utilizing special code courts available for all counties, rather than the ten select counties authorized under the current law. The House proponents of the original bill included Representative Don Schroeder, a representative of the Kansas Association of Counties, representatives of several counties, and one individual who provided testimony in conditional support.

There were no opponents to the bill at either the House Committee hearing or the Senate Committee hearing. The House Committee on Elections and Governmental Organization amended the bill by removing a provision, which is in the current law, that allows the counties to levy a tax of up to ½ mill to pay for the costs of code enforcement.

The Senate Committee on Elections and Local Government amended the bill to remove “all counties” from the language, reinsert the current list of counties to which the law applies, and add Butler, Harvey, Leavenworth, McPherson, and Saline counties to the list of counties authorized to operate the special code courts.

The Senate Committee of the Whole adopted three amendments to the bill, which appeared to have conflicting language.

- The first amendment provides that, if Ford or Seward county adopt a code court for enforcement of county codes and resolutions, notice of the intent to utilize these provisions would be subject to a potential protest petition and election;
- Another amendment authorizes any county to establish a county to establish a code court for enforcement of county codes and resolutions; and
- Another amendment provides that, for any county not listed in paragraph 1 (of the bill) that wanted to utilize the provisions of the bill to establish a code court, the county action would be subject to a potential protest petition and election.

(These amendments appear to conflict with each other and reference language stricken by another amendment.)

The fiscal note on the original bill indicated there would be no fiscal impact to the State. Counties adopting a code court

for the enforcement of county codes and resolutions would bear the costs for any such enforcement.

HB 2217 was amended into the bill by the conference committee on HB 2058. The original HB 2217 was supported by a representative of Miami County and the Heart of America Chapter of the International Code Council, and Representative Jene Vickrey. It was stated that the codes would still be available for public inspection, but that the change would allow counties to purchase only one copy of the model codes adopted by counties rather than the three copies required under current law. The Senate Committee on Elections and Local Government amended the bill to include cities as well as counties in reducing the number of code copies required. The fiscal note on the original HB 2217 stated that expenses to counties would decrease, but an amount could not be estimated.

The contents of HB 2267 also were amended into the bill by the conference committee on HB 2058. Under current law, a city may not annex land owned by another governmental unit that is primarily used as a county-owned and operated airport, a county-owned and operated zoological facility, a recreation park or exhibition, and sports facility.

Testimony was presented on the original bill that arose from a dispute between Sedgwick County and the City of Park City over the annexation of certain land. A representative of Sedgwick County appeared as a proponent of the original version of the bill, which would have made the bill retroactive to September 1, 2006. The original version of the bill was opposed by the City of Park City, Kansas, and the League of Kansas Municipalities. Testimony was provided that Park City had annexed land owned by Sedgwick County and leased to the operator of the Wichita Greyhound Park, the annexation of which was opposed by the County.

The House Committee on Elections and Governmental Organization amended the bill to remove the retroactive application date and make the bill effective upon publication in

the *Kansas Register*. Due to a technical error in the bill drafting, the bill was amended on the House Floor to reflect the effective date as effective upon publication in the *Kansas Register*.

The Senate Committee on Elections and Local Government amended the bill by restoring the original statutory language prohibiting annexation of certain county owned land, but removed the language requiring an airport or zoological facility to be operated by a county to be exempt from annexation by a city.

The Conference Committee on HB 2058 changed the language of the bill back to the version adopted by the House, with a minor technical adjustment to remain consistent with other statutory provisions related to the annexation of roadways.

No fiscal effect from the original HB 2267 could be estimated.

code court dockets