

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on March 7, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds - Excused
Representative Andrew Howell - Excused
Representative Phill Kline - Excused
Representative Mike O'Neal - Excused
Representative Candy Ruff - Excused

Committee staff present:

Mike Heim, Legislative Research Department
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Lisa Wilson, Clerk of District Court, Jackson County
Jay Scott Emler, Chairman, Kansas Judicial Council Municipal Court Manual Advisory Committee
Lonie Addis, Labette County Commissioner
Larry Sharp, Reno County Commissioner
Ben Sciortino, Sedgwick County Commissioner
Glen Wiltse, Director of Code Enforcement, Sedgwick County
Tom Wiggins, Kansas Against Repressive Zoning
Kelly Wendeln, Chanute, Kansas
Rex & Sean Morley, Derby, Kansas

Hearings on **SB 448 - Docket fees for traffic offenses and certain other offenses**, were opened.

Lisa Wilson, Clerk of District Court, Jackson County, informed the committee that the bill would raise the docket fee for nonmoving traffic violations by \$1, which would go into a trauma fund. The increase would make the docket fee for nonmoving traffic offenses the same as moving violations. ([Attachment 1](#))

Hearings on **SB 448** were closed.

Hearings on **SB 418 - Municipal court assessments in cases charging certain crimes**, was opened.

Jay Scott Emler, Chairman, Kansas Judicial Council Municipal Court Manual Advisory Committee, stated that the bill would require a \$7 assessment be made in all cases filed in municipal court except nonmoving traffic violations. This change will help clarify the intent of the law as to which offenses are subject to assessments in K.S.A. 12-4117. ([Attachment 2](#))

Hearings on **SB 418** were closed.

Hearings on **SB 319 - Enforcement of county resolutions in district court**, was opened.

Lonie Addis, Labette County Commissioner, explained that the bill would extend the provisions of the Code of Enforcement of County Codes and Resolutions to counties by removing the mandatory limitation of 150,000 population. It would also allow the judge pro tem to order the costs of the abatement to be assessed against the property owner on which the nuisance was located. ([Attachment 3](#))

Larry Sharp, Reno County Commissioner, suggested that local control could help counties resolve court code violations as each county sees fit. It would also protect the surrounding property values from going down. ([Attachment 4](#))

Ben Sciortino, Sedgwick County Commissioner, & Glen Wiltse, Director of Code Enforcement, Sedgwick

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County, provided the committee with two examples of cases where Sedgwick County has not been able to complete the abatement process. The proposed bill would help alleviate the frustration of how counties have property owners clean-up their land. (Attachment 5)

Tom Wiggins, Kansas Against Repressive Zoning, appeared as an opponent of the bill. He was concerned with judges being able to abate nuisances and asset court costs. When they might not know all the sides to the case. He believes that zoning departments get carried away and don't allow citizens the time to clean up their property before filing charges. (Attachment 6)

Kelly Wendeln, Chanute, Kansas, was also concerned about the courts being allowed to determine the amount of time an individual would have to clean up their property. (Attachment 7)

Rex & Sean Morley, Derby, Kansas, appeared as opponents of the bill. They commented that everyone has junk sitting around their property but counties need to consider a way to make it work for all involved. He believes that people have a right to do whatever they want with their property as long as it doesn't impend upon anyone else. (Attachments 8 & 9)

Hearings on **SB 319** were closed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for March 8, 2000.