



STATE OF KANSAS

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September 25, 1978

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ATTORNEY GENERAL OPINION NO. 78-302

Mr. Robert C. Johnson
City Attorney of Herington
Post Office Box 32
Herington, Kansas 67449

Re: Cities--Municipal Courts--Assessment of Costs

Synopsis: A city may by charter ordinance exempt itself from a provision of the Kansas Code of Procedure for Municipal Courts which prohibits the assessment of costs in municipal courts, and authorize by such charter ordinance the assessment and collection of such costs.

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Dear Mr. Johnson:

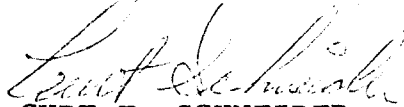
You inquire whether a city may exempt itself by charter ordinance from K.S.A. 12-4112, of the Kansas Code of Procedure for Municipal Courts, which prohibits the assessment of costs by such courts, and authorize the assessment of costs by such charter ordinance.

The Kansas Code of Procedure for Municipal Courts, K.S.A. 12-4101 through -4701, was enacted in 1973 as a single act. It applies uniformly to all cities with one exception. K.S.A. 12-4105 provides that the municipal judge of cities of the first class shall be an attorney admitted to the practice of law in this state, while municipal judges in other cities need not be attorneys admitted to practice. As a result, the act does not apply uniformly to all cities, and a city may by charter ordinance exempt itself from any provision of the act, including the prohibition

Mr. Robert C. Johnson
Page Two
September 25, 1978

against the assessment of costs in K.S.A. 12-4112, and provide substitute provisions in lieu thereof.

Yours truly,



CURT T. SCHNEIDER
Attorney General

CTS:JRM:kj