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*As Amended by Senate Committee*

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*Session of 2004*

**SENATE BILL No. 298**

By Special Committee on Judiciary

1-9

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AN ACT concerning civil procedure; relating to docket fees; amending K.S.A. 2003 Supp. 60-729 **and 61-3502** and repealing the existing ~~section~~ **sections**.

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

Section 1. K.S.A. 2003 Supp. 60-729 is hereby amended to read as follows: 60-729. (a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.

(b) ~~Except as otherwise provided by law, no case shall be filed or docketed~~ **garnishment shall be issued** under article 7 of Chapter 60 of the Kansas Statutes Annotated, and amendments thereto, without payment of the appropriate docket fee of \$5. The docket fee shall be paid to **the clerk of the district court for remittance to the state treasurer.** ~~The state treasurer shall deposit and credit the fees to the state general~~ **judicial branch fund.**

**Sec. 2. K.S.A. 2003 Supp. 61-3502 is hereby amended to read as follows: 61-3502. (a) Garnishment is a procedure whereby the wages, money or intangible property of a person can be seized or attached pursuant to an order of garnishment issued by the court under the conditions set forth in the order.**

(b) ~~Except as otherwise provided by law, no garnishment shall be issued under article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto, without payment of the appropriate docket fee of \$5. The docket fee shall be paid to the clerk of the district court for remittance to the state treasurer. The state treasurer shall deposit and credit the fees to the judicial branch fund.~~

**New Sec. 3. There is hereby created the judicial branch fund. The state treasurer shall deposit moneys, in accordance with K.S.A. 2003 Supp. 60-729 and 61-3502, and amendments thereto, to the judicial branch fund. All expenditures from the judicial branch fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers**

1 ***approved by the chief justice of the supreme court or by a person***  
2 ***or persons designated by the chief justice.***

3 Sec. ~~2~~ **4.** K.S.A. 2003 Supp. 60-729 ~~is~~ **and 61-3502 are** hereby  
4 repealed.

5 Sec. ~~3~~ **5.** This act shall take effect and be in force from and after its  
6 publication in the statute book.

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