

MINUTES OF THE SENATE COMMITTEE ON JUDICIARYThe meeting was called to order by Senator Elwaine F. Pomeroy at  
Chairperson10:00 a.m./~~p.m.~~ on February 28, 1984 in room 514-S of the Capitol.~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar, Gaines, Mulich, Steineger and Werts.Committee staff present: Mary Torrence, Office of Revisor of Statutes  
Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department

## Conferees appearing before the committee:

Marjorie Van Buren, Office of the Judicial Administrator  
Evelyn Bowers, Kansas Association of District Court ClerksSenate Bill 794 - Docket and other fees for probate proceedings.

Marjorie Van Buren explained this bill will change the present probate costs to probate docket fee. A copy of her comments is attached with a copy of a proposed amendment (See Attachments No. 1,2). She stated this bill was requested by the clerks of the court association. The chairman inquired, do you intend to diminish the general revenue funding? What is the fiscal note? She replied, they have tried to design it so it is neutral in its fiscal effect. She will check and get back to respond to the question. Committee discussion with her followed.

Evelyn Bowers was recognized to respond to questions. A committee member inquired, this is money paid up front when they appear in probate? She replied, we are talking about a very small amount. The clerks association wanted to make it one docket fee, which will be in line with the rest of their docket fees. The committee member inquired, how much work will this save if you do it this way? She replied, I don't know. In Jefferson County we handle about 100 probate cases a year.

Senate Bill 786 - Elimination of judgement docket.

Marjorie Van Buren explained the bill. A copy of her comments is attached with copies of proposed changes (See Attachments No. 3, 4, 5). Committee discussion with her followed.

Senate Bill 784 - Deposit of wills with district court.

Marjorie Van Buren explained the bill was recommended by the clerks association.

Evelyn Bowers explained this was an old statute, and the court has wills that have been on file for 100 years. Actually no one knows they are there; generally she has no knowledge they are on file. The chairman inquired how many wills were deposited last year. She replied, she had possibly two. People now put them in safety deposit boxes or file them with their attorney.

Senate Bill 783 - Judges of the district court; technical amendments.

The chairman explained this is a clean up bill that was suggested by the Kansas Judicial Council that made a study of the effects of House Bill 2114. He pointed out the bill removes outdated provisions. Following committee discussion, Senator Gaines moved to report the bill favorably; Senator Gaar seconded the motion, and the motion carried.

Senate Bill 784 - Deposit of wills with district court.

Senator Gaines moved to report the bill adversely; Senator Mulich seconded the motion. Following committee discussion, Senator Gaar made a substitute motion

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 10:00 a.m./~~pm~~ on February 28, 1984

Senate Bill 784 continued

to amend the bill conceptually to provide, after the will has been on deposit for 75 years, the clerk forward it to the State Historical Society, and the society can dispose of them 75 years from date of deposit with the court. Senator Winter seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Mulich seconded the motion, and the motion carried.

Senate Bill 786 - Elimination of judgement docket.

Evelyn Bowers responded to questions from the committee. Senator Gaar moved to amend the bill by adopting the proposed amendments on the balloon copy of the bill, except for the suggestion on page 12 of the balloon. Senator Feleciano seconded the motion, and the motion carried. Senator Winter moved to amend the bill to strike the word "sued" and insert "issued", wherever it appears. Senator Gaar seconded the motion, and the motion carried. Senator Gaines moved to report the bill favorably as amended; Senator Gaar seconded the motion, and the motion carried.

The chairman reminded the committee of the working session of the committee at 12:15 P.M. today in room 519-S.

The meeting adjourned.

2-28-84

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Tom Frutyer	Lawrence	Sen. Hess
Mike Browning	Topoka	KLDH-TV
Mike Flyzicki	Topoka	SRS/ADAS
Elynn Bowers	Chkalossa	KADCCD
Marjorie Van Buren	Topoka	JOJA
Tim Larson	Lawrence	Law Storage
Matt Lynch	Topoka	Judicial Council
Gene Blmsar	Topoka	RC. ASAP ASSA
Norma Doty	Alma	Ckof Dist Court
Jim McKinnon	Topoka	SRS/ADAS
Chris McKenzie	"	League of Ks. Municip
Jeff Lambert	"	Atty. General

2-28-84  
Attach. #1

COMMENTS AND PROPOSED AMENDMENTS  
TO SENATE BILL NO. 794

The important change here is in Section 1 and in the repealing section. K.S.A. Supp. 28-171, a probate cost statute is replaced with a probate docket fee statute. Court cost statutes generally call for several charges to be added together and are further characterized by a multiplicity of charges to be added together. Docket fee statutes call for a single flat charge, whenever possible, with statutory charges for other financing activities to be deducted from the docket fee.

Section 1 here is an intermediate step from the present probate cost statute toward a docket fee concept. The advantage of the docket fee statute is that it simplifies accounting. In this proposed bill, probate cases of a like nature are grouped together. Because of the diversity of these cases, this docket fee statute must continue to name a variety of cases. The first two are "treatment" cases, where the state acts for the public good. In these cases, there will be a prosecutors' training fee deduction where in the present system there would be a prosecutors' training fee addition. The change in emphasis is best illustrated by the fact that under the present law cases of this sort would typically be charged \$17.50, arrived at by adding \$.50 for the prosecutor, \$2 for law library fee and \$15 for court cost. By converting to the docket fee concept, probate cases will be handled like civil and criminal cases which now have the docket fee, and irregular amounts such as the \$17.50 will be eliminated. Further, these amounts will

Attach. 1

be collected at the beginning of a case, and there will be no mystery as to the charges in a case.

The amounts which have been selected for each type of case listed here are calculated to bring in to the State General Fund approximately the same amount as the present probate cost statute now does.

Subsection (b) is a replacement for present probate statutes which say essentially the same things, that poverty affidavits will be accepted and that the state, counties, and cities need not pay docket fees when filing a suit, but should pay if court costs are assessed to them as a result of the case. Line 60 has a typographic error--K.S.A. 60-3005 should be 60-2005.

Subsection (c) explains the way docket fees are handled. Subsection (d) lists additional court costs which may be assessed in a given case. This section is modeled after K.S.A. 60-2001, the code of civil procedure docket fee statute.

Sections 2 through 5 are law library fee statutes. When the Revisor corrected these statutes to show names instead of the previous population and valuation figures, it became apparent that the practice of law library boards of governors adopting the latest fee statute was not being reflected in amendments to the older statutes. For instance, although Sedgwick is listed in Section 2 and 4, it actually assesses fees in accordance with Section 5. This is permissible by the terms of the law for which Section 5 is the fee assessment statute. Accordingly, changes to reflect local practice

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are submitted to you at this time. These changes direct attention to K.S.A. 19-1322 (Section 5) as the statute controlling fees. Other matters in these statutes are left unchanged, since one or more of them may still be in use.

Section 6 and 7 are marriage license fee statutes. Repealing K.S.A. 28-171 will remove one of the components of the present \$17 charge for a license. We recommend the original bill here be changed to accommodate the Secretary of Health and Environment's proposal in HB 2830 to let the State Treasurer handle these fees directly without the intervention of Health and Environment.

Section 8 deletes "passports" from this miscellaneous fee statute and adds "treatment of alcoholism." Apparently this particular statutory cite had been overlooked, although the fee has been collected on the basis that the two treatment statutes are so similar that what should be done for one should be done for both. In this instance, the fact that the charge is to be deducted rather than added is pointed out.

Section 9 does the same thing for prosecutors' training fund as Section 8 does.

Section 10 conforms K.S.A. 59-618a to Section 1.

# SENATE BILL No. 794

By Committee on Judiciary

2-21

2-2-8-84  
Amended #

0017 AN ACT concerning district courts; relating to certain fees in  
0018 certain actions; amending K.S.A. 19-1309c, 19-1322, 23-108  
0019 and 59-618a and K.S.A. 1983 Supp. 19-1309, 19-1309a, 23-110,  
0020 28-170 and 28-170a and repealing the existing sections; also  
0021 repealing K.S.A. 1983 Supp. 28-171.

0022 *Be it enacted by the Legislature of the State of Kansas:*

0023 New Section 1. (a) *Docket fee.* Except as otherwise provided  
0024 by law, no case shall be filed or docketed in the district court  
0025 under the provisions of chapter 59 of the Kansas Statutes Anno-  
0026 tated or of article 40 of chapter 65 of the Kansas Statutes Anno-  
0027 tated without payment of an appropriate docket fee as follows:

0028	Treatment of mentally ill .....	\$20
0030	Treatment of alcoholism .....	20
0032	Determination of descent of property .....	35
0034	Termination of life estate .....	35
0036	Termination of joint tenancy .....	35
0038	Refusal to grant letters of administration .....	35
0040	Adoption .....	35
0042	Filing a will and affidavit under K.S.A. 59-618a .....	35
0044	Guardianship .....	55
0046	Conservatorship .....	55
0048	Trusteeship .....	55
0050	Combined guardianship and conservatorship .....	55
0052	Final settlements or other final decrees in probate from another	
0053	county of this state .....	10
0055	Decrees in probate from another state .....	95
0057	Probate of an estate or of a will .....	95

0059 (b) *Poverty affidavit in lieu of docket fee.* The provisions of  
0060 subsection (b) of K.S.A. 60-2001 and K.S.A. ~~60-2005~~, and amend-  
0061 ments thereto, shall apply to probate docket fees prescribed by  
0062 this section.

60-2005

0063 (c) *Disposition of docket fee.* Statutory charges for the law  
0064 library and for the prosecuting attorney's training fund shall be  
0065 paid from the docket fee. The remainder of the docket fee shall  
; be paid to the state treasurer for deposit in the state general fund.

Atch. 2

#2

0104 Two members shall be judges of the district court, appointed by  
 0105 all judges of the district court in the county, and three shall be  
 0106 members of the bar of the county, selected by the bar association  
 0107 of the county in the manner provided in its bylaws. In any such  
 0108 county, the trustees may release the board of county commis-  
 0109 sioners from the duty to maintain the library in the courthouse or  
 0110 other suitable place and may establish and maintain the library  
 0111 in some suitable place not provided by the county commission-  
 0112 ers. In that case, the clerk of the district court shall appoint a  
 0113 deputy in addition to those otherwise provided by law, and the  
 0114 deputy shall act as custodian and librarian of the library, assist  
 0115 the clerk in the performance of the duties of treasurer thereof and  
 0116 perform any other duties which are not inconsistent with those  
 0117 provided by this section and which are directed by the clerk. The  
 0118 deputy shall be paid a salary out of the county treasury, in equal  
 0119 monthly installments, of \$2,400 per year. The trustees shall have  
 0120 the power to rescind their action at any time, in which case it  
 0121 shall become the duty of the county commissioners to establish  
 0122 the library in the courthouse or another place provided and  
 0123 maintained by the county. The clerk of the district court shall tax  
 0124 ~~in all felony criminal cases and in all civil cases commenced~~  
 0125 ~~pursuant to chapter 60 of the Kansas Statutes Annotated a library~~  
 0126 ~~fee of \$2, and the clerk shall tax a fee of \$1 in all criminal~~  
 0127 ~~misdemeanor cases and in all civil cases commenced pursuant to~~  
 0128 ~~chapters 38, 50 or 65 of the Kansas Statutes Annotated for the~~  
 0129 benefit of the law library established in the county. The fees  
 0130 shall be deducted from the required docket fee except that, in  
 0131 cases commenced pursuant to chapter 50 or 65 of the Kansas  
 0132 Statutes Annotated and cases commenced pursuant to the Kansas  
 0133 code for care of children or the Kansas juvenile offenders code,  
 0134 the fee shall be taxed as an additional court cost. All library fees  
 0135 shall be for the benefit and account of the law library established  
 0136 in the county.

fees as provided by K.S.A. 19-1322 and amendments thereto.

0137 (c) The clerk of the district court in any county having a  
 0138 population of more than 185,000 and less than 250,000 Wyan-  
 0139 dotte county shall tax ~~in all criminal felony cases and in all civil~~  
 0140 ~~cases pursuant to chapter 60 of the Kansas Statutes Annotated, a~~



fees as provided by K.S.A. 19-1322 and amendments thereto.

0141 library ~~fee of \$2, and the clerk shall tax a fee of \$1 in all criminal~~  
 0142 ~~misdemeanor and civil cases filed pursuant to chapter 38, 50 or~~  
 0143 ~~61 of the Kansas Statutes Annotated. The fees shall be deducted~~  
 0144 ~~from the docket fee except that, in cases commenced pursuant to~~  
 0145 ~~chapter 50 or 65 of the Kansas Statutes Annotated or cases~~  
 0146 ~~commenced pursuant to the Kansas code for care of children or~~  
 0147 ~~the Kansas juvenile offenders code, the fee shall be taxed as an~~  
 0148 ~~additional court cost. All library fees shall be for the benefit and~~  
 0149 ~~the account of the law library established in the county. The~~  
 0150 ~~board of trustees may pay the salary of the librarian in an amount~~  
 0151 ~~established by the board, payable from funds of the library.~~

0152 (d) The clerk of the district court of any county designated an  
 0153 urban area pursuant to K.S.A. 19-2654 and amendments thereto  
 0154 may appoint, subject to approval of the board of trustees of the  
 0155 law library of the county, a deputy who shall act as custodian and  
 0156 librarian of the law library of such county and shall assist the  
 0157 clerk in the performance of the clerk's duties as treasurer thereof.  
 0158 The deputy also shall perform services with respect to legal aid  
 0159 referral assistance programs in such county and such other duties  
 0160 as assigned by the clerk of the district court, with the approval of  
 0161 the board of trustees of the law library of the county. The deputy  
 0162 shall receive as compensation an annual salary, payable from the  
 0163 general fund of the county in equal monthly installments, as  
 0164 prescribed by the judges of the district court of such county, with  
 0165 the approval of the board of county commissioners of the county.

0166 Sec. 3. K.S.A. 1983 Supp. 19-1309a is hereby amended to  
 0167 read as follows: 19-1309a. Except as otherwise authorized by  
 0168 law, the clerk of the district court in all counties where a law  
 0169 library is now or hereafter established shall tax ~~in all civil cases~~  
 0170 ~~commenced pursuant to chapter 60 of the Kansas Statutes Anno-~~  
 0171 ~~tated, all felony criminal cases and in all cases of appeals from~~  
 0172 ~~any court, a library fee of \$1. In counties having a population of~~  
 0173 ~~more than 20,000 and less than 30,000 in which there are located~~  
 0174 ~~five or more cities of the second class Cherokee county, the clerk~~  
 0175 ~~shall tax in all such cases a fee of \$2. The fees shall be deducted~~  
 0177 ~~from the required docket fee, except that, in actions commenced~~  
 0177 ~~pursuant to chapter 50 or 65 of the Kansas Statutes Annotated and~~

fees as provided by K.S.A. 19-1322 and amendments thereto.

✕ 2

0178 actions pursuant to the Kansas code for care of children or Kansas  
0179 juvenile offenders code, the fee shall be taxed as additional court  
0180 costs.

0181 When a criminal case is dismissed by the state, the county  
0182 shall be liable for the library fee. When appeals from conviction  
0183 in the municipal court are dismissed for want of prosecution or  
0184 are dismissed by the defendant, the state or city shall collect the  
0185 library fee. Upon failure to collect the fee within 90 days after the  
0186 dismissal, the county in which the library is located or the city in  
0187 which the municipal court is located from which the appeal is  
0188 taken, as the case may be, shall be liable therefor.

0189 Sec. 4. K.S.A. 19-1309c is hereby amended to read as fol-  
0190 lows: 19-1309c. (a) In all counties having a population of more  
0191 than two hundred fifty thousand (250,000) Sedgwick and John-  
0192 son counties, the clerk of the district court shall tax a fee of one  
0193 dollar (~~\$1~~) \$1 as a library fee for each case or proceeding filed  
0194 pursuant to chapter 50 or 65 of the Kansas Statutes Annotated.  
0195 Said The fees shall be taxed and collected as other costs in the  
0196 case, and deducted from the docket fee in the case. When  
0197 collected, such fees shall be for the benefit and account of the  
0198 law library established in said the county.

fees as provided by K.S.A. 19-1322 and amendments thereto.

0199 (b) In all counties having a population of more than fifty-five  
0200 thousand (55,000) and less than one hundred thousand (100,000),  
0201 and where Douglas, Reno, Riley and Leavenworth counties, if a  
0202 law library is now or hereafter may be established, the clerk of  
0203 the district court shall tax a fee of one dollar (~~\$1~~) \$1 as a library  
0204 fee for each petition filed to admit a will to probate and each  
0205 petition for the administration of the estate of an intestate de-  
0206 cedent or a ward. Said fee shall be taxed and collected as other  
0207 costs in such proceeding, and when collected shall be covered  
0208 into the county treasury for the benefit and account of the law  
0209 library established in said county.

fees as provided by k.S.A. 19-1322 and amendments thereto.

0210 Sec. 5. K.S.A. 19-1322 is hereby amended to read as follows:  
0211 19-1322. (a) Except as provided in subsection (b), the clerk of the  
0212 district court shall tax in all cases commenced pursuant to  
0213 chapter 60 of the Kansas Statutes Annotated and in all felony  
0214 criminal cases a library fee of not less than \$2 or more than \$3

0252 23-108. The judge or clerk of the district court shall collect from  
 0253 the applicant for said a marriage license a registration fee of ten  
 0254 dollars ~~(\$10) fee of \$17.~~

0255 Sec. 7. K.S.A. 1983 Supp. 23-110 is hereby amended to read  
 0256 as follows: 23-110. (a) The secretary of health and environment  
 0257 shall index all records thus received and, when applied to  
 0258 received pursuant to K.S.A. 23-109 and amendments thereto  
 0259 and, upon request, shall issue a certified copy of the same which  
 0260 them which in all courts and for all purposes shall be prima facie  
 0261 evidence in all courts and places of the facts stated therein in  
 0262 them. For each certified copy a fee shall be paid to the secretary  
 0263 in an amount prescribed in accordance with, and disposed of in  
 0264 the manner provided by, K.S.A. 65-2418 and amendments  
 0265 thereto and to be disposed of in the manner provided therein.

0266 ~~(b) The secretary shall keep an accurate account of all fees  
 0267 received from the judges of the district court and all other  
 0268 sources. Such~~

0269 ~~(c) The secretary shall remit all moneys received by or for  
 0270 such the secretary from the marriage license fee provided for by  
 0271 K.S.A. 23-108 and amendments thereto to the state treasurer at  
 0272 least monthly. Upon receipt of each such remittance, the state  
 0273 treasurer shall deposit the entire amount thereof in the state  
 0274 treasury. Of each such deposit, 56% 33% shall be credited to the  
 0275 family and children trust fund and 44% 67% shall be credited to  
 0276 the state general fund. All expenditures from the family and  
 0277 children trust fund shall be made in accordance with K.S.A.  
 0278 75-5328 and amendments thereto.~~

0279 Sec. 8. K.S.A. 1983 Supp. 28-170 is hereby amended to read  
 0280 as follows: 28-170. (a) The docket fee prescribed by K.S.A.  
 0281 60-2001 and amendments thereto shall be the only costs assessed  
 0282 for services of the clerk of the district court and the sheriff in any  
 0283 case filed under chapter 60 of the Kansas Statutes Annotated. For  
 0284 services in other matters in which no other fee is prescribed by  
 0285 statute, the following fees shall be charged and collected by the  
 0286 clerk. Only one fee shall be charged for each bond, lien or  
 0287 judgment:

0288 1. For filing, entering and releasing a bond, mechanic's lien,  
 0289 personal property tax judgment or any judgment on which

The clerk of the court shall remit to the state treasurer at least monthly all fees prescribed by this section. The state treasurer shall deposit the remittance in the state treasury. ~~Of that portion of each remittance which was received by the clerk of the court for fees charged for taking applications, issuing marriage licenses and recording the return thereof, and other work relating thereto, the state treasurer shall credit 33% of that portion to the family and children trust fund and shall credit the entire all of the remaining amount of the remittance to the state general fund.~~

New Section.

K.S.A. 23-109 is hereby amended to read as follows: 23-109. Every person who performs a marriage ceremony under the provisions of this act shall endorse his or her a certificate of the marriage on the license, give the duplicate copy thereof to the parties to the marriage, and return the license, within ten ~~(10)~~ 10 days after such marriage, to the judge or clerk of the district court who issued the same. The judge or clerk shall enter the same on the marriage record in his or her the office of the district court and shall forward, not later than the third day of each month, to the secretary of health and environment the license and certificate of marriage, together with a statement of the names of the parties and the name and address of the party who performed the marriage ceremony and shall remit to the secretary of health and environment the ten dollars ~~(\$10) provided for in K.S.A. 23-108 and amendments thereto.~~ In case no marriage license has been issued by the judge or clerk of the district court during the month, the judge or clerk shall promptly notify the secretary of health and environment to that effect on a form provided for that purpose.

COMMENTS AND PROPOSED AMENDMENTS  
TO SENATE BILL NO. 786

The primary purpose of this bill is the change at Section 7, page 15, lines 534 to 550. A Kansas Court of Appeals case, *Carnation v. Midstate Marketers*, 2 K. 2d 236, has held that information from the judgment docket should be confirmed by reference to the case file of a case. It follows that the information that the clerks have been posting to the judgment docket (which is kept in the form of an index) other than the names of the parties and the case numbers are redundant because anyone consulting the judgment docket index will be required to verify information now found there by consulting the case file.

What this bill does is delete the requirement to keep additional information on index cards or index strips. Other changes are as follows:

Section 1: A revisor's search found this statute which provides for there to be two places in Montgomery County to conduct court. The original statute provided for duplicate judgment docket files in each location. The actual practice for the past several years is that each location keeps only its own files. To translate this practice into statutory language an additional change should be made to this section. The change will be circulated with this memo.

Section 2. Same as section one except that the county is Neosho.

Section 3. The change is on page 9, line 323 and simply deletes the requirement to post a judgment docket.

Section 4. There is some revisor cleanup at the beginning of this section on page 11. The bill change is to delete the requirement to post the judgment docket at lines 408, 419 and 426.

Section 5. The bill change here is to delete the requirement for posting to a judgment docket. An additional change is contained in the material submitted with this memo.

Because any activity in the nature of execution in a case regenerates the five-year period which must run before the two-year period during which a revivor motion can be brought and after which two-year period the case becomes dormant is so problematical, no clerk reviews every case file or every appearance docket of every case in the court. To do so in a court without computerized files would require the greater portion of the clerk's time. Instead the clerks perform essential day-to-day work and whenever a case is brought to the clerk's attention which has become dormant through the operation of this law (usually by an abstractor) the clerk will make the releasing entry required by this section. The entry releasing the case would be made in the appearance docket of the case without any prescription here because such entries are provided for by Section 7, the essential part of this bill. Prescribing the exact words to be used to effect a release is overcontrolling--if the exact words are not used someone may think

the case is not really released when in fact this section makes the case dormant whether the clerk makes an entry or not.

Section 6. Some revisor changes at the beginning of this section, and on page 14, lines 494 and following, bill changes to prescribe a method of changing a limited action judgment so that it will have the same effect as a lien on real estate which would be effected by a judgment under the code of civil procedure.

Section 7. The purpose of the bill. Explanation above.

Sections 8, 9, 10, 11, 12, 13, and 14. Changes to delete "judgment" docket and insert "appearance" docket, if necessary.

Section 15. Should be deleted. Each case already has its own appearance docket in which entries are made before entries are made in the judgment docket. The information is thus already being recorded and there is no need for this transfer.

SENATE BILL No. 786

By Committee on Judiciary

2-21

017 AN ACT concerning district courts; eliminating judgment  
018 dockets and providing for a general index; amending K.S.A.  
019 19-1306a, 19-1306c, 60-2202, 60-2403, 60-2418, 60-2601, 79-  
020 6a16, 79-3235 and 79-3617 and K.S.A. 1983 Supp. 44-717,  
021 79-6a11, 79-1569, 79-2017 and 79-2101 and repealing the  
022 existing sections.

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

024 Section 1. K.S.A. 19-1306a is hereby amended to read as  
025 follows: 19-1306a. ~~That The clerk, or a deputy clerk, of the~~  
026 ~~district court of Montgomery county, Kansas, by himself or dep-~~  
027 ~~uty, shall maintain an office at the city of Independence and at~~  
028 ~~the city of Coffeyville, in Montgomery county, Kansas, and that.~~  
029 All actions commenced in ~~said the court shall be entitled in said~~  
030 ~~the court "sitting at Independence" or "sitting at Coffeyville," as~~  
031 ~~the case may be, and all actions shall be filed, process issued~~  
032 ~~from and be returned to and trial had in the court sitting at the~~  
033 ~~place designated in the title; and, except as otherwise provided~~  
034 ~~by law. All judgments rendered in said the court sitting at~~  
035 ~~Coffeyville shall be entered on the judgment appearance docket~~  
036 ~~by the clerk of said the court in his the clerk's office at Indepen-~~  
037 ~~dence, and all satisfactions of judgments at Coffeyville shall be~~  
038 ~~noted on the judgment appearance docket by the clerk in his the~~  
039 ~~clerk's office at Independence. Provided, That. Any action~~  
040 ~~pending in said the district court sitting at either of said cities of~~  
041 ~~Independence or Coffeyville city may be assigned or transferred~~  
042 ~~for hearing or trial to said the court sitting at the other of said~~  
043 ~~cities city, either by order of the district court of Montgomery~~  
044 ~~county, Kansas, or the judge thereof, of that court or by stipula-~~  
045 ~~tion of the parties.~~

DELETE

0046 Sec. 2. K.S.A. 19-1306c is hereby amended to read as fol-

Attch. # 4

0047 lows: 19-1306c. The clerk, or a deputy clerk, of the district court  
 0048 of Neosho county, Kansas; by himself or deputy, shall maintain  
 0049 an office at the city of Erie and at the city of Chanute in said  
 0050 Neosho county; and. All actions commenced in said the court  
 0051 shall be entitled in said the court "sitting at Erie" or "sitting at  
 0052 Chanute" as the case may be, and all actions shall be filed,  
 0053 process issued from and be returned to and trial had in the court  
 0054 sitting at the place designated in the title; and, except as other-  
 0055 wise provided by law. All judgments rendered in said the court  
 0056 sitting at Chanute shall be entered on the judgment appearance  
 0057 docket by the clerk of said the court in his the clerk's office at  
 0058 Erie, and all satisfactions of judgments at Chanute shall be noted  
 0059 on the judgment appearance docket by the clerk in his the clerk's  
 0060 office at Erie. ~~Provided, That.~~ Any action pending in said the  
 0061 district court sitting at either of said cities city may be assigned  
 0062 or transferred for hearing or trial to said the court sitting at the  
 0063 other of said cities city, either by order of the district court of  
 0064 Neosho county, Kansas, or the judge thereof, of that court or by  
 0065 stipulation of the parties.

DELETE

0066 Sec. 3. K.S.A. 1983 Supp. 44-717 is hereby amended to read  
 0067 as follows: 44-717. (a) Penalties on past-due reports, interest on  
 0068 past-due contributions and past-due payments in lieu of con-  
 0069 tributions. Any employer or any officer or agent of an employer,  
 0070 who shall fail to file any wage report or contribution return when  
 0071 due, as required by the secretary of human resources, or within a  
 0072 five-day grace period, shall be subject to a penalty of \$5 for each  
 0073 such report or return not filed. An additional penalty of \$5 shall  
 0074 be assessed for each thirty-day period or fraction thereof that any  
 0075 such report or return remains not filed. Contributions, payments  
 0076 in lieu of contributions and benefit cost payments unpaid on the  
 0077 date on which they are due and payable, as prescribed by the  
 0078 secretary of human resources, or within a five-day grace period,  
 0079 shall bear interest at the rate of .8% per month or fraction of a  
 0080 month until payment is received by the secretary of human  
 81 resources except that an employing unit not theretofore, subject  
 0082 to this law, which becomes an employer and does not refuse to  
 0083 make the reports, returns and contributions, payments in lieu of



0417 dollar ~~(\$15)~~ fee as specified in fee prescribed by K.S.A. 28-170  
 0418 and amendments thereto and the clerk of the district court enters  
 0419 the judgment in the judgment docket. ~~Such appearance docket.~~  
 0420 The lien shall become a lien only upon the debtor's real property  
 0421 that is located in the county in which the filing is made, but ~~such~~  
 0422 a filing may be made in any county in which real property of the  
 0423 judgment debtor is located. Upon the filing of a journal entry of  
 0424 judgment and payment of the fee as ~~hereinbefore~~ provided in  
 0425 this section, the clerk of the district court shall enter the same in  
 0426 the judgment docket. ~~Such it in the appearance docket.~~ The lien  
 0427 shall cease to be a lien on the real property of a ~~the~~ judgment  
 0428 debtor at the time provided ~~therefor~~ in article 24 of this chapter.

0429 (c) Notwithstanding the foregoing provisions of this section,  
 0430 the filing of a petition or other pleadings against an employee of  
 0431 the state or a municipality which alleges a negligent or wrongful  
 0432 act or omission of the employee while acting within the scope of  
 0433 his or her the employee's employment shall create no lien rights  
 0434 prior to judgment as against the property of the employee prior  
 0435 to judgment, regardless of whether or not it is alleged in the  
 0436 alternative that the employee was acting outside the scope of his  
 0437 or her the employee's employment. A judgment against an em-  
 0438 ployee shall become a lien upon ~~such~~ the employee's property  
 0439 when the judgment is rendered only if it is found that (1) the  
 0440 employee's negligent or wrongful act or omission occurred when  
 0441 the employee was acting outside the scope of his or her the  
 0442 employee's employment or (2) the employee's conduct which  
 0443 gave rise to the judgment was because of actual fraud or actual  
 0444 malice of the employee; in ~~such~~ those cases the lien shall not be  
 0445 effective prior to the date judgment was is rendered. As used in  
 0446 this subsection (c), "employee" shall have the meaning ascribed  
 0447 to such term in has the meaning provided by K.S.A. 1979 1983  
 0448 Supp. 75-6102 and amendments thereto.

0449 Sec. 5. K.S.A. 60-2403 is hereby amended to read as follows:  
 0450 60-2403. If execution, including any garnishment proceeding  
 0451 and any proceeding in aid of execution, shall not be is not sued  
 0452 out within five ~~(5)~~ years from the date of any judgment rendered  
 0453 in any court of record in this state, including judgments in favor

tax warrants and other
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0454 of the state or any municipality in the state, that has been or may  
0455 hereafter be rendered, in any court of record in this state, or  
0456 within five (5) years from the date of any order reviving such  
0457 judgment; or, if five (5) years have intervened between the date  
0458 of the last execution issued on such judgment and the time of  
0459 suing out another writ of execution thereon on it, such judgment,  
0460 including court costs and fees therein shall become dormant, and  
0461 shall cease to operate as a lien on the estate of the judgment  
0462 debtor. When a judgment shall become dormant as herein pro-  
0463 vided; and shall so remain becomes and remains dormant for a  
0464 period of two (2) years, it shall be the duty of the clerk of the  
0465 court to release said the judgment of record, and the clerk shall  
0466 make an entry on the appearance and judgment docket wherein  
0467 docket where the judgment appears of record, reciting, "this  
0468 judgment including all court costs and fees therewith is barred  
0469 under provisions of K.S.A. 60-2403 and is hereby released of  
0470 record."

0471 Sec. 6. K.S.A. 60-2418 is hereby amended to read as follows:  
0472 60-2418. (a) In all cases in which a judgment has been rendered  
0473 by a court of limited jurisdiction prior to January 10, 1977, the  
0474 party in whose favor the judgment shall be rendered may file a  
0475 certified copy of such judgment in the office of any clerk of the  
0476 district court and pay the fifteen dollars (\$15) as specified in  
0477 K.S.A. 28-170. Thereupon the clerk shall, on the day on which  
0478 the same shall be filed; enter the case on the judgment docket,  
0479 together with the amount of the judgment and time of filing the  
0480 certified copy. Execution to satisfy the judgment shall proceed in  
0481 the same manner as original judgments in the district court  
0482 pursuant to this chapter. On the effective date of this act the  
0483 clerks of the district court shall transfer any judgment entered in  
0484 the judgment lien docket to the judgment docket and enter the  
0485 same in the numerical index of the judgment docket; any such  
0486 judgment so transferred shall continue to be a lien on the real  
0487 property of the judgment debtor.

0488 (b) (a) In all cases in which a judgment is rendered pursuant  
9 to chapter 61 of the Kansas Statutes Annotated on or after January  
0490 10, 1977, the party in whose favor judgment is rendered may pay

when requested to do so

0529 tion issued upon any judgment rendered in any action for sales or  
 0530 compensating taxes. The director shall have the right at any time  
 0531 after a warrant has been returned unsatisfied, or satisfied only in  
 0532 part, to issue alias warrants until the full amount of said *the* tax is  
 0533 collected. No costs incurred by the sheriff or the clerk of the  
 0534 court shall be charged to the director.

0535 ~~New Sec. 15. On the effective date of this act, the clerks of~~  
 0536 ~~the district court shall transfer any judgment entered in the~~  
 0537 ~~judgment docket to the appearance docket and enter it in the~~  
 0538 ~~general index. Transfer of the entry shall not affect the validity or~~  
 0539 ~~priority of the lien represented by the entry.~~

0540 Sec. 16. ~~(K.S.A. 19-1306a, 19-1306c, 60-2202, 60-2403, 60-~~  
 0541 ~~2418, 60-2601, 79-6a16, 79-3235 and 79-3617 and K.S.A. 1983~~  
 0542 ~~Supp. 44-717, 79-6a11, 79-1569, 79-2017 and 79-2101 are hereby~~  
 0543 ~~repealed.~~

0544 Sec. 17. ~~(This act shall take effect and be in force from and~~  
 0545 ~~after its publication in the statute book.~~

15.

16.

2-28-84

# 5

Attach.

and index it

0380 employer's business or termination of any election to make  
 0381 payments in lieu of contributions, a reimbursing employer may  
 0382 file for a refund of any payments made to the fund which are in  
 0383 excess of any regular or extended benefits which have been  
 0384 charged or could become chargeable to the reimbursing em-  
 0385 ployer's account. No refund may be made within a twenty-four-  
 0386 month period following termination of a reimbursing employer's  
 0387 business or election for payments in lieu of contributions.

0388 Sec. 4. K.S.A. 60-2202 is hereby amended to read as follows:  
 0389 60-2202. (a) Any judgment rendered in this state ~~on or after~~  
 0390 ~~January 10, 1977~~, by a court of the United States, ~~or any judgment~~  
 0391 ~~rendered or~~ by a district court of this state ~~on or after such date in~~  
 0392 an action commenced ~~pursuant to~~ *under* chapter 60 of the Kansas  
 0393 Statutes Annotated shall be a lien on the real estate of the  
 0394 *judgment* debtor within the county in which judgment is ren-  
 0395 dered. Except as provided in subsection (c), the lien shall be  
 0396 effective from the time at which the petition stating the claim  
 0397 against the judgment debtor was filed but not to exceed four  
 0398 months prior to the entry of the judgment. An attested copy of the  
 0399 journal entry of ~~any such judgment or any judgment rendered by~~  
 0400 ~~a district court prior to January 10, 1977~~ *the judgment*, together  
 0401 with a statement of the costs taxed against ~~said the judgment~~  
 0402 debtor in the case, may be filed in the office of the clerk of the  
 0403 district court of any other county upon payment of the ~~five dollar~~  
 0404 fee prescribed by K.S.A. 28-170 ~~and amendments thereto~~, and  
 0405 ~~such the~~ judgment shall become a lien on the real estate of the  
 0406 debtor within that county from the date of filing ~~such the~~ copy.  
 0407 The clerk shall enter ~~such the~~ judgment on the appearance ~~and~~  
 0408 ~~judgment docket~~ *docket* ~~and in the general index~~ in the same  
 0409 manner as if rendered in the court in which ~~said the~~ clerk serves.  
 0410 Executions shall be issued only from the court in which the  
 0411 judgment is rendered.

0412 (b) Any judgment rendered by a district court of this state ~~on~~  
 0413 ~~or after January 10, 1977~~, in an action commenced ~~pursuant to~~  
 0414 *under* chapter 61 of the Kansas Statutes Annotated shall become  
 0415 a lien on the real property of ~~a the~~ judgment debtor when the  
 0416 party in whose favor the judgment was rendered pays the fifteen

Attch. 5