

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 a.m. on Thursday, January 22, 2004, in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Mike Heim, Kansas Legislative Research Department
Lisa Montgomery, Office of the Revisor Statutes
Dee Woodson, Committee Secretary

Conferees appearing before the committee:

Senator David Corbin
Jim Clark, Kansas Bar Association

Others attending:

See Attached List.

Chairman Vratil called for bill introductions. Senator Corbin requested the introduction of a conceptual bill that would amend K.S.A. 60-6543, the state statute regarding childhood sexual abuse. The bill would change the existing statute so that when a child turns 18 years old, the child has three years after that date to accuse someone of sexual abuse during their childhood. Senator Donovan moved to introduce the conceptual bill, seconded by Senator O'Connor, and the motion carried.

Jim Clark, Kansas Bar Association (KBA), requested on behalf of the KBA Section on Real Estate, Probate and Trusts, a bill that would continue the statutory exemptions and insurance coverage on property transferred into a trust. Senator Pugh moved to introduce the bill, seconded by Senator Donovan, and the motion carried. (Attachment 1)

Final Action:

SB 299 - Concerning Kansas surety agents

Chairman Vratil called for final action on **SB 299**. Kyle Smith, Kansas Bureau of Investigation, submitted a proposed amendment, agreed to by Detective Dave Anderson, Doug Smith representing Kansas Professional Sureties, and the KBI, to Section 2 that reads as follows: "Nothing in this section shall prevent a surety from lawfully taking custody of a client who has been surrendered to said surety or when a surety has inadvertent contact with a client and the surety is aware that a court order is currently active for the apprehension of that client." (Attachment 2)

After brief clarification by the Chair, Senator O'Connor made a motion to adopt the amendment, seconded by Senator Oleen, and the motion carried.

Chairman Vratil called the Committee's attention to another proposed amendment relating to the definition of "surety". He suggested replacing the wording, "has the same meaning as K.S.A. 40-1102 and amendments thereto" in Section 1, line 12, of the bill with the wording, "means a person or commercial surety, other than the defendant in a criminal proceeding, that guarantees the appearance of the defendant in a criminal proceeding by executing an appearance bond". (Attachment 3) Senator Goodwin made a motion to adopt the amendment as offered, seconded by Senator O'Connor, and the motion carried.

Following brief Committee discussion regarding other possible amendments, the Revisor offered an amendment to be added at the end of Section 2, line 9, stating "Nothing in this section shall prevent a surety from lawfully taking custody of a client who has been surrendered to said surety or when a surety has inadvertent contact with a client and the surety is aware that a court order is currently active for the apprehension of that client". This proposed amendment will be taken up at the time the bill is worked. (Attachment 4)

Senator Haley offered four (4) amendments to **SB 299** pertaining to Section 3, and asked the Committee's consideration of the four amendments. (Attachment 5) Chairman Vratil stated that after reading the

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:35 a.m. on Thursday, January 22, 2004 in Room 123-S of the Capitol.

amendments he felt the Committee needed time to hear these amendments as they were extensive. He announced that Senator Haley's suggested amendments would be scheduled for an additional hearing at a later date, thus suspending final action at this time.

SB 291 - Motor vehicles; limitation on definition of moving violation

Chairman Vratil called for final action on **SB 291**, a bill proposed by the Joint Committee on Rules and Regulations in cooperation with the Department of Motor Vehicles. He briefly reviewed the bill and indicated that the bill was intended to provide in the statutes the definition of a moving violation. Currently, moving violation is defined through Rules and Regulations. Senator Umbarger, who sits on the Joint Committee of Rules and Regulations, provided a short overview of the Joint Committee's purpose for proposing **SB 291**.

The Division of Motor Vehicles submitted proposed amendments. The amendments were commented on in a memo from Carmen Alldritt, Director of Motor Vehicles, submitted during the hearing on the bill. (Attachment 6) Chairman Vratil explained that the amendment adds additional statutes reflecting moving violations. Senator Pugh and Senator Oleen each requested a narrative description of the moving violations that are part of the statute. They wanted the list itemized in layman's language rather than referencing the statutes by appropriate statute number. Marcy Ralston, Driver Control Bureau Chief, explained that the requested changes were cleanup measures previously worked on two years ago with Rules and Regulations in an effort to update the statutes. Ms. Ralston said that the Kansas Motor Carriers requested K.S.A. 8-1910 be withdrawn. It relates to weights.

Following discussion and clarifications, Chairman Vratil stated that final action on **SB 291** would be suspended. He requested the Motor Vehicle Department provide Committee members with further explanations and a complete list of the moving violations included in the bill, including the balloon. He said the description could be paraphrased.

SB 297 - Permanent docket fee to fund the Judicial Council

Chairman Vratil called for final action on **SB 297**, and referred to the proposed balloon amendment by Randy Hearrell and the Kansas Judicial Council. The Chair asked Mr. Hearrell to explain the balloon. (Attachment 7) The Chair emphasized that the balloon amendment was intended to ensure that other recipients of the proportionate docket fee are held harmless, as well as the Kansas Judicial Council.

Senator Goodwin made a motion to amend **SB 297** in accordance with the balloon submitted, seconded by Senator Schmidt, and the motion carried.

Senator Oleen expressed a concern regarding the increased number of requests from legislators for the Judicial Council to look at special issues. Judicial Council responses carry a lot of weight and are considered by the legislators. She inquired as to what effect the requests have on Kansas Judicial Council's (KJC) staff and what guidelines staff used in responding to who gets their requests answered. Mr. Hearrell responded that there is a proviso which allows only standing committee chairmen to make a request, usually for Judiciary or Ways and Means. He added that KJC has never turned a legislative request down, but if it got to be too much for KJC to handle then the proviso might have to be enforced. Senator Oleen said it would be helpful if the Committee could have a list of the legislative requests that KJC handles. Chairman Vratil agreed, and requested Mr. Hearrell to furnish a list of projects KJC has worked on in the last year and the projects ongoing.

Senator Oleen asked Mr. Hearrell about the topic of the death penalty which was requested from KJC and Legislative Post Audit. The Senator wanted to know if there was some coordination in the different perspectives of the individual reports. Mr. Hearrell replied that Senator Morris made the request, and he visited with Senator Morris on the subject. He said they were able to collaborate with experienced death penalty lawyers and defense people and study what other states have done. Mr. Hearrell stated that KJC and Legislative Post Audit communicated, and actually complimented each other in pulling the information together.

CONTINUATION SHEET

MINUTES OF THE SENATE JUDICIARY COMMITTEE at 9:35 a.m. on Thursday, January 22, 2004 in Room 123-S of the Capitol.

Senator Pugh commented that the Judicial Branch was underfunded, and felt that docket fees should go into the Judiciary to help fund this budget. He referred to information provided by staff relating to the distribution of docket fees. (Attachment 8)

Chairman Vratil stated that if this issue wasn't pursued this session, that he would request an interim study be done on the distribution of docket fees. An interim study would allow more time to be spent on finding out where the docket fees go, and why they go to so many different areas.

The Chairman called for a motion on approving the amended bill. Senator Goodwin made a motion to pass SB 297 out favorably as amended. The motion was seconded by Senator Schmidt, and the motion carried.

Minutes of the January 13, 2004 meeting were presented for approval. Senator O'Connor made a motion to approve the minutes, seconded by Senator Haley, and the motion carried.

The next scheduled meeting of Senate Judiciary is January 26, 2004

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: Thurs, Jan. 22, 2004

NAME	REPRESENTING
Cheri Foertschan	Budget Div
Sandy Barnett	KCSOV
Wayne White	Ks Legal Services
Emily K. Watson	Sen. Allen
Draine Albert	KDOR
Clayton Albrecht	KDOR
Julia Butler	KSC
Brenda Harmon	KSC
Patricia Biggs	KSC
Doug Sautz	Ks. Credit Attorney Association
Von Burns	Vanderheff Shawnee Co
Jeff Bottenberg	Kansas Sheriffs Ass'n
Bill Nille	KDOR
Deann Williams	KMCA
Tom Whitaker	Ks Motor Carriers Ass'n
LARRY MAGILL	KAIA



**KANSAS BAR
ASSOCIATION**

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www.ksbar.org

January 22, 2004

TO: Chairperson Vratil and Members of the Senate Judiciary
Committee

FROM: Jim Clark, KBA Legislative Counsel

RE: Request for Committee Bill

At the request of the KBA Section on Real Estate, Probate and Trusts, the Kansas Bar Association is requesting a committee bill that would continue the statutory exemptions and insurance coverage on property transferred into a trust. Suggested language is as follows:

The transfer of property, whether real or personal, to a trust shall not affect the coverage of any title, liability, comprehensive or other insurance, and the trustee shall also be deemed to be so insured. Transfer to a trust shall not affect any homestead exemption or redemption rights, nor shall it cause a due on sale or similar clause to be effective under a mortgage or security interest, if the transferor is the primary income beneficiary of the trust at the time of the transfer.

As committee members are well aware, placing property into trust is a common method of avoiding the expense and delay of probate, maintains privacy, and in the case of irrevocable trusts, is often employed to avoid income and estate taxes. Where a grantor's primary residence is the subject of a trust, transfer of the residence should not void insurance coverage or protection of the statutory homestead exemption.

On behalf of the Kansas Bar Association, thank you for your consideration of this request for a committee bill.

Senate Judiciary

1-22-04

Attachment 1

Senator Vratil and Members of the Senate Judiciary Committee,

During the Judiciary's hearing last week the bondsmen conferees brought up a couple of good concerns regarding the bill - specifically what to do if parents or someone dumps the defendant off in their office and wants off the bond and if they happen upon someone that is wanted. While it was suggested that an 'exigent circumstances' exception be created, I think you had a legitimate concern on how that language would be interpreted by various parties. I've discussed this issue with Doug Smith who represents the Sureties and Detective Dave Anderson and I think all parties have agreed to the following amendment that should address the concerns raised, but still give precise guidelines as to when exceptions occur:

To be added at the end of Section 2 of SB 299:

Nothing in this section shall prevent a surety from lawfully taking custody of a client who has been surrendered to said surety or when a surety has inadvertent contact with a client and the surety is aware that a court order is currently active for the apprehension of that client.

Unfortunately I will not be able to attend tomorrow's meeting when the bill is scheduled to be worked but I believe Detective Anderson will be there.

I hope this is helpful to the committee.

Kyle Smith
Kansas Bureau of Investigation

SENATE BILL No. 299

By Special Committee on Judiciary

9 AN ACT concerning surety agents.

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

11 Section 1. As used in this act: (a) "Surety" has the same meaning as
12 K.S.A. 40-1102 and amendments thereto.

13 (b) "agent of a surety" means a person not performing the duties of
14 a law enforcement officer who tracks down, captures and surrenders to
15 the custody of a court a fugitive who has violated a surety or bail bond
16 agreement.

17 Sec. 2. Any surety or authorized agent of a surety, commonly re-
18 ferred to as a bounty hunter, who intends to apprehend any person in
19 this state pursuant to K.S.A. 22-2809 and amendments thereto, or under
20 similar authority from any other state, shall inform law enforcement au-
21 thorities in the city or county in which such surety or agent of a surety
22 intends such apprehension, before attempting such apprehension. The
23 surety or agent of a surety shall present to the local law enforcement
24 authorities a certified copy of the bond, a valid government-issued photo
25 identification, written appointment of agency, if not the actual surety, and
26 all other appropriate paperwork identifying the principal and the person
27 to be apprehended. Local law enforcement may accompany the agent.

28 Sec. 3. No commercial surety or person acting as an authorized agent
29 of a commercial surety or bounty hunter shall have been convicted in this
30 or any other jurisdiction, of a felony, a violation of this section, or within
31 ten years immediately prior to the date of the intended apprehension,
32 been convicted of any crime involving moral turpitude, dishonesty, ve-
33 hicular homicide, assault, battery, domestic battery, assault of a law en-
34 forcement officer, misdemeanor battery against a law enforcement offi-
35 cer, criminal restraint, sexual battery, endangering a child, intimidation
36 of a witness or victim or illegally using, carrying or possessing a dangerous
37 weapon.

38 Sec. 4. Violation of this act shall be a class A nonperson misdemeanor
39 for the first violation and a level 9 nonperson felony upon a second and
40 subsequent violation.

41 Sec. 5. This act shall take effect and be in force from and after its
42 publication in the statute book.
43

means a person or commercial surety,
other than the defendant, that guarantees
the appearance of the defendant, by
executing an appearance bond

Senate Judiciary

1-22-04

Attachment 3

in a criminal proceeding

in a criminal proceeding

SENATE BILL No. 299

By Special Committee on Judiciary

1-9

AN ACT concerning surety agents.

Enacted by the Legislature of the State of Kansas:

Section 1. As used in this act: (a) "Surety" has the same meaning as K.S.A. 40-1102 and amendments thereto;

(b) "agent of a surety" means a person not performing the duties of a law enforcement officer who tracks down, captures and surrenders to the custody of a court a fugitive who has violated a surety or bail bond agreement.

Sec. 2. Any surety or authorized agent of a surety, commonly referred to as a bounty hunter, who intends to apprehend any person in this state pursuant to K.S.A. 22-2809 and amendments thereto, or under similar authority from any other state, shall inform law enforcement authorities in the city or county in which such surety or agent of a surety intends such apprehension, before attempting such apprehension. The surety or agent of a surety shall present to the local law enforcement authorities a certified copy of the bond, a valid government-issued photo identification, written appointment of agency, if not the actual surety, and other appropriate paperwork identifying the principal and the person to be apprehended. Local law enforcement may accompany the agent.

Sec. 3. No commercial surety or person acting as an authorized agent of a commercial surety or bounty hunter shall have been convicted in this or any other jurisdiction, of a felony, a violation of this section, or within ten years immediately prior to the date of the intended apprehension, been convicted of any crime involving moral turpitude, dishonesty, vehicular homicide, assault, battery, domestic battery, assault of a law enforcement officer, misdemeanor battery against a law enforcement officer, criminal restraint, sexual battery, endangering a child, intimidation of a witness or victim or illegally using, carrying or possessing a dangerous weapon.

Sec. 4. Violation of this act shall be a class A nonperson misdemeanor for the first violation and a level 9 nonperson felony upon a second and subsequent violation.

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

Nothing in this section shall prevent a surety from lawfully taking custody of a client who has been surrendered to said surety or when a surety has inadvertent contact with a client and the surety is aware that a court order is currently active for the apprehension of that client.

Senate Judiciary
1-22-04
Attachment 21

Haley #1

SENATE BILL No. 299

By Special Committee on Judiciary

1-9

9 AN ACT concerning surety agents.

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

11 Section 1. As used in this act: (a) "Surety" has the same meaning as
12 K.S.A. 40-1102 and amendments thereto;

13 (b) "agent of a surety" means a person not performing the duties of
14 a law enforcement officer who tracks down, captures and surrenders to
15 the custody of a court a fugitive who has violated a surety or bail bond
16 agreement.

17 Sec. 2. Any surety or authorized agent of a surety, commonly re-
18 ferred to as a bounty hunter, who intends to apprehend any person in
19 this state pursuant to K.S.A. 22-2809 and amendments thereto, or under
20 similar authority from any other state, shall inform law enforcement au-
21 thorities in the city or county in which such surety or agent of a surety
22 intends such apprehension, before attempting such apprehension. The
23 surety or agent of a surety shall present to the local law enforcement
24 authorities a certified copy of the bond, a valid government-issued photo
25 identification, written appointment of agency, if not the actual surety, and
26 all other appropriate paperwork identifying the principal and the person
27 to be apprehended. Local law enforcement may accompany the agent.

28 Sec. 3. [No commercial surety or person acting as an authorized agent
29 of a commercial surety or bounty hunter shall have been convicted in this
30 or any other jurisdiction, of a felony, a violation of this section, or within
31 ten years immediately prior to the date of the intended apprehension,
32 been convicted of any crime involving moral turpitude, dishonesty, ve-
33 hicular homicide, assault, battery, domestic battery, assault of a law en-
34 forcement officer, misdemeanor battery against a law enforcement offi-
35 cer, criminal restraint, sexual battery, endangering a child, intimidation
36 of a witness or victim or illegally using, carrying or possessing a dangerous
37 weapon.]

38 Sec. 4. Violation of this act shall be a class A nonperson misdemeanor
39 for the first violation and a level 9 nonperson felony upon a second and
40 subsequent violation.

41 Sec. 5. This act shall take effect and be in force from and after its
42 publication in the statute book.
43

A surety recovery agent may not enter a residence to recover a principal without first demanding admittance and explaining the purpose for which admittance is desired.

Senate Judiciary
1-22-04
Attachment 5

~~Halley~~
#2

5-2

SENATE BILL No. 299

By Special Committee on Judiciary

1-9

9 AN ACT concerning surety agents.

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

11 Section 1. As used in this act: (a) "Surety" has the same meaning as
12 K.S.A. 40-1102 and amendments thereto;

13 (b) "agent of a surety" means a person not performing the duties of
14 a law enforcement officer who tracks down, captures and surrenders to
15 the custody of a court a fugitive who has violated a surety or bail bond
16 agreement.

17
18 Sec. 2. Any surety or authorized agent of a surety, commonly re-
19 ferred to as a bounty hunter, who intends to apprehend any person in
20 this state pursuant to K.S.A. 22-2809 and amendments thereto, or under
21 similar authority from any other state, shall inform law enforcement au-
22 thorities in the city or county in which such surety or agent of a surety
23 intends such apprehension, before attempting such apprehension. The
24 surety or agent of a surety shall present to the local law enforcement
25 authorities a certified copy of the bond, a valid government-issued photo
26 identification, written appointment of agency, if not the actual surety, and
27 all other appropriate paperwork identifying the principal and the person
28 to be apprehended. Local law enforcement may accompany the agent.

29 Sec. 3. No commercial surety or person acting as an authorized agent
30 of a commercial surety or bounty hunter shall have been convicted in this
31 or any other jurisdiction, of a felony, a violation of this section, or within
32 ten years immediately prior to the date of the intended apprehension,
33 been convicted of any crime involving moral turpitude, dishonesty, ve-
34 hicular homicide, assault, battery, domestic battery, assault of a law en-
35 forcement officer, misdemeanor battery against a law enforcement offi-
36 cer, criminal restraint, sexual battery, endangering a child, intimidation
37 of a witness or victim or illegally using, carrying or possessing a dangerous
38 weapon.

39 Sec. 4. Violation of this act shall be a class A nonperson misdemeanor
0 for the first violation and a level 9 nonperson felony upon a second and
41 subsequent violation.

42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.

(a) All surety recovery agents must maintain a policy of liability insurance in an amount not less than \$300,000 protecting persons and property from harm, written by a company approved by the attorney general.
(b) The failure to maintain the required insurance invalidates the authority granted by a surety recovery agent license or a provisional surety recovery agent license.
(c) Deductibles are not permitted unless the licensee submits a bond to the attorney general for the purpose of serving as a source of recovery for persons who receive judgments against a licensee for amounts less than that covered by insurance. The bond must be in a form and provided by a company acceptable to the attorney general, based upon the likelihood that sufficient assets support the bond.

Haley
#3

5-3

SENATE BILL No. 299

By Special Committee on Judiciary

9 AN ACT concerning surety agents.

10
11 *Be it enacted by the Legislature of the State of Kansas:*

12 Section 1. As used in this act: (a) "Surety" has the same meaning as
13 K.S.A. 40-1102 and amendments thereto;

14 (b) "agent of a surety" means a person not performing the duties of
15 a law enforcement officer who tracks down, captures and surrenders to
16 the custody of a court a fugitive who has violated a surety or bail bond
17 agreement.

18 Sec. 2. Any surety or authorized agent of a surety, commonly re-
19 ferred to as a bounty hunter, who intends to apprehend any person in
20 this state pursuant to K.S.A. 22-2809 and amendments thereto, or under
21 similar authority from any other state, shall inform law enforcement au-
22 thorities in the city or county in which such surety or agent of a surety
23 intends such apprehension, before attempting such apprehension. The
24 surety or agent of a surety shall present to the local law enforcement
25 authorities a certified copy of the bond, a valid government-issued photo
26 identification, written appointment of agency, if not the actual surety, and
27 all other appropriate paperwork identifying the principal and the person
28 to be apprehended. Local law enforcement may accompany the agent.

29 Sec. 3. [No commercial surety or person acting as an authorized agent
30 of a commercial surety or bounty hunter shall have been convicted in this
31 or any other jurisdiction, of a felony, a violation of this section, or within
32 ten years immediately prior to the date of the intended apprehension,
33 been convicted of any crime involving moral turpitude, dishonesty, ve-
34 hicular homicide, assault, battery, domestic battery, assault of a law en-
35 forcement officer, misdemeanor battery against a law enforcement offi-
36 cer, criminal restraint, sexual battery, endangering a child, intimidation
37 of a witness or victim or illegally using, carrying or possessing a dangerous
38 weapon.]

No security recovery agent shall wear, carry or display any uniform, badge, shield or other insignia or emblems that purport to indicate that such person is an employee, officer or agent of any state, any political subdivision of any state or the United States.

39 Sec. 4. Violation of this act shall be a class A nonperson misdemeanor
40 for the first violation and a level 9 nonperson felony upon a second and
41 subsequent violation.

42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.

Halley
#4

5-4

SENATE BILL No. 299

By Special Committee on Judiciary

9 AN ACT concerning surety agents.

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

11 Section 1. As used in this act: (a) "Surety" has the same meaning as
12 K.S.A. 40-1102 and amendments thereto;

13 (b) "agent of a surety" means a person not performing the duties of
14 a law enforcement officer who tracks down, captures and surrenders to
15 the custody of a court a fugitive who has violated a surety or bail bond
16 agreement.

17
18 Sec. 2. Any surety or authorized agent of a surety, commonly re-
19 ferred to as a bounty hunter, who intends to apprehend any person in
20 this state pursuant to K.S.A. 22-2809 and amendments thereto, or under
21 similar authority from any other state, shall inform law enforcement au-
22 thorities in the city or county in which such surety or agent of a surety
23 intends such apprehension, before attempting such apprehension. The
24 surety or agent of a surety shall present to the local law enforcement
25 authorities a certified copy of the bond, a valid government-issued photo
26 identification, written appointment of agency, if not the actual surety, and
27 all other appropriate paperwork identifying the principal and the person
28 to be apprehended. Local law enforcement may accompany the agent.

29 Sec. 3. No commercial surety or person acting as an authorized agent
30 of a commercial surety or bounty hunter shall have been convicted in this
31 or any other jurisdiction, of a felony, a violation of this section, or within
32 ten years immediately prior to the date of the intended apprehension,
33 been convicted of any crime involving moral turpitude, dishonesty, ve-
34 hicular homicide, assault, battery, domestic battery, assault of a law en-
35 forcement officer, misdemeanor battery against a law enforcement offi-
36 cer, criminal restraint, sexual battery, endangering a child, intimidation
37 of a witness or victim or illegally using, carrying or possessing a dangerous
38 weapon.

39 Sec. 4. Violation of this act shall be a class A nonperson misdemeanor
40 for the first violation and a level 9 nonperson felony upon a second and
41 subsequent violation.

42 Sec. 5. This act shall take effect and be in force from and after its
43 publication in the statute book.

A surety recovery agent forcibly entering a residence shall insure the residence is secured before leaving the scene of the apprehension.



K A N S A S

JOAN WAGNON, ACTING SECRETARY

KATHLEEN SEBELIUS, GOVERNOR

DEPARTMENT OF REVENUE
DIVISION OF VEHICLES

TESTIMONY

TO: Senator John Vratil, Chairman
Senate Judiciary Committee Members

FROM: Carmen Alldritt, Director of Vehicles

DATE: January 21, 2004

SUBJECT: Senate Bill 291

Senator Vratil and members of the Senate Judiciary Committee, my name is Carmen Alldritt, and I serve as Director of the Kansas Division of Motor Vehicles. Thank you for the opportunity to provide written testimony today in support of Senate Bill 291.

Senate Bill 291, as introduced, amends K.S.A. 8-249 removing the authority of the Secretary of Revenue to declare rules and regulations defining "moving violations" which are used as a basis for taking action on driving privileges under K.S.A. 8-255. Inserted into K.S.A. 8-249 is new subsection (c) listing the specific convictions that are to be considered "moving violations".

This bill would make clear what is or is not a moving violation for the purpose of imposing sanctions against driving privileges for repeat offenders of moving violations. It is noted that this bill does not contain the recently proposed amendments to K.A.R. 92-52-9, which contains additional violations to be considered as "moving violations". Failure to consider all traffic violations, when determining whether they are to be considered a "moving violation", could lead to certain drivers facing suspension while other drivers would not, for violation of similar infractions. To avoid this scenario we respectfully suggest these additional statutes be listed: K.S.A. 8-244; 8-291; 8-1503; 8-1533; 8-1542; 8-1547; 8-1573; 8-1578; 8-1595; 8-1759; 8-1910 and 21-3442. If these additional statutes are listed the amendment to K.S.A. 8-249 would reflect the current administrative regulation, 92-52-9, which was made effective January 23, 2004.

The effective date of this bill would be July 1, 2004.

The division would appreciate the inclusion of this cleanup measure. We understand, however, that this is a decision for this committee to make. We appreciate your consideration.

SENATE BILL No. 291

By Joint Committee on Administrative Rules and Regulations

12-17

9 AN ACT amending the motor vehicle drivers' license act; pertaining to
10 moving violations; amending K.S.A. 8-249, 8-2004 and 8-2118 and
11 K.S.A. [2003] Supp. 28-172a and repealing the existing sections. [2004

12
13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 8-249 is hereby amended to read as follows: 8-249.

15 (a) The division shall file every application for a driver's license received
16 by it and shall maintain suitable records from which information showing
17 the following may be obtained:

- 18 (1) All applications denied and the reason for such denial;
- 19 (2) all applications granted;
- 20 (3) the name of every licensee whose driver's license has been sus-
21 pended or revoked by the division and after each such name note the
22 reasons for such action.

23 (b) The division also shall file all accident reports and abstracts of
24 court records of convictions received by it under the laws of the state
25 and, in connection therewith, maintain convenient records or make suit-
26 able notations in order that an individual record of each licensee showing
27 the convictions of moving violations, ~~as defined by rules and regulations~~
28 ~~adopted by the secretary of revenue~~, of such licensee and the traffic ac-
29 cidents in which such licensee has been involved shall be readily ascer-
30 tainable and available for the consideration of the division upon any ap-
31 plication for renewal of a driver's license and at other suitable times.

32 (c) *For the purposes of this section the term "moving violation" means*
33 *a conviction for violating any of the following:*

- 34 (1) K.S.A. 8-235, and amendments thereto;
- 35 (2) ~~K.S.A. 8-237, and amendments thereto;~~ [K.S.A. 8-244, and amendments thereto;
- 36 (3) ~~K.S.A. 8-262, and amendments thereto;~~
- 37 (4) ~~K.S.A. 8-287, and amendments thereto;~~ [K.S.A. 8-291, and amendments thereto;
- 38 (5) ~~K.S.A. 8-296, and amendments thereto;~~
- 39 (6) ~~K.S.A. 8-1507 through K.S.A. 8-1511, and amendments thereto;~~ [K.S.A. 8-1503, and amendments thereto;
- 40 (7) ~~K.S.A. 8-1514 through K.S.A. 8-1524, and amendments thereto;~~
- 41 (8) ~~K.S.A. 8-1526 through K.S.A. 8-1531a, and amendments thereto;~~
- 42 (9) ~~K.S.A. 8-1535, and amendments thereto;~~ [K.S.A. 8-1533, and amendments thereto;
- 43 (10) K.S.A. 8-1539 through K.S.A. 8-1540, and amendments thereto;

6-3

- 1 (11) K.S.A. 8-1545 through K.S.A. 8-1546, and amendments thereto;
- 2 (12) K.S.A. 8-1548 through K.S.A. 8-1560b, and amendments thereto;
- 3 (13) K.S.A. 8-1561 through K.S.A. 8-1563, and amendments thereto;
- 4 (14) K.S.A. 8-1565 through K.S.A. 8-1568, and amendments thereto;
- 5 (15) K.S.A. 8-1574 through K.S.A. 8-1576, and amendments thereto;
- 6 (16) K.S.A. 8-1578a, and amendments thereto;
- 7 (17) K.S.A. 8-1580 through K.S.A. 8-1581, and amendments thereto;
- 8 (18) K.S.A. 8-1584, and amendments thereto;
- 9 (19) K.S.A. 8-1599, and amendments thereto;
- 10 (20) K.S.A. 8-1703, and amendments thereto;
- 11 (21) K.S.A. 8-1725, and amendments thereto;
- 12 (22) K.S.A. 21-3405, and amendments thereto;
- 13 (23) any other Kansas statute that specifically provides that conviction for a violation of such statute is a moving violation;
- 14 (24) any similar municipal ordinance or county resolution in this state; or
- 15 (25) any similar statute, municipal ordinance or regulation in another state.

- [K.S.A. 8-1542, and amendments thereto;
- [K.S.A. 8-1573, and amendments thereto;
- [K.S.A. 8-1578, and amendments thereto;
- [K.S.A. 8-1595, and amendments thereto;
- [K.S.A. 8-1759, and amendments thereto;
- [K.S.A. 8-1910, and amendments thereto;
- [K.S.A. 21-3442, and amendments thereto;

W
Withdrawn

Renumber sections accordingly

19 Sec. 2. K.S.A. 8-2004 is hereby amended to read as follows: 8-2004.

20 (a) The secretary of transportation shall place and maintain such traffic-

21 control devices, conforming to the manual and specifications adopted

22 under K.S.A. 8-2003, and amendments thereto, upon all state highways

23 as the secretary shall deem necessary to indicate and to carry out the

24 provisions of this act or to regulate, warn or guide traffic.

25 (b) No local authority shall place or maintain any traffic-control de-

26 vice upon any highway under the jurisdiction of the secretary of trans-

27 portation, except by the latter's permission.

28 (c) The secretary of transportation shall post signs informing motor-

29 ists that conviction of a traffic infraction, which is defined as a moving

30 violation ~~in accordance with rules and regulations adopted pursuant to by~~

31 K.S.A. 8-249, and amendments thereto, committed within a road con-

32 struction zone, as defined in K.S.A. 8-1458a, shall result in a fine which

33 is double the fine listed in the uniform fine schedule in K.S.A. 8-2118,

34 and amendments thereto.

35 Sec. 3. K.S.A. 8-2118 is hereby amended to read as follows: 8-2118.

36 (a) A person charged with a traffic infraction shall, except as provided in

37 subsection (b), appear at the place and time specified in the notice to

38 appear. If the person enters an appearance, waives right to trial, pleads

39 guilty or no contest, the fine shall be no greater than that specified in the

40 uniform fine schedule in subsection (c) and court costs shall be taxed as

41 provided by law.

42 (b) Prior to the time specified in the notice to appear, a person

43 charged with a traffic infraction may enter a written appearance, waive

6-4

1	Improper	air-conditioning	8-1747	\$30
2		equipment		
3	TV screen visible to driver		8-1748	\$30
4	Improper safety belt or shoulder		8-1749	\$30
5		harness		
6	Improper wide-based single tires		8-1742b	\$60
7	Defective motorcycle headlamp		8-1801	\$30
8	Defective motorcycle tail lamp		8-1802	\$30
9	Defective motorcycle reflector		8-1803	\$30
10	Defective motorcycle stop lamps		8-1804	\$30
11		and turn signals		
12	Defective multiple-beam light-		8-1805	\$30
13		ing		
14	Improper road-lighting equip-		8-1806	\$30
15		ment on motor-driven cycles		
16	Defective motorcycle or motor-		8-1807	\$30
17		driven cycle brakes		
18	Improper performance ability of		8-1808	\$30
19		brakes		
20	Operating motorcycle with dis-		8-1809	\$30
21		approved braking system		
22	Defective horn, muffler, mirrors		8-1810	\$30
23		or tires		
24	Unlawful statehouse parking	75-4510a		\$15

25 (d) Traffic offenses classified as traffic infractions by this section shall
 26 be classified as ordinance traffic infractions by those cities adopting or-
 27 dinances prohibiting the same offenses. A schedule of fines for all ordi-
 28 nance traffic infractions shall be established by the municipal judge in the
 29 manner prescribed by K.S.A. 12-4305, and amendments thereto. Such
 30 fines may vary from those contained in the uniform fine schedule con-
 31 tained in subsection (c).

32 (e) Fines listed in the uniform fine schedule contained in subsection
 33 (c) shall be doubled if a person is convicted of a traffic infraction, which
 34 is defined as a moving violation ~~in accordance with rules and regulations~~
 35 ~~adopted pursuant to~~ by K.S.A. 8-249, and amendments thereto, commit-
 36 ted within any road construction zone as defined in K.S.A. 8-1458a, and
 37 amendments thereto.

38 Sec. 4. K.S.A. 2003 Supp. 28-172a is hereby amended to read as
 39 follows: 28-172a. (a) Except as otherwise provided in this section, when-
 40 ever the prosecuting witness or defendant is adjudged to pay the costs in
 1 a criminal proceeding in any county, a docket fee shall be taxed as follows:

42 (1) For the period commencing July 1, 2003 and ending June 30,

43 2005

2004

2004

2006

1	Murder or manslaughter.....	\$164.50	
2	Other felony.....	147.00	
3	Misdemeanor.....	112.00	
4	Forfeited recognizance	62.50	
5	Appeals from other courts.....	62.50	
6	(2) On and after July 1, 2005		2006
7	Murder or manslaughter.....	\$164.50	
8	Other felony.....	146.00	
9	Misdemeanor.....	111.00	
10	Forfeited recognizance	62.50	
11	Appeals from other courts.....	62.50	
12	(b) (1) Except as provided in paragraph (2), in actions involving the		
13	violation of any of the laws of this state regulating traffic on highways		
14	(including those listed in subsection (c) of K.S.A. 8-2118, and amend-		
15	ments thereto), a cigarette or tobacco infraction, any act declared a crime		
16	pursuant to the statutes contained in chapter 32 of Kansas Statutes An-		
17	notated and amendments thereto or any act declared a crime pursuant		
18	to the statutes contained in article 8 of chapter 82a of the Kansas Statutes		
19	Annotated, and amendments thereto, whenever the prosecuting witness		
20	or defendant is adjudged to pay the costs in the action, a docket fee of		2004
21	\$55 shall be charged during the period commencing July 1, 2003 , and		
22	ending June 30, 2005 , and \$54 shall be charged on or after July 1, 2005 .		2006
23	When an action is disposed of under subsections (a) and (b) of K.S.A. 8-		
24	2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto,		
25	whether by mail or in person, the docket fee to be paid as court costs		
26	shall be \$55 during the period commencing July 1, 2003 , and ending June		2004
27	30, 2005 , and \$54 on or after July 1, 2005 .		2006
28	(2) In actions involving the violation of a moving traffic violation under		
29	K.S.A. 8-2118, and amendments thereto, as defined by rules and		
30	regulations adopted under K.S.A. 8-249, and amendments thereto, when-		
31	ever the prosecuting witness or defendant is adjudged to pay the costs in		
32	the action, a docket fee of \$55 shall be charged during the period com-		2004
33	mencing July 1, 2003 , and ending June 30, 2005 , and \$54 shall be charged		
34	on or after July 1, 2005 . When an action is disposed of under subsection		2006
35	(a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail		
36	or in person, the docket fee to be paid as court costs shall be \$55 during		
37	the period commencing July 1, 2003 , and ending June 30, 2005 , and \$54		2004
38	on or after July 1, 2005 .		2006
39	(c) If a conviction is on more than one count, the docket fee shall be		
40	the highest one applicable to any one of the counts. The prosecuting		
41	witness or defendant, if assessed the costs, shall pay only one fee. Multiple		
42	defendants shall each pay one fee.		
43	(d) Statutory charges for law library funds, the law enforcement train-		

1 ing center fund, the prosecuting attorneys' training fund, the juvenile
2 detention facilities fund, the judicial branch education fund, the emer-
3 gency medical services operating fund and the judiciary technology fund
4 shall be paid from the docket fee; the family violence and child abuse and
5 neglect assistance and prevention fund fee shall be paid from criminal
6 proceedings docket fees. All other fees and expenses to be assessed as
7 additional court costs shall be approved by the court, unless specifically
8 fixed by statute. Additional fees shall include, but are not limited to, fees
9 for Kansas bureau of investigation forensic or laboratory analyses, fees for
10 detention facility processing pursuant to K.S.A. 12-16,119, and amend-
11 ments thereto, fees for the sexual assault evidence collection kit, fees for
12 conducting an examination of a sexual assault victim, fees for service of
13 process outside the state, witness fees, fees for transcripts and deposi-
14 tions, costs from other courts, doctors' fees and examination and evalu-
15 ation fees. No sheriff in this state shall charge any district court of this
16 state a fee or mileage for serving any paper or process.

17 (e) In each case charging a violation of the laws relating to parking
18 of motor vehicles on the statehouse grounds or other state-owned or
19 operated property in Shawnee county, Kansas, as specified in K.S.A. 75-
20 4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and
21 amendments thereto, the clerk shall tax a fee of \$2 which shall constitute
22 the entire costs in the case, except that witness fees, mileage and expenses
23 incurred in serving a warrant shall be in addition to the fee. Appearance
24 bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amend-
25 ments thereto, shall be \$3, unless a warrant is issued. The judge may
26 order the bond forfeited upon the defendant's failure to appear, and \$2
27 of any bond so forfeited shall be regarded as court costs.

28 Sec. 5. K.S.A. 8-249, 8-2004 and 8-2118 and K.S.A. [2003] Supp. 28-
29 172a are hereby repealed.

30 Sec. 6. This act shall take effect and be in force from and after its
31 publication in the statute book.

[2004]



KANSAS JUDICIAL COUNCIL

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MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kansas Judicial Council - Randy M. Hearrell ✓

DATE: January 21, 2004

RE: Judicial Council Testimony on 2004 SB 297

The Judicial Council supports the recommendation of the Special Committee on the Judiciary that docket fee funding for the Judicial Council be made permanent. Because of the additional flexibility the docket fee funding has provided to the Council, the Council and its advisory committees have held more meetings in the first six months of fiscal year 2004 than were held in all of fiscal year 2003, utilizing the same staff. In FY 2003, the Judicial Council received four assignments from the Legislature and in FY 2004, the Judicial Council received nine such assignments.

At this time last Legislative session Council funding was in doubt and while it was being resolved, two capable staff members accepted other job offers due to the uncertainty of funding of their positions. The passage of SB 297 at this time would remove the possibility of a similar loss of staff next year.

SB 297 makes the docket fee funding for the Judicial Council permanent, but in order to keep the funding for the Council and other recipients of docket fees under the statute at current levels, K.S.A. 2003 Supp 28-172a, 59-104, 60-1621 and 60-2001 will need to be amended to remove the phase out of the docket fee increase in those sections. I have attached proposed amendments making those changes.

admin\corson\JC\senate.judiciary.docket.fee.amend

Senate Judiciary
1-22-04
Attachment 7

28-172a. Docket fee in criminal proceedings; fees and charges in other actions involving violations of state laws. (a) Except as otherwise provided in this section, whenever the prosecuting witness or defendant is adjudged to pay the costs in a criminal proceeding in any county, a docket fee shall be taxed as follows:

(1) ~~For the period commencing On and after July 1, 2003, and ending June 30, 2005:~~

Murder or manslaughter.....\$164.50
Other felony..... 147.00
Misdemeanor..... 112.00
Forfeited recognizance.....62.50
Appeals from other courts.....62.50

~~(2) On and after July 1, 2005:~~

~~Murder or manslaughter.....\$164.50
Other felony..... 146.00
Misdemeanor..... 111.00
Forfeited recognizance.....62.50
Appeals from other courts.....62.50~~

(b) (1) Except as provided in paragraph (2), in actions involving the violation of any of the laws of this state regulating traffic on highways (including those listed in subsection (c) of K.S.A. 8-2118, and amendments thereto), a cigarette or tobacco infraction, any act declared a crime pursuant to the statutes contained in chapter 32 of Kansas Statutes Annotated and amendments thereto or any act declared a crime pursuant to the statutes contained in article 8 of chapter 82a of the Kansas Statutes Annotated, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$55 shall be charged ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005.~~ When an action is disposed of under subsections (a) and (b) of K.S.A. 8-2118 or subsection (f) of K.S.A. 79-3393, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be \$55 ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 on or after July 1, 2005.~~

(2) In actions involving the violation of a moving traffic violation under K.S.A. 8-2118, and amendments thereto, as defined by rules and regulations adopted under K.S.A. 8-249, and amendments thereto, whenever the prosecuting witness or defendant is adjudged to pay the costs in the action, a docket fee of \$55 shall be charged ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 shall be charged on or after July 1, 2005.~~ When an action is disposed of under subsection (a) and (b) of K.S.A. 8-2118, and amendments thereto, whether by mail or in person, the docket fee to be paid as court costs shall be \$55 ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$54 on or after July 1, 2005.~~

(c) If a conviction is on more than one count, the docket fee shall be the highest one applicable to any one of the counts. The prosecuting witness or defendant, if assessed the costs, shall pay only one fee. Multiple defendants shall each pay one fee.

(d) Statutory charges for law library funds, the law enforcement training center fund, the prosecuting attorneys' training fund, the juvenile detention facilities fund, the judicial branch education fund, the

emergency medical services operating fund and the judiciary technology fund shall be paid from the docket fee; the family violence and child abuse and neglect assistance and prevention fund fee shall be paid from criminal proceedings docket fees. All other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Additional fees shall include, but are not limited to, fees for Kansas bureau of investigation forensic or laboratory analyses, fees for detention facility processing pursuant to K.S.A. 12-16,119, and amendments thereto, fees for the sexual assault evidence collection kit, fees for conducting an examination of a sexual assault victim, fees for service of process outside the state, witness fees, fees for transcripts and depositions, costs from other courts, doctors' fees and examination and evaluation fees. No sheriff in this state shall charge any district court of this state a fee or mileage for serving any paper or process.

(e) In each case charging a violation of the laws relating to parking of motor vehicles on the statehouse grounds or other state-owned or operated property in Shawnee county, Kansas, as specified in K.S.A. 75-4510a, and amendments thereto, or as specified in K.S.A. 75-4508, and amendments thereto, the clerk shall tax a fee of \$2 which shall constitute the entire costs in the case, except that witness fees, mileage and expenses incurred in serving a warrant shall be in addition to the fee. Appearance bond for a parking violation of K.S.A. 75-4508 or 75-4510a, and amendments thereto, shall be \$3, unless a warrant is issued. The judge may order the bond forfeited upon the defendant's failure to appear, and \$2 of any bond so forfeited shall be regarded as court costs.

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59-104. Docket fees and court costs. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court under the provisions of chapter 59 of the Kansas Statutes Annotated or of articles 40 and 52 of chapter 65 of the Kansas Statutes Annotated without payment of an appropriate docket fee as follows:

(1) For the period commencing July 1, 2003, and ending June 30, 2005:

Treatment of mentally ill.....	\$25.50
Treatment of alcoholism or drug abuse.....	25.50
Determination of descent of property.....	40.50
Termination of life estate.....	39.50
Termination of joint tenancy.....	39.50
Refusal to grant letters of administration.....	39.50
Adoption.....	39.50
Filing a will and affidavit under K.S.A. 59-618a.....	39.50
Guardianship.....	60.50
Conservatorship.....	60.50
Trusteeship.....	60.50
Combined guardianship and conservatorship.....	60.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	14.50
Decrees in probate from another state.....	99.50
Probate of an estate or of a will.....	100.50
Civil commitment under K.S.A. 59-29a01 et seq.....	24.50

(2) On and after July 1, 2005:

Treatment of mentally ill.....	\$24.50
Treatment of alcoholism or drug abuse.....	24.50
Determination of descent of property.....	39.50
Termination of life estate.....	39.50
Termination of joint tenancy.....	39.50
Refusal to grant letters of administration.....	39.50
Adoption.....	39.50
Filing a will and affidavit under K.S.A. 59-618a.....	39.50
Guardianship.....	59.50
Conservatorship.....	59.50
Trusteeship.....	59.50
Combined guardianship and conservatorship.....	59.50
Certified probate proceedings under K.S.A. 59-213, and amendments thereto.....	14.50
Decrees in probate from another state.....	99.50
Probate of an estate or of a will.....	99.50
Civil commitment under K.S.A. 59-29a01 et seq.....	24.50

(b) *Poverty affidavit in lieu of docket fee and exemptions.* The provisions of subsection (b) of K.S.A. 60-2001 and K.S.A. 60-2005, and amendments thereto, shall apply to probate docket fees prescribed by this section.

(c) *Disposition of docket fee.* Statutory charges for the law library and for the prosecuting attorneys' training fund shall be paid from the docket fee. The remainder of the docket fee shall be paid to the state treasurer in accordance with K.S.A. 20-362, and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, transcripts and publication of legal notice, executor or administrator fees, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties or estate as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

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60-1621. Post-decree motion docket fee. (a) No post-decree motion petitioning for a change in legal custody, residency, visitation rights or parenting time, or for a modification of child support shall be filed or docketed in the district court without payment of a docket fee in the amount of \$21 ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$20 on or after July 1, 2005;~~ to the clerk of the district court.

(b) A poverty affidavit may be filed in lieu of a docket fee as established in K.S.A. 60-2001, and amendments thereto.

(c) The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with subsection (f) of K.S.A. 20-362, and amendments thereto.

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60-2001. Docket fee; additional costs; certain sheriff's charges prohibited. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$106 ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$105 on or after July 1, 2005, to the clerk of the district court.~~

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) *Disposition of docket fee.* The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362 and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

60-2001. Docket fee; additional costs; certain sheriff's charges prohibited. (a) *Docket fee.* Except as otherwise provided by law, no case shall be filed or docketed in the district court, whether original or appealed, without payment of a docket fee in the amount of \$106 ~~during the period commencing July 1, 2003, and ending June 30, 2005, and \$105 on or after July 1, 2005,~~ to the clerk of the district court.

(b) *Poverty affidavit in lieu of docket fee.* (1) *Effect.* In any case where a plaintiff by reason of poverty is unable to pay a docket fee, and an affidavit so stating is filed, no fee will be required. An inmate in the custody of the secretary of corrections may file a poverty affidavit only if the inmate attaches a statement disclosing the average account balance, or the total deposits, whichever is less, in the inmate's trust fund for each month in (A) the six-month period preceding the filing of the action; or (B) the current period of incarceration, whichever is shorter. Such statement shall be certified by the secretary. On receipt of the affidavit and attached statement, the court shall determine the initial fee to be assessed for filing the action and in no event shall the court require an inmate to pay less than \$3. The secretary of corrections is hereby authorized to disburse money from the inmate's account to pay the costs as determined by the court. If the inmate has a zero balance in such inmate's account, the secretary shall debit such account in the amount of \$3 per filing fee as established by the court until money is credited to the account to pay such docket fee. Any initial filing fees assessed pursuant to this subsection shall not prevent the court, pursuant to subsection (d), from taxing that individual for the remainder of the amount required under subsection (a) or this subsection.

(2) *Form of affidavit.* The affidavit provided for in this subsection shall be in the following form and attached to the petition:

State of Kansas, _____ County.

In the district court of the county: I do solemnly swear that the claim set forth in the petition herein is just, and I do further swear that, by reason of my poverty, I am unable to pay a docket fee.

(c) *Disposition of docket fee.* The docket fee shall be the only costs assessed in each case for services of the clerk of the district court and the sheriff. The docket fee shall be disbursed in accordance with K.S.A. 20-362 and amendments thereto.

(d) *Additional court costs.* Other fees and expenses to be assessed as additional court costs shall be approved by the court, unless specifically fixed by statute. Other fees shall include, but not be limited to, witness fees, appraiser fees, fees for service of process outside the state, fees for depositions, alternative dispute resolution fees, transcripts and publication, attorney fees, court costs from other courts and any other fees and expenses required by statute. All additional court costs shall be taxed and billed against the parties as directed by the court. No sheriff in this state shall charge any district court in this state a fee or mileage for serving any paper or process.

**Distribution of Current
\$106 Docket Fee**

\$106.00	Docket Fee (KSA 60-2001)
10.00	County General Fund (KSA 20-362(a))
10.00	Law Library Fund (KSA 20-302(b); KSA 20-3129)
5.07	Access to Justice Fund (KSA 20-166)
2.81	Juvenile Detention Facilities Fund (KSA 79-4803(b))
2.17	Judicial Branch Education Fund (KSA 20-1a11)
.58	Crime Victims Assistance Fund (KSA 74-7334)
2.77	Protection From Abuse Fund (KSA 74-7325)
4.39	Judiciary Technology Fund (KSA 5-517)
.35	Dispute Resolution Fund (KSA 5-517)
1.28	KS Juvenile Delinquency Prevention Trust Fund (KSA 75-7021)
.22	Permanent Families Account in the Family and Children Investment Fund (KSA 38-1808(d)(1))
1.52	Trauma Fund (KSA 75-5670)
1.14	Judicial Council Fund (L. 2003, Ch. 101, New. Sec. 7)
18.41	Judicial Branch non judicial Salary Initiative Fund (KSA 20-1a14)
45.29	Balance to the State General Fund

In addition to the \$106 Chapter 60 docket fee, a \$5 Judicial Branch surcharge is imposed pursuant to Supreme Court Order.

**Fines, Penalties, and Forfeitures,
and Other Amounts Collected
by the Clerks**

In addition to docket fees and fines, clerks also collect and account for fines paid in criminal cases as well as civil penalties and bail forfeitures. Fines, penalties, and forfeitures are distributed pursuant to KSA 74-7336 as follows: 7.99% to the Crime Victims Compensation Fund, 1.45% to the Crime Victims Assistance Fund, 2.01% to the Community Alcoholism and Intoxication Programs Fund, and 2.01% to the Department of Corrections Alcohol and Drug Abuse Treatment Fund.

Amounts collected as bail forfeitures are split, with 40% credited to the County General Fund pursuant to KSA 20-368. Clerks remit the balance to the State Treasurer, with

one-half of the balance (or 30% of the original total) credited to the Indigents' Defense Services Fund and one-half of the balance credited to the State General Fund, pursuant to KSA 20-350.

Clerks also collect marriage license fees pursuant to KSA 23-108a. The \$50 fee is remitted to the State Treasurer for credit to the Protection from Abuse Fund (46%), the Family and Children Trust Account of the Family and Children Investment Fund (17.92%), the Crime Victims Assistance Fund (20%), and the State General Fund (16.08%).

Interest accrued on amounts paid to the clerks is remitted to the State Treasurer, for deposit in the State General Fund pursuant to KSA 20-350.

Testimony of Conferees

Conferees included representatives of the Office of judicial Administration, the Kansas District Judges Association, the Kansas Credit

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20-166. Access to justice fund; expenditures; grant guidelines established by the supreme court. (a) There is hereby created in the state treasury the access to justice fund. Money credited to the fund pursuant to K.S.A. 20-362, and amendments thereto, shall be used solely for the purpose of making grants for operating expenses to programs, including dispute resolution programs, which provide access to the Kansas civil justice system for persons who would otherwise be unable to gain access to civil justice. Such programs may provide legal assistance to pro se litigants, legal counsel for civil and domestic matters or other legal or dispute resolution services provided the recipient of the assistance or counsel meets financial qualifications under guidelines established by the program in accordance with grant guidelines promulgated by the supreme court of Kansas.

(b) All expenditures from the access to justice fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(c) The chief justice may apply for, receive and accept money from any source for the purposes for which money in the access to justice fund may be expended. Upon receipt of each such remittance, the chief justice shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the access to justice fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas supreme court in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the supreme court.

History: L. 1996, ch. 234, § 1; L. 2001, ch. 5, § 69; July 1.

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79-4803

Chapter 79.--TAXATION

Article 48.--STATE GAMING REVENUES

79-4803. State gaming revenues fund; transfers to juvenile detention facilities fund, administration and authorized uses; transfers to correctional institutions building fund. (a) After the transfer of moneys pursuant to K.S.A. 2003 Supp. 79-4806, and amendments thereto:

(1) An amount equal to 10% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the correctional institutions building fund created pursuant to K.S.A. 76-6b09 and amendments thereto, to be appropriated by the legislature for the use and benefit of state correctional institutions as provided in K.S.A. 76-6b09 and amendments thereto; and

(2) an amount equal to 5% of the balance of all moneys credited to the state gaming revenues fund shall be transferred and credited to the juvenile detention facilities fund.

(b) There is hereby created in the state treasury the juvenile detention facilities fund which shall be administered by the commissioner of juvenile justice. The Kansas advisory group on juvenile justice and delinquency prevention shall review and make recommendations concerning the administration of the fund. All expenditures from the juvenile detention facilities fund shall be for the retirement of debt of facilities for the detention of juveniles; or for the construction, renovation, remodeling or operational costs of facilities for the detention of juveniles in accordance with a grant program which shall be established with grant criteria designed to facilitate the expeditious award and payment of grants for the purposes for which the moneys are intended. "Operational costs" shall not be limited to any per capita reimbursement by the commissioner of juvenile justice for juveniles under the supervision and custody of the commissioner but shall include payments to counties as and for their costs of operating the facility. The commissioner of juvenile justice shall make grants of the moneys credited to the juvenile detention facilities fund for such purposes to counties in accordance with such grant program. All expenditures from the juvenile detention facilities fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or the commissioner's designee.

History: L. 1986, ch. 365, § 3; L. 1990, ch. 150, § 11; L. 1994, ch. 351, § 3; L. 1997, ch. 156, § 113; L. 1999, ch. 156, § 28; L. 2000, ch. 173, § 23; July 1.

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20-1a11. Judicial branch education fund; receipts; expenditures; municipal judge training fund abolished. (a) There is hereby created in the state treasury a judicial branch education fund.

(b) All money credited to the fund shall be used for the purpose of educating and training judicial branch officers and employees; for administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114, and amendments thereto; for educating and training municipal judges and municipal court support staff; and for the planning and implementation of a family court system as provided by law. Expenditures from the judicial branch education fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the supreme court or by a person or persons designated by the chief justice.

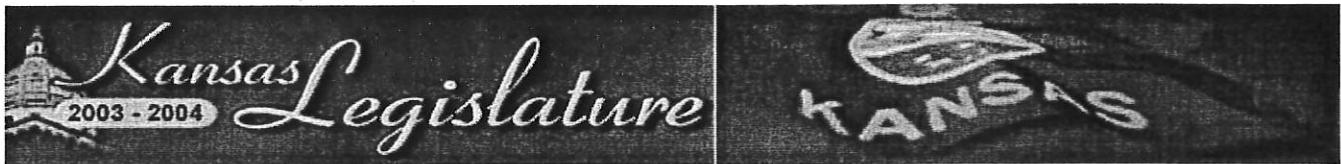
(c) The chief justice may apply for, receive and accept money from any source for the purposes for which money in the judicial branch education fund may be expended. Upon receiving any such money, the chief justice shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the judicial branch education fund.

(d) Upon the effective date of this act, the director of accounts and reports is directed to transfer all moneys in the municipal judge training fund to the judicial branch education fund. Upon the effective date of this act, all liabilities of the municipal judge training fund existing prior to such date are hereby imposed on the judicial branch education fund. Whenever the municipal judge training fund, or words of like effect, is referred to or designated by any statute, contract, or other document, such reference or designation shall be deemed to apply to the judicial branch education fund. The municipal judge training fund is hereby abolished.

History: L. 1992, ch. 315, § 1; L. 1997, ch. 156, § 35; L. 2001, ch. 5, § 74; July 1.

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Article 73.--CRIME VICTIMS COMPENSATION BOARD**

74-7334. Crime victims assistance fund; establishment; purpose; administration; grant criteria. (a) There is hereby created in the state treasury the crime victims assistance fund. All moneys credited to the fund pursuant to K.S.A. 12-4117, 19-101e, 19-4707 and 20-367, and amendments thereto, shall be used solely for the purpose of making grants for on-going operating expenses of programs, including court-appointed special advocate programs, providing: (1) Temporary emergency shelter for victims of child abuse and neglect; (2) counseling and assistance to those victims; or (3) educational services directed at reducing the incidence of child abuse and neglect and diminishing its impact on the victim. The remainder of moneys credited to the fund shall be used for the purpose of supporting the operation of state agency programs which provide services to the victims of crime and making grants to existing programs or to establish and maintain new programs providing services to the victims of crime.

(b) All expenditures from the crime victims assistance fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the crime victims assistance fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the crime victims assistance fund.

(d) Grants made to programs with funds derived from K.S.A. 12-4117, 19-101e, 19-4707 and 20-367, and amendments thereto, shall be based on the numbers of persons served by the program and shall be made only to programs aimed at preventing child abuse and neglect or providing residential services or facilities to victims of child abuse or neglect. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for grants made pursuant to this section.

(e) All moneys credited to the fund pursuant to K.S.A. 23-108a, and amendments thereto, shall be set aside to use as matching funds for meeting any federal requirement for the purpose of establishing child exchange and visitation centers as provided in K.S.A. 75-720, and amendments thereto. If no federal funds are made available to the state for the purpose of establishing such child exchange and visitation centers, then such moneys may be used as otherwise provided in this section. Only those moneys credited to the fund pursuant to K.S.A. 23-108a, and amendments thereto, may be used for such matching funds. No state general fund moneys shall be used for such matching funds.

History: L. 1989, ch. 239, § 29; L. 1994, ch. 335, § 10; L. 1995, ch. 243, § 6; L. 1996, ch. 188, § 4; L. 2001, ch. 5, § 338; July 1.

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74-7325

Chapter 74.--STATE BOARDS, COMMISSIONS AND AUTHORITIES Article 73.--CRIME VICTIMS COMPENSATION BOARD

74-7325. Protection from abuse fund; establishment; purpose; administration; grant criteria. (a) There is hereby created in the state treasury the protection from abuse fund. All moneys credited to the fund shall be used solely for the purpose of making grants to programs providing: (1) Temporary emergency shelter for adult victims of domestic abuse or sexual assault and their dependent children; (2) counseling and assistance to those victims and their children; or (3) educational services directed at reducing the incidence of domestic abuse or sexual assault and diminishing its impact on the victims. All moneys credited to the fund pursuant to K.S.A. 20-367, and amendments thereto, shall be used only for on-going operating expenses of domestic violence programs. All moneys credited to the fund pursuant to any increase in docket fees as provided by this act as described in K.S.A. 20-367 and 60-2001, and amendments thereto, shall not be awarded to programs until July 1, 2003, and shall be used for ongoing operating expenses of domestic violence or sexual assault programs.

(b) All expenditures from the protection from abuse fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the attorney general or by a person or persons designated by the attorney general.

(c) The attorney general may apply for, receive and accept moneys from any source for the purposes for which moneys in the protection from abuse fund may be expended. Upon receipt of any such moneys, the attorney general shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the protection from abuse fund.

(d) Grants made to programs pursuant to this section shall be based on the numbers of persons served by the program and shall be made only to the city of Wichita or to agencies which are engaged, as their primary function, in programs aimed at preventing domestic violence or sexual assault or providing residential services or facilities to family or household members who are victims of domestic violence or sexual assault. In order for programs to qualify for funding under this section, they must:

- (1) Meet the requirements of section 501(c) of the internal revenue code of 1986;
- (2) be registered and in good standing as a nonprofit corporation;
- (3) meet normally accepted standards for nonprofit organizations;
- (4) have trustees who represent the racial, ethnic and socioeconomic diversity of the county or counties served;
- (5) have received 50% or more of their funds from sources other than funds distributed through the fund, which other sources may be public or private and may include contributions of goods or services, including materials, commodities, transportation, office space or other types of facilities or personal services;
- (6) demonstrate ability to successfully administer programs;
- (7) make available an independent certified audit of the previous year's financial records;
- (8) have obtained appropriate licensing or certification, or both;
- (9) serve a significant number of residents of the county or counties served;
- (10) not unnecessarily duplicate services already adequately provided to county residents; and
- (11) agree to comply with reporting requirements of the attorney general.

The attorney general may adopt rules and regulations establishing additional standards for eligibility and accountability for

grants made pursuant to this section.

(e) As used in this section:

(1) "Domestic abuse" means abuse as defined by the protection from abuse act (K.S.A. 60-3101 *et seq.*, and amendments thereto).

(2) "Sexual assault" means acts defined in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

(f) On or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the protection from abuse fund interest earnings based on:

(1) The average daily balance of moneys in the protection from abuse fund for the preceding month; and

(2) the net earnings rate for the pooled money investment portfolio for the preceding month.

History: L. 1984, ch. 135, § 4; L. 1989, ch. 239, § 24; L. 1994, ch. 335, § 9; L. 1995, ch. 243, § 5; L. 1996, ch. 234, § 19; L. 1998, ch. 123, § 3; L. 2001, ch. 5, § 337; L. 2002, ch. 51, § 3; July 1.

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20-1a12

Chapter 20.--COURTS

Article 1a.--JUDICIAL DEPARTMENT MONEYS

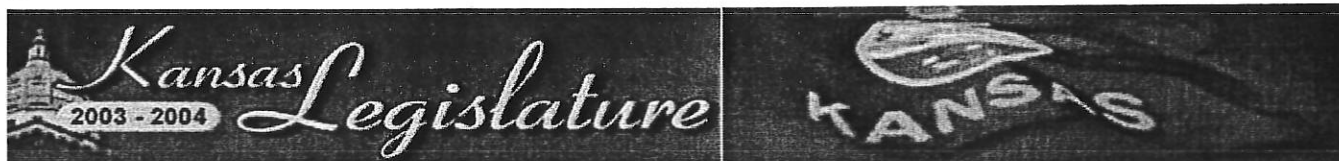
20-1a12. Judiciary technology fund; fund use; expenditures. (a) There is hereby established in the state treasury a judiciary technology fund.

(b) Moneys in the judiciary technology fund shall be used to implement technological improvements in the Kansas court system and to fund meetings of the judicial council technology advisory committee at the judicial council reimbursement rate pursuant to K.S.A. 20-2206, and amendments thereto. Expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chief justice of the Kansas Supreme Court or a person designated by the chief justice.

History: L. 1992, ch. 128, § 4; L. 1992, ch. 315, § 12; July 1.

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Article 5.--DISPUTE RESOLUTION**

5-517. Dispute resolution fund; expenditures. There is hereby created the dispute resolution fund in the state treasury which shall be administered by the judicial administrator. All expenditures from the dispute resolution fund shall be for the purpose of carrying out the dispute resolution act. In addition to funds generated by remittances under K.S.A. 20-367, and amendments thereto, funds acquired through grants, training fees, registration and approval fees, and other public or private sources and designated for dispute resolution, shall be remitted to the dispute resolution fund for carrying out the dispute resolution act. All expenditures from the dispute resolution fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator or by the judicial administrator's designee.

History: L. 1994, ch. 217, § 17; L. 1996, ch. 140, § 16; July 1.

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75-7021

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 70.--JUVENILE JUSTICE AUTHORITY

75-7021. Kansas juvenile delinquency prevention trust fund; expenditures; grant criteria. (a) There is hereby created in the state treasury the Kansas juvenile delinquency prevention trust fund. Money credited to the Kansas juvenile delinquency prevention trust fund pursuant to K.S.A. 20-367, and amendments thereto, or by any other lawful means shall be used solely for the purpose of making grants to further the purpose of juvenile justice reform, including rational prevention programs and programs for treatment and rehabilitation of juveniles and to further the partnership between state and local communities. Such treatment and rehabilitation programs should aim to combine accountability and sanctions with increasingly intensive treatment and rehabilitation services with an aim to provide greater public safety and provide intervention that will be uniform and consistent.

(b) All expenditures from the Kansas juvenile delinquency prevention trust fund shall be made in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the commissioner of juvenile justice or by a person or persons designated by the commissioner.

(c) The commissioner of juvenile justice may apply for, receive and accept money from any source for the purposes for which money in the Kansas juvenile delinquency prevention trust fund may be expended. Upon receipt of any such money, the commissioner shall remit the entire amount to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Kansas juvenile delinquency prevention trust fund.

(d) Grants made to programs pursuant to this section shall be based on the number of persons to be served and such other requirements as may be established by the Kansas advisory group on juvenile justice and delinquency prevention in guidelines established and promulgated to regulate grants made under authority of this section. The guidelines may include requirements for grant applications, organizational characteristics, reporting and auditing criteria and such other standards for eligibility and accountability as are deemed advisable by the Kansas advisory group on juvenile justice and delinquency prevention.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas juvenile delinquency prevention trust fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas juvenile delinquency prevention trust fund for the preceding month; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) On and after the effective date of this act, the Kansas endowment for youth trust fund created by this section prior to amendment by this act is hereby redesignated as the Kansas juvenile delinquency prevention trust fund. On and after the effective date of this act, whenever the Kansas endowment for youth trust fund created by this section prior to amendment by this act, or words of like effect, is referred to or designated by a statute, contract or other document such reference or designation shall be deemed to apply to the Kansas juvenile delinquency prevention trust fund.

History: L. 1996, ch. 234, § 18; L. 1997, ch. 156, § 97; L. 1999, ch. 156, § 23; L. 2000, ch. 159, § 13; L. 2001, ch. 5, § 410; July 1.


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38-1808

Chapter 38.--MINORS

Article 18.--ABOLISHMENT OF CORPORATION FOR CHANGE; CITIZEN REVIEW BOARDS

38-1808. Family and children investment fund; family and children trust account, permanent families account, and family and children endowment account; authorized expenditures; receipts; interest. (a) There is hereby established in the state treasury the family and children investment fund. The family and children investment fund shall be administered as provided in this section.

(b) There shall be credited to the family and children investment fund appropriations, gifts, grants, contributions, matching funds and participant payments.

(c) (1) There is hereby created the family and children trust account in the family and children investment fund. The secretary of social and rehabilitation services shall administer the family and children trust account.

(2) Moneys credited to the family and children trust account shall be used for the following purposes: (A) Matching federal moneys to purchase services relating to community-based programs for the broad range of child abuse and neglect prevention activities; (B) providing start-up or expansion grants for community-based prevention projects for the broad range of child abuse and neglect prevention activities; (C) studying and evaluating community-based prevention projects for the broad range of child abuse and neglect prevention activities; (D) preparing, publishing, purchasing and disseminating educational material dealing with the broad range of child abuse and neglect prevention activities; and (E) payment of the administrative costs of the family and children trust account and of that portion of the Kansas children's cabinet, established pursuant to K.S.A. 38-1901, and amendments thereto, which are attributable to the family and children trust account, and that portion of the administrative costs of the board of trustees, of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto, which are attributable to the family and children endowment account of the family and children investment fund. No moneys in the family and children trust account shall be used for the purpose of providing services for the voluntary termination of pregnancy.

(3) Expenditures from the family and children trust account shall be subject to the approval of the Kansas children's cabinet established pursuant to K.S.A. 38-1901, and amendments thereto. All expenditures from the family and children trust account shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or a person designated by the secretary.

(d) (1) There is hereby created the permanent families account in the family and children investment fund. The judicial administrator of the courts shall administer this account.

(2) Moneys credited to the permanent families account shall be used for the following purposes: (A) Not more than 12% of the amount credited to the permanent families account during the fiscal year may be used to provide technical assistance to district courts or local groups wanting to establish a local citizen review board or a court-appointed special advocate program, including but not limited to such staff as necessary to provide such assistance, and to provide services necessary for the administration of such board or program, including but not limited to grants administration, accounting, data collection, report writing and training of local citizen review board staff; (B) grants to court-appointed special advocate programs, upon application approved by the chief judge of the judicial district where the program is located; and (C) grants to district courts, upon application of the chief judge of the judicial district, for expenses of establishment, operation and evaluation of local citizen review boards in the judicial district, including costs of: (i) Employing local citizen review board coordinators and clerical staff; (ii) telephone, photocopying and office equipment and supplies for which there are shown to be no local funds available; (iii) mileage of staff and board members; and (iv) training staff and board members.

(3) In addition to the other duties and powers provided by law, in administering the permanent families account, the judicial administrator shall:

(A) Accept and receive grants, loans, gifts or donations from any public or private entity in support of programs administered by the judicial administrator and assist in the development of supplemental funding sources for local and state programs;

(B) consider applications for and make such grants from the permanent families account as authorized by law; and

(C) receive reports from local citizen review boards established pursuant to K.S.A. 38-1812, and amendments thereto, regarding the status of children under the supervision of the district courts and regarding systemic barriers to permanence for children, assure that appropriate data is maintained regularly and compiled at least once a year by such boards on all cases reviewed and assure that the effectiveness of such boards is evaluated on an ongoing basis, using, where possible, random selection of local citizen review boards and cases for the evaluation and including client outcome data to determine effectiveness.

(4) All expenditures from the permanent families account shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the judicial administrator or a person designated by the judicial administrator.

(e) The family and children endowment account of the family and children investment fund shall constitute and shall be administered as an endowment for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund. The family and children endowment account of the family and children investment fund shall be invested by the board of trustees of the Kansas public employees retirement system established by K.S.A. 74-4905, and amendments thereto. All interest or other income of the investments of the moneys in the family and children trust endowment account of the family and children investment fund, after payment of any management and administrative fees, shall be considered income of the family and children trust account of the family and children investment fund and shall be deposited in the state treasury to the credit of the family and children trust account of the family and children investment fund.

(f) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the family and children investment fund interest earnings based on:

(1) The average daily balance of moneys in the family and children investment fund for the preceding month, excluding all amounts credited to the family and children endowment account of the family and children investment fund; and

(2) the net earnings rate of the pooled money investment portfolio for the preceding month.

History: L. 1992, ch. 313, § 8; L. 1993, ch. 243, § 2; L. 1996, ch. 253, § 6; L. 1997, ch. 156, § 81; L. 1999, ch. 172, § 7; L. 2000, ch. 159, § 7; July 1.

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75-5670

Chapter 75.--STATE DEPARTMENTS; PUBLIC OFFICERS AND EMPLOYEES Article 56.--DEPARTMENT OF HEALTH AND ENVIRONMENT

75-5670. Trauma fund established. (a) There is hereby established in the state treasury the trauma fund which shall be administered by the secretary of health and environment. All moneys received from fees collected under K.S.A. 12-4117 and 28-172a, and amendments thereto, for the purpose of financing the activities and expenses of the secretary in administration of K.S.A. 2003 Supp. 75-5663 to 75-5670, inclusive, and amendments thereto, regional trauma councils, and the trauma registry, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the trauma fund. All expenditures from the trauma fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary or by a person or persons designated by such secretary.

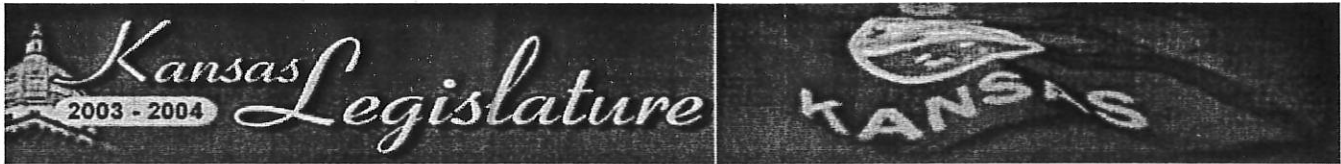
(b) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the trauma fund established in subsection (a) interest earnings based on:

- (1) The average daily balance of money in the trauma fund for the preceding month; and
- (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

History: L. 1999, ch. 127, § 8; L. 1999, ch. 151, § 1; L. 2001, ch. 5, § 405; July 1.

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20-2208
Chapter 20.--COURTS
Article 22.--JUDICIAL COUNCIL

20-2208. Judicial council fund; expenditures. There is hereby established in the state treasury the judicial council fund. All expenditures from the judicial council fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to expenditures approved by the chairperson of the Kansas judicial council or by a person or persons designated by the chairperson of the Kansas judicial council.

History: L. 2003, ch. 101, § 7; July 1.

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20-1a14. Judicial branch nonjudicial salary initiative fund; authorized uses of moneys credited to fund. (a) There is hereby established in the state treasury the judicial branch nonjudicial salary initiative fund.

(b) All moneys credited to the judicial branch nonjudicial salary initiative fund shall be used for compensation of nonjudicial officers and employees of the district courts, court of appeals and the supreme court and shall not be expended for compensation of judges or justices of the judicial branch. Moneys in the fund shall be used only to pay for that portion of the cost of salaries and wages of nonjudicial personnel of the judicial branch, including associated employer contributions, which shall not exceed the difference between the amount of expenditures that would be required under the judicial branch pay plan for nonjudicial personnel in effect prior to the effective date of this act and the amount of expenditures required under the judicial branch pay plan for nonjudicial personnel after the cost-of-living adjustments and the adjustments for upgrades in pay rates for nonjudicial personnel approved by the chief justice of the Kansas supreme court for fiscal year 2001. For fiscal years commencing on and after June 30, 2001, moneys in such fund shall be used only for the amount attributable to maintenance of the judicial branch pay plan for nonjudicial personnel for such adjustments and upgrades approved by the chief justice of the supreme court for fiscal year 2001.

(c) All expenditures from the judicial branch nonjudicial salary initiative fund shall be made in accordance with appropriation acts and upon warrants of the director of accounts and reports issued pursuant to payrolls approved by the chief justice of the Kansas supreme court or by a person or persons designated by the chief justice.

(d) The enactment of this legislation shall not be considered a statement of legislative intent to endorse future state general fund financing for ensuing fiscal years for the proposed nonjudicial pay plan contained in the report to the Kansas supreme court by the nonjudicial salary initiative entitled nonjudicial employee compensation submitted to the 2000 legislature.

History: L. 2000, ch. 177, § 1; July 1.

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