

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The meeting was called to order by Chairman John Vratil at 9:35 A.M. on March 7, 2007, in Room 123-S of the Capitol.

All members were present except:

Terry Bruce arrived, 9:45 A.M.
Derek Schmidt arrived, 9:41 A.M.
David Haley arrived, 9:36 A.M.

Committee staff present:

Athena Anadaya, Kansas Legislative Research Department
Bruce Kinzie, Office of Revisor of Statutes
Nobuko Folmsbee, Office of Revisor of Statutes
Karen Clowers, Committee Assistant

Conferees appearing before the committee:

Nancy Strouse, Staff Attorney, Kansas Judicial Council
Kyle Smith, Deputy Director, Kansas Bureau of Investigation
Robert Stuart, Acting Chief Division Counsel, Federal Bureau of Investigation
Ed Klumpp, Kansas Association of Chiefs of Police
Dale Goter, City of Wichita
Sandy Jacquot, General Counsel, League of Kansas Municipalities
Chief Judge Michael Corrigan, 18th Judicial District
Judge Charles Andrews, 3rd Judicial District

Others attending:

See attached list.

The hearing on **HB 2363--Civil procedure; repealing statutes dealing with terms of court, an outdated concept; summary judgment motion served at least 10 days before hearing** was opened.

Nancy Strouse testified in support, indicating **HB 2363** contains the proposed statutory changes corresponding to amendments to the Supreme Court Rules Relating to District Courts recommended by the Judicial Council District Court Rules Advisory Committee (Attachment 1). Ms. Strouse reviewed the changes reflected the bill.

There being no further conferees, the hearing on **HB 2363** was closed.

The Chairman opened the hearing on **HB 2360--Arrest powers of federal law enforcement officers; removing the sunset.**

Kyle Smith spoke in favor, stating legislation passed three years ago recognizes Federal Bureau of Investigation (FBI) agents as law enforcement officers in Kansas (Attachment 2). Mr. Smith informed the committee that cooperation between state and local law enforcement officers with the FBI is excellent and no problems have arisen with the legislation. This bill would remove the sunset clause and make the law permanent.

Robert Stuart appeared in support, indicating the Kansas City Field Office works closely with state and local partners on a variety of matters. The existing law provides limited peace officer authority and civil liability protection to federal agents and serves to facilitate cooperative relationships. Removal of the sunset provision will ensure continued cooperation on matters of mutual interest (Attachment 3).

Ed Klumpp spoke in support, stating the arrest powers are critical to the efficiency of operations especially in joint task forces. Kansas law enforcement approves of the continued benefits of granting the stated powers to federal officers (Attachment 4).

There being no further conferees, the hearing on **HB 2360** was closed.

CONTINUATION SHEET

MINUTES OF THE Senate Judiciary Committee at 9:35 A.M. on March 7, 2007, in Room 123-S of the Capitol.

The hearing on **HB 2393--Municipal courts; fines, restitution costs; collection agents; judgments enforceable in district court** was opened.

Dale Goter spoke as a proponent, relating that the bill would allow courts that attempt to collect delinquent fines, restitution and court costs to also recover the cost of collection. As now presented, this bill will provide a vehicle for victims who are owed restitution, to be made whole, without spending their own money for legal fees. Often the monies owed are from repeat offenders, who have come to understand there is no cost associated with non-compliance. This legislation could expand or induce municipalities to undertake recovery efforts (Attachment 5).

Sandy Jacquot testified in support, indicating that collection of delinquent fines and court costs is an ongoing concern. Contracting with a collection agency is often the most efficient means of collection fines and court costs, but the end result is that the city bears the cost of collection. This bill would shift the burden of collection to the defendant (Attachment 6).

Judge Michael Corrigan spoke as an opponent, stating the District Courts have no objection to the bill as amended by the House Judiciary Committee (Attachment 7). The amended version deleted the authority for Municipal Courts to transfer potentially thousands of Municipal Court unpaid court costs, fees, and fines to the District Courts for collection purposes.

Judge Charles E. Andrews appeared as an opponent, indicating agreement with the need for Municipal Court to have a system to collect its fines, and supports the bill as currently amended (Attachment 8).

There being no further conferees, the hearing on **HB 2393** was closed.

The Chairman called for final action on **SB 296--Eminent domain; blighted property defined**.

Senator Vratil distributed a balloon amendment he requested based on committee suggestions and reviewed the proposed changes (Attachment 9). The committee discussed the proposed changes.

Senator Journey moved, Senator Goodwin seconded, to adopt the balloon amendment proposed by Senator Vratil. Motion carried.

Senator Journey distributed a balloon amendment which would exempt shooting range (Attachment 10).

Following discussion, Senator Journey moved, Senator Schmidt seconded, to create a subsection on page 2, after line 36, to insert "a sport shooting range as defined in K.S.A. 58-3221. Motion failed.

Senator Journey distributed a second balloon amendment addressing exceptions to legislative oversight and explained the amendment (Attachment 11). Following discussion, the Chairman indicated the committee was out of time and would continue final action at a later date.

The meeting adjourned at 10:31 A.M. The next scheduled meeting is March 8, 2007.

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-7-07

NAME	REPRESENTING
Whitney Damon	KS Bar Association
Gail Bright	Ks Securities Commission
Jeff Bo Hanley	KS Sheriffs' Ass'n
ERIK SARTORIUS	City of Overland Park
MIKE TAYLOR	Unified Gov/KCK
Stacy Jacquot	LKM
Rhonda Gabel	SRS
Mary E. Weprin	SRS
John Moyer	SRS
John Moyer	SRS
Dale Baker	City of Wichita
Kay Sales	1.0 "
Robert Jones	Greater Kansas City LIJC
SASO LEIB	constituent
Lark WILK	Office of Judicial Admin.
Michael Corrigan	District Judge
Charlie Andrews	District Judge
Ed Klump	Ks Assoc of Chiefs of Police

PLEASE CONTINUE TO ROUTE TO NEXT GUEST

SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3-7-07

NAME	REPRESENTING
Robert Fruert	F.B.I.
Michael Sandgrass	Greater Kansas City LISC
Sherric Gross	SRS
John Doherty	KS Cust. Assn.
Aarn Cathin	KS Livestock Assn.
Debra Perbeck	SRS
Richard Smarzynski	Kempy & Assoc.
Garth	John Peterson
Aimee Copple	Olson / Shawnee Chambers
Linda Kesper	Shawnee Chamber
John B... ..	P... .. sm... .. Assoc.
David Klepp	RESTAR
Christina	R. Zimlich Assoc.
Cindy Hegersten	FSU Student



KANSAS JUDICIAL COUNCIL

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BRANDY M. WHEELER
ADMINISTRATIVE ASSISTANT

MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kansas Judicial Council

DATE: March 7, 2007

RE: 2007 HB 2363

In November, 2005, the Supreme Court requested that the Judicial Council review the Supreme Court Rules Relating to District Courts, Rules 101 through 186. The Judicial Council approved the request and formed the Judicial Council District Court Rules Advisory Committee, chaired by Hon. Robert J. Fleming. The Committee's recommendations were approved by the Judicial Council on June 2, 2006, and by the Supreme Court on August 30, 2006. The changes in the Rules became effective by Order of the Supreme Court on September 8, 2006.

Along with proposed amendments to the Supreme Court Rules, the District Court Rules Advisory Committee also submitted to the Judicial Council corresponding statutory amendments resulting from review of the Rules. HB 2363 contains the proposed statutory changes, which were approved by the Judicial Council in June, 2006.

1. The Judicial Council recommends the amendments contained in Sections 1 through 14, as well as the repeal of K.S.A. 20-325, 20-1036 and 20-3111, to delete references to "terms of court" at the district court level, a concept that is no longer used and that was deleted from the Supreme Court Rules Relating to District Courts in September, 2006. The Judicial Council consulted and received input and approval from the Office of Judicial Administration regarding these changes to ensure that they are consistent with current practice.

Senate Judiciary

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Attachment 1

2. The amendment contained in Section 15 relates to motions for summary judgment. K.S.A. 60-256(c) currently provides that a motion for summary judgment must be served at least 10 days prior to the hearing. Supreme Court Rule 141 allows the opposing party 21 days to respond to a motion for summary judgment (a copy of the Rule is attached). The 21-day response time in Rule 141 does not technically conflict with the statute's language of "at least 10 days," but it is confusing for the two governing provisions to seemingly provide differing time frames. The Council recommends that "10 days" in K.S.A. 60-256(c) be changed to "21 days" to eliminate the potential for confusion between the two provisions.

**KANSAS JUDICIAL COUNCIL
DISTRICT COURT RULES ADVISORY COMMITTEE**

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General Counsel
Office of Judicial Administration
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KANSAS SUPREME COURT RULES RELATING TO DISTRICT COURTS

Rule 141 SUMMARY JUDGMENTS

No motion for summary judgment shall be heard or deemed finally submitted for decision until:

(a) The moving party has filed with the court and served on opposing counsel a memorandum or brief setting forth concisely in separately numbered paragraphs the uncontroverted contentions of fact relied upon by said movant (with precise references to pages, lines and/or paragraphs of transcripts, depositions, interrogatories, admissions, affidavits, exhibits, or other supporting documents contained in the court file and otherwise included in the record); and

(b) Any party opposing said motion has filed and served on the moving party within twenty-one (21) days thereafter, unless the time is extended by court order, a memorandum or brief setting forth in separately numbered paragraphs (corresponding to the numbered paragraphs of movant's memorandum or brief) a statement whether each factual contention of movant is controverted, and if controverted, a concise summary of conflicting testimony or evidence, and any additional genuine issues of material fact which preclude summary judgment (with precise references as required in paragraph [a], *supra*).

The motion may be deemed submitted by order of the court upon expiration of twenty-one (21) days, or expiration of the court ordered extended period, after filing and service on opposing counsel of the brief or memorandum of moving party notwithstanding the failure of the opposing party to comply with paragraph (b), *supra*. In such cases the opposing party shall be deemed to have admitted the uncontroverted contentions of fact set forth in the memorandum or brief of moving party. In determining a motion for summary judgment the judge shall state the controlling facts and the legal principles controlling the decision in accordance with Rule 165.

[History: Am. effective September 23, 1980.]



Kansas Bureau of Investigation

Larry Welch
Director

Paul Morrison
Attorney General

Testimony in Support of HB 2360
Before the Senate Judiciary Committee
Kyle Smith, Deputy Director
Kansas Bureau of Investigation
March 7, 2007

Chairman Vratil and Members of the Committee,

On behalf of the Kansas Bureau of Investigation and the Federal Bureau of Investigation, I would respectfully ask your support of HB 2360, a bill to remove the sunset clause in the KSA 22-2411.

That statute recognizes agents of the Federal Bureau of Investigation as law enforcement officers in Kansas. As you may remember, this was legislation passed 3 years ago to make sure FBI agents are covered under situations such as workman's compensation provisions while participating in task forces enforcing Kansas, as opposed to federal, law. A sunset provision was attached which would repeal this statute on July 1st, 2007.

As anticipated, cooperation between state and local law enforcement officers with the FBI has continued to be excellent and there have been no problems with the legislation. Therefore we would respectfully request passage of this bill, removing the sunset clause and making the law permanent.

Thank you for your attention and consideration.

U.S. Department of Justice
Federal Bureau of
Investigation



Testimony in Support of HB 2360
Before the Senate Judiciary Committee
Robert L. Stuart, Acting Chief Division Counsel
Federal Bureau of Investigation, Kansas City Field Office
March 7, 2007

Chairman Vratil and Members of the Committee,

On behalf of the Federal Bureau of Investigation and the Special Agents of the Kansas City Field Office, I thank you for this opportunity to provide testimony in support of HB 2360.

The Kansas City Field Office of the FBI works closely with its state and local partners in Kansas on a variety of matters, including terrorism investigations, violent crime and drug cases, and computer crimes. The passage of HB 2784 in 2004 granted the same protection and authority that a number of other states had previously extended to FBI Agents. As with other similar statutes, the law enacted by the State of Kansas provides limited peace officer authority and civil liability protection to federal agents who find themselves in a situation where they are required to take immediate action to protect the public or prevent the commission of a crime and no federal violation is readily apparent.

In addition to providing FBI Agents with the requisite legal authority to act in order to protect the public when the specific federal jurisdictional basis may be unclear, the statute served to facilitate the cooperative relationships that exist between the FBI and state and local law enforcement agencies in Kansas. For example, the Heart of America Joint Terrorism Task Force has federal and state officers assigned to FBI offices in Kansas City, Topeka, Wichita, and Garden City. We also have the Heart of America Regional Computer Forensics Laboratory (HARCFL), which provides computer forensics assistance and analysis to law enforcement agencies throughout the State of Kansas. To complement the HARCFL's mission, the Kansas City Field Office established the Cyber Crimes Task Force, which is supported by several Kansas law enforcement agencies. Based upon the cooperative relationships that the FBI has developed with law enforcement agencies throughout the State of Kansas, our Agents are subject to being called upon to assist in a variety of matters where ultimate jurisdictional issues may not be determined for some time.

Since the enactment of the Kansas legislation extending peace officer status to FBI Agents in 2004, I am not aware of any instance where the FBI invoked the protections afforded by the law in order to defend the actions undertaken by an Agent. Moreover, since the passage of a similar statute in the State of Missouri in 1997, the FBI has not had to avail itself of the provisions of that law. FBI Agents assigned to the Kansas City Field Office have been briefed on multiple occasions regarding the scope of these statutes, and have consistently demonstrated an ability to discharge their duties as federal law enforcement officers while remaining mindful of the limitations on their status as state peace officers.

Given the continuing need for our Agents to work on matters of mutual interest and jurisdiction with their law enforcement partners in the State of Kansas, and our interest in ensuring that FBI Agents are permitted to respond appropriately to protect the public, I respectfully request that the sunset provision to this statute be removed.

Again, I sincerely appreciate the opportunity to address this Committee in support of HB 2360 and the benefits it will provide to the State of Kansas and the entire law enforcement community.

**TESTIMONY TO THE SENATE JUDICIARY COMMITTEE
IN SUPPORT OF HB 2360
Presented by Ed Klumpp
On behalf of the
Kansas Association of Chiefs of Police**

March 7, 2007

This testimony is in support of HB2360 removing the sunset clause in KSA 22-2411 regarding arrest powers of federal law enforcement agents working under the direction of the FBI. Since its passage there have been no problems that we know of regarding the federal agents' use of these arrest powers. These arrest powers are critical to the efficiency of operations especially in joint task forces such as the terrorism task forces. Such task forces bring the expertise of many federal and local law enforcement officers together to address violent crime in our communities as well as national security investigations and interventions.

We supported the provisions of KSA 22-2411 when it was passed several years ago. Our experience since then has further strengthened our belief in the benefits of granting these powers to the professional law enforcement officers employed by the federal government.

There are no costs associated with this bill. But the benefits could be great in the efficiency and effectiveness of the task forces utilized to combat violent crime and terrorism in our state.

We urge you to recommend passage of HB 2360.



Ed Klumpp
Chief of Police-Retired
Topeka Police Department

Legislative Committee Chair
Kansas Association of Chiefs of Police
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Senate Judiciary
3-7-07
Attachment 4



Dale Goter
Government Relations Manager

TESTIMONY

City of Wichita
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Wichita Phone: 316.268.4351
dgoter@wichita.gov

Kansas Senate Judiciary Committee

Hearing on HB2393

Collection of municipal court fines March 7, 2007

The compromise version of HB 2393 would allow municipal courts that attempt to collect delinquent fines, restitution and court costs to also recover the costs of collection from the delinquent defendants. The collection costs which may be sought as debts owed to the court are capped at a contingent rate of 33% of the original court order. The manner of collection and the contingent rate cap are the same as are available to district courts under K.S.A.75-719. The House compromise removed the automatic civil judgment provisions from the original bill.

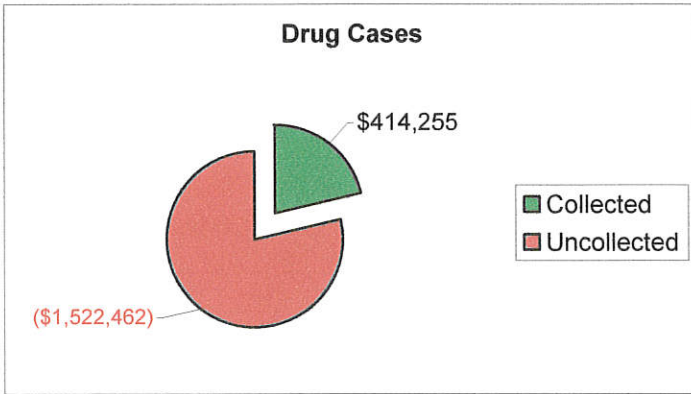
This bill as now presented would provide a vehicle for victims who are owed restitution to be made whole without spending their own money for legal fees, trying to recover the losses they have suffered from a criminal act by a convicted defendant. Likewise, local taxpayers will not be called to subsidize with tax dollars the flaunting of court orders by irresponsible, convicted defendants. Increasing the cost of ignoring court obligations should induce greater compliance from recalcitrant defendants. The size of this problem is substantial. Over the past three years, 2004, 2005 and 2006, the City of Wichita Municipal Court referred 33,096 cases to the collection agency. The dollar value of the delinquent fines, fees and costs owed the court was \$15,662,105. Increasingly, these sums are owed by repeat offenders, who come to understand that there is no cost associated with non-compliance.

Currently, few municipal courts make the effort or choose to incur the expense to collect debts owed to the municipal court. They choose not to spend local tax dollars to collect court costs paid in part to the State of Kansas and restitution that inures to the benefit of a single or just a few individuals. This legislation could induce municipalities to expand or to newly undertake recovery efforts for restitution, fines and court costs, including costs flowing to State of Kansas special accounts, since the costs of those efforts would be taken without credit against the defendants' court obligations, and would not be charges against the general funds of the jurisdictions operating municipal courts.

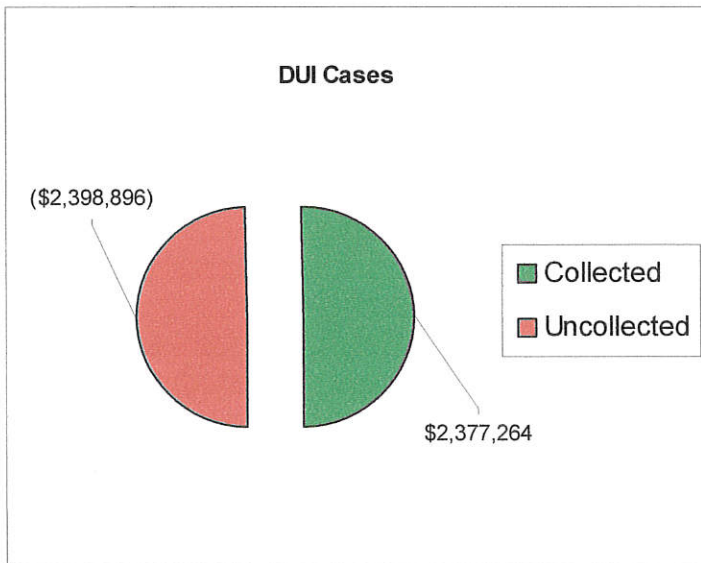
Senate Judiciary

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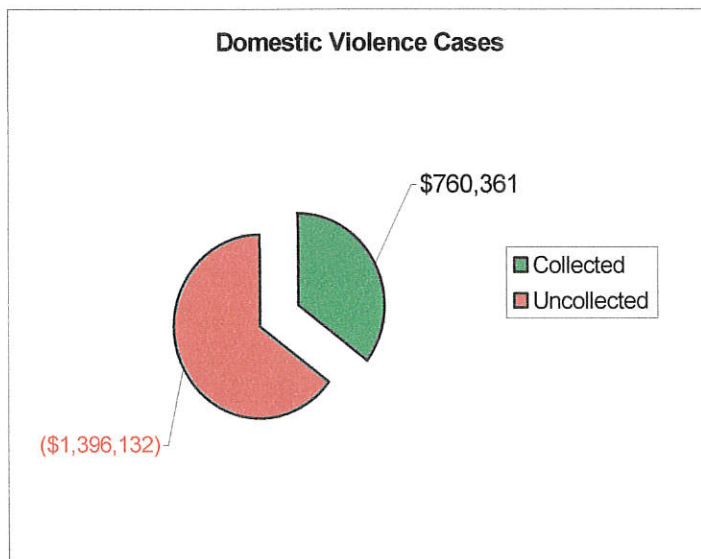
Attachment 5



Of the total \$22.3 million assessed, Wichita Municipal Court has assessed \$1.9 million on adjudicated drug cases in the last three years (2004 – 2006). Of those assessments, only 21%, or \$414,255, is collected. The remaining \$1.5 million remains uncollected.



Of the total \$22.3 million assessed, Wichita Municipal Court has assessed \$4.77 million on adjudicated drive under the influence cases in the last three years (2004 – 2006). Of those assessments, 50%, or \$2,377,264, is collected. The remaining \$2.39 million remains uncollected.



Of the \$22.3 million assessed, Wichita Municipal Court has assessed \$2.15 million on adjudicated Domestic Violence cases in the last three years (2004 – 2006). Of those assessments, 35%, or \$760,360, is collected. The remaining \$1.39 million remains uncollected.



League of Kansas Municipalities

TO: Senate Judiciary Committee

FROM: Sandy Jacquot, Director of Law/General Counsel

DATE: March 7, 2007

RE: HB 2393

I want to thank you on behalf of the League of Kansas Municipalities for the opportunity to testify in favor of HB 2393. This bill would assess the cost of collection of delinquent municipal court fines and costs to the defendant when the court contracts with a collection agency. In addition, the bill would allow the victim to which restitution had been ordered to use the contracting collection agency to attempt to collect any unpaid restitution.

For some of our larger municipal courts, collection of delinquent fines and court costs is an ongoing concern. Contracting with a collection agency is often the most efficient means of collecting fines and court costs, but the end result is that the city bears the cost of collection. This bill would shift the burden to the defendant who has chosen not to pay the fine rather than the taxpayers of the city at large.

There has been some opposition to this bill in the past, because of various views held about the function of municipal courts. The simple fact is that these fines are due and owing to the municipality, they have been lawfully imposed and this bill will aid cities in the collection of such fines. The League supports HB 2393 and urges the committee to report the bill favorably for passage.

Michael Corrigan
JUDGE
Division 10



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mcorrigan@dc18.org

DISTRICT COURT
EIGHTEENTH JUDICIAL DISTRICT
SEDGWICK COUNTY COURTHOUSE
525 N. MAIN - 11TH FLOOR
WICHITA, KANSAS
67203

March 5, 2007

SENATE COMMITTEE ON JUDICIARY

Re: H.B. 2393

Comments by Michael Corrigan, Chief Judge of the District Court in Wichita

The primary sponsor of this bill is the City of Wichita.

This bill came before the House Judiciary Committee on February 15. At that hearing the City of Wichita agreed to amend everything out of the bill below sub-section (g). This was agreed to with the understanding that the House Judiciary Committee would then give favorable consideration to the remainder of the bill.

The District Courts have no objection to this bill as presently amended. The bill now just deals with Municipal Court contracts for collection services for unpaid Municipal Court court costs, fines and fees.

The part of the bill that the District Courts objected to – the part now amended out sought authority for Municipal Courts to transfer potentially thousands of Municipal Court unpaid court costs, fees, and fines to the District Courts for collection purposes.

Senate Judiciary
3-7-07
Attachment 7

This transfer of these thousands of Municipal Court unpaid costs, fines and fees would have a crushing burden on the District Court services in Wichita. Some of those services are:

(1) garnishment proceedings, (2) executions on property (3) Bench Warrant hearings (4) Contempt hearings (5) Debtor hearings and (6) Continuance hearings. All of the above could require service of process documents handling by District Court clerks.

These proceedings would require extensive use of District Court clerks, judges and equipment in a District Court that is already stretched to the limit.

Attached is a copy of District Court clerical services that would be used to process these Municipal Court "judgments".

Thank you

Civil Department Clerical Procedures To Process And Collect On Chapter 61 Cases

Chapter 61 New Case:

- Pleading come in and are filed stamped by clerk.
- Clerk assigns case number and stamps Journal Entry and Coversheet.
- Data is entered on computer.
- Documents are coded, sorted and prepared for scanning.
- Documents are sent to the Records department for scanning.
- Once scanning process is complete by the records department, the civil dept. clerk transfers the information into FullCourt. This is done by the clerks accessing electronic image folders containing the imaged documents and identifying (IDM) numbers. They do the data entry to add IDM numbers to FullCourt from Imaging and mark the electronic document complete.

Order to Appear in Aid of Execution/Citations for Contempt:

- Documents are brought to clerk for processing.
- If Judge's signature has not been obtained, the document is placed in a different spot to be sent to assignment court for signature. A clerk from assignment court comes to the office daily to pick up and or drop off papers.
- All the documents are filed stamped.
- Documents are sorted accorded to document type (Order In Aid or Citation for Contempt) as well as type of service. (Personal, Special Process Server or First Class Mail.)
- Original copies of the documents are stamped and prepared for scanning.
- Additional documents, or service copies are stamped and prepared to be served.
- Any additional filed stamped copies are placed in attorney's boxes or mailed to attorneys.
- Documents are sent to the Records department for scanning.
- Once scanning is complete the civil dept. clerk transfer the information in to Fullcourt. This is done by the clerks accessing electronic image folders containing the imaged documents and identifying (IDM) numbers. The civil clerk does the data entry to add IDM numbers to Fullcourt from Imaging and mark the electronic document complete.

Bench Warrant:

- Documents are brought to clerk for processing.
- If Judge's signature has not been obtained document is sent for signature. The document is placed in a designated spot to be sent to assignment court for signature. A clerk from assignment court comes to the office daily to pick up and or drop off papers.

- Documents are file stamped & sorted .
- Information sheets are confidential and are sorted and kept separately. This document type goes through the same scanning procedures; however, they are not filed in the case file.
- Data is entered on computer.
- Documents are coded, sorted and prepared for scanning.
- Documents are sent to the Records department for scanning.
- Once scanning is complete the civil dept. clerk transfer the information in to Fullcourt. This is done by the clerks accessing electronic image folders containing the imaged documents and identifying (IDM) numbers. The civil clerk does the data entry to add IDM numbers to Fullcourt from Imaging and mark the electronic document complete.

Garnishment/Executions:

Wage garnishments:

All initial wage garnishment are filed with the clerks office. The request for garnishment and the garnishment. Wage garnishments are continuing garnishments.

- All documents are filed stamped.
- Documents are sorted according to document type (wage/non-wage/execution) and service type (Personal, Special Process Server or First Class Mail.)
- Documents are stamped with issue date and service copies are stapled for service.
- Original documents are coded and prepared to be sent to scanning.
- Once scanning is complete by the records department the civil dept. clerk transfers the information into Full Court. This is done by the clerks accessing an electronic image folders containing the imaged documents and identifying numbers. They add IDM numbers to Full Court from Imaging and mark the electronic document complete.
- The garnishment answer (for a wage garnishment) is filed with the attorneys office, the payments are sent directly to the attorneys office.
- However, once the judgment has been satisfied; the attorney files a full release or a satisfaction of judgment with the clerks office.

Non-wage garnishments:

All non-wage garnishments are filed with the clerks office and all processes for a nonwage garnishment still go through the clerks office.

- All documents are filed stamped.
- Documents are sorted according to document type (wage/non-wage/execution) and service type (Personal, SPS or First Class Mail.)
- Documents are stamped with issue date and service copies are stapled for service

- Garnishment Answer is filed with the clerks office on all non-wage garnishments, generally by mail.
- Garnishment answers are filed stamped, copied, coded and prepared for scanning.
- Copies of all answers are mailed to deft and pltf attorney by the clerks office.
- The Order to Pay is filed with the clerks office.
- If Judge's signature has not been obtained, the document is sent for signature. The document is placed in a designated spot to be sent to assignment court for signature. A clerk from assignment courts comes to the office daily to pick up and or drop off papers.
- All Documents are filed stamped .
- Document is coded and sorted and prepared for scanning.
- Once scanning is complete by the records department the civil dept. clerk transfers the information into FullCourt. This is done by the clerks accessing electronic image folders containing the imaged documents and identifying (IDM) numbers. The civil clerk does the data entry to add IDM numbers to FullCourt from Imaging and mark the electronic document complete.

Pay Out Process (for non-wage garnishments):

- Checks from the various garnishees are mailed into the Court.
- The clerk receipts each check.
- The clerks balances monies received and turns in a deposit each day.
- The department deposit is turned into the accounting department each day.
- The accounting department is responsible for the overall deposit.
- The accounting department prints court checks daily; once the checks have met the required hold days.
- Checks are mailed out daily to the various entities.

Satisfaction of Judgment;

- Document is filed stamped.
- Document is coded, sorted and prepared for scanning.
- Once scanning is complete by the records department the civil dept. clerk transfers the information into FullCourt. This is done by the clerks accessing electronic image folder containing the imaged documents and identifying (IDM) numbers. The civil clerks does the data entry to add IDM numbers to FullCourt from Imaging and mark the electronic document complete.
- File stamped copies are mailed to pltf atty when provided.

Scanning procedures in the Records Department

There are different libraries for the different departments of the Court, Civil, Probate, Family Law, Criminal, and Juvenile.

Each group of papers received by the records department is called a 'batch'. Several batches are received daily. The records department scans all the documents from each department except for Juvenile. The record clerks who are designated as 'scanners' scan the documents one batch at a time.

Each clerical office is responsible to prepare their documents for scanning before delivering them to the records dept. i.e.: making sure documents have been clocked in and initialed, staples removed; document separator sheets inserted between each document and a cover sheet.

Each batch of documents is received with a cover sheet placed on the top. The cover sheet indicates to the scanner: the department, the priority of the documents, the code assigned for the type of document and whether or not the documents are confidential. Red cover sheets are high priority--scanned within 24 hours. Blue cover sheets medium priority--scanned within 24-48 hours. White cover sheers have no or regular priority--scanned with 2-3 days.

Once logged into the correct library, the scanner names each batch, writes the name of the batch on a list, initials and writes the date the documents were scanned.

Once all the documents are scanned the images will be viewable and the pages listed in the scan window. The scanner checks each page by clicking on the page name and making sure the image matches the paper document, also the scanner is checking to see that the image is straight, readable and that the pages are not bent or folded, covering the case caption.

The indexer logs on to assemble and set the properties of the batches which consists of entering the data, by indexing the names and case numbers and setting the properties to confidential or non confidential in the imaging system.



KANSAS DISTRICT COURT

Chambers of
CHARLES E. ANDREWS, Jr.
District Judge

Shawnee County Courthouse
Division No. Nine
Topeka, Kansas 66603-3922
(785) 233-8200 Ext. 4357
Fax (785) 291-4917

Officers
DOROTHY J. SULL
Official Court Reporter
(785) 233-8200 Ext. 4421
TWAYLA CUNNINGHAM
Administrative Assistant

SENATE JUDICIARY COMMITTEE

RE: H.B. 2939

Dear Honorable Members of the Committee:

I want to take this opportunity to address the Shawnee County District Court's concern about H.B. 2939 in its former format. As the modified bill stands now, the Court is relieved that thousands of new Chapter 61 cases will not be flooding the Court systems.

The basis for the original bill was to convert Municipal Court fines into judgments that could be collected through the Chapter 61 process. While we all agree that the need for Municipal Court to have a system to collect its fines, we feel that can be better addressed in allowing the Municipal Court its own process to do so.

There is already a flood of civil litigation to deal with. Shawnee County experienced 205 additional Chapter 60 cases in 2006. We also handled over 23,000 Chapter 61 collection cases. Our system can ill afford the influx of thousands more cases.

Thank you for your consideration in this matter.

Very truly yours,

CHARLES E. ANDREWS, JR.
District Judge

CEA:tc

Senate Judiciary

3-7-07

Attachment 8

SENATE BILL No. 296

By Committee on Federal and State Affairs

2-6

9 AN ACT relating to eminent domain; concerning blighted property;
10 amending K.S.A. 2006 Supp. 26-501b and repealing the existing
11 section.

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

14 Section 1. K.S.A. 2006 Supp. 26-501b is hereby amended to read as
15 follows: 26-501b. On and after July 1, 2007, the taking of private property
16 by eminent domain for the purpose of selling, leasing, or otherwise trans-
17 ferring such property to any private entity is authorized if the taking is:

18 (a) By the Kansas department of transportation or a municipality and
19 the property is deemed excess real property that was taken lawfully and
20 incidental to the acquisition of right-of-way for a public road, bridge or
21 public improvement project including, but not limited to a public build-
22 ing, park, recreation facility, water supply project, wastewater and waste
23 disposal project, storm water project and flood control and drainage
24 project;

25 (b) by any public utility, as defined in K.S.A. 66-104, and amend-
26 ments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and
27 amendments thereto, pipe-line companies, railroads and all persons and
28 associations of persons, whether incorporated or not, operating such
29 agencies for public use in the conveyance of persons or property within
30 this state, but only to the extent such property is used for the operation
31 of facilities necessary for the provision of services;

32 (c) by any municipality when the private property owner has acqui-
33 esced in writing to the taking;

34 (d) by any municipality for the purpose of acquiring property which
35 has defective or unusual conditions of title including, but not limited to,
36 clouded or defective title or unknown ownership interests in the property;

37 (e) by any municipality for the purpose of acquiring property which
38 is unsafe for occupation by humans under the building codes of the ju-
39 risdiction where the structure is situated;

40 (f) expressly authorized by the legislature on or after July 1, 2007, by
41 enactment of law that identifies the specific tract or tracts to be taken. If
42 the legislature authorizes eminent domain for private economic devel-
43 opment purposes, the legislature shall consider requiring compensation

9-2

1 of at least 200% of fair market value to property owners;

2 (g) by any municipality, within the corporate boundary of such mu-
3 nicipality, for the purpose of remediating blight. As used in this section,
4 "blighted property," "blighted" or "blight" means any developed property
5 which:

6 (1) Presents any of the following conditions:

7 (A) Uninhabitable, unsafe or abandoned structures;

8 (B) ~~inadequate provisions for ventilation, light, air or sanitation;~~

9 (C) an imminent ~~harm~~ to life or other property caused by fire, flood,
10 tornado, storm or other natural catastrophe and the property owner has
11 failed to take reasonable measures to remedy the harm; danger

12 (D) a site identified by the federal environmental protection agency
13 as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental
14 contamination to an extent that requires remedial investigation or a fea-
15 sibility study; (D)

16 (E) repeated illegal activities involving controlled substances, prosti-
17 tution or promoting prostitution on the individual property of which the
18 property owner knew or should have known; or is or was

19 (F) the maintenance of the property ~~remains~~ in violation of state law
20 or municipal nuisance code requirements and has received at least three
21 notices for code violations within one year and such ~~code violations have~~
22 ~~been abated by the~~ municipality, except that this paragraph shall not
23 apply to the removal or abatement of grass, weeds or other vegetation
24 from such property. (E) has attempted or completed abatement
of such code violations

25 (2) Property shall not be deemed blighted because of esthetic
26 conditions.

27 (3) In no case shall land that is agricultural land be determined to be
28 in a blighted condition.

29 (4) For the purposes of this subsection:

30 (A) "Agricultural land" means any interest in real property that is
31 privately owned and satisfies any one of the following criteria:

32 (i) Is classified pursuant to article 11, section 1, of the Kansas con-
33 stitution as devoted to agricultural use;

34 (ii) is a feedlot, confined feeding facility or public livestock market;
35 or

36 (iii) is a farm home.

37 (B) "Confined feeding facility" means any lot, pen, pool or pond:

38 (i) Which is used for the confined feeding of animals or fowl for food,
39 fur or pleasure purposes;

40 (ii) which is not normally used for raising crops; and

41 (iii) in which no vegetation intended for animal food is growing.

42 (C) "Corporate boundary" means the jurisdictional boundary of the
43 municipality, specifically the city limits or county line. and does not in-

1 *clude an urban growth area or area designated by a planning or zoning*
2 *commission in accordance with K.S.A. 12-754, and amendments thereto.*

3 (D) *"Farm home" means any tract of land which contains a single-*
4 *family residence, is adjacent to agricultural land and is occupied by an*
5 *individual or individuals engaged in farming operations.*

6 (E) *"Farming" means the cultivation of land for the production of*
7 *agricultural crops, the raising of poultry, the production of eggs, the pro-*
8 *duction of milk, the production of fruit, sod, or other horticultural crops,*
9 *grazing or the production of livestock.*

10 (F) *"Feedlot" means a lot, yard, corral, confined feeding facility or*
11 *other area in which livestock are fed for slaughter and are confined and*
12 *such additional acreage as is necessary for the operation of the feedlot.*

13 (G) *"Livestock" means cattle, sheep, swine, horses, mules, asses,*
14 *goats, aquatic animals, domesticated deer, all creatures of the ratite family*
15 *that are not indigenous to this state, including, but not limited to, os-*
16 *triches, emus and rheas, and any other animal which can or may be used*
17 *in and for the preparation of meat or meat products.*

18 ~~(g)~~ (h) *This section shall be part of and supplemental to the eminent*
19 *domain procedure act.*

20 Sec. 2. K.S.A. 2006 Supp. 26-501b is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the ~~Kansas register~~

statute book

1 of at least 200% of fair market value to property owners;
2 (g) by any municipality, within the corporate boundary of such mu-
3 nicipality, for the purpose of remediating blight. As used in this section,
4 "blighted property," "blighted" or "blight" means any developed property
5 which:

- 6 (1) Presents any of the following conditions:
- 7 (A) Uninhabitable, unsafe or abandoned structures;
- 8 (B) inadequate provisions for ventilation, light, air or sanitation;
- 9 (C) an imminent harm to life or other property caused by fire, flood,
10 tornado, storm or other natural catastrophe and the property owner has
11 failed to take reasonable measures to remedy the harm;
- 12 (D) a site identified by the federal environmental protection agency
13 as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental
14 contamination to an extent that requires remedial investigation or a fea-
15 sibility study;
- 16 (E) repeated illegal activities involving controlled substances, prosti-
17 tution or promoting prostitution on the individual property of which the
18 property owner knew or should have known; or

19 (F) the maintenance of the property remains in violation of state law
20 or municipal nuisance code requirements and has received at least three
21 notices for code violations within one year and such code violations have
22 been abated by the municipality, except that this paragraph shall not
23 apply to the removal or abatement of grass, weeds or other vegetation
24 from such property.

25 (2) Property shall not be deemed blighted because of esthetic
26 conditions.

27 ~~(3)~~ In no case shall land that is agricultural land be determined to be
28 in a blighted condition.

(3) In no case shall a sport shooting range, as defined under K.S.A. 58-3221, and amendments thereto, be determined to be in a blighted condition.

29 (4) For the purposes of this subsection:

30 (A) "Agricultural land" means any interest in real property that is
31 privately owned and satisfies any one of the following criteria:

(4)

32 (i) Is classified pursuant to article 11, section 1, of the Kansas con-
33 stitution as devoted to agricultural use;

(5)

34 (ii) is a feedlot, confined feeding facility or public livestock market;
35 or

36 (iii) is a farm home.

37 (B) "Confined feeding facility" means any lot, pen, pool or pond:

38 (i) Which is used for the confined feeding of animals or fowl for food,
39 fur or pleasure purposes;

40 (ii) which is not normally used for raising crops; and

41 (iii) in which no vegetation intended for animal food is growing.

42 (C) "Corporate boundary" means the jurisdictional boundary of the
43 municipality, specifically the city limits or county line, and does not in-

SENATE BILL No. 296

By Committee on Federal and State Affairs

2-6

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17 ferring such property to any private entity is authorized if the taking is:

18 (a) By the Kansas department of transportation or a municipality and
19 the property is deemed excess real property that was taken lawfully and
20 incidental to the acquisition of right-of-way for a public road, bridge or
21 public improvement project including, but not limited to a public build-
22 ing, park, recreation facility, water supply project, wastewater and waste
23 disposal project, storm water project and flood control and drainage
24 project;

25 (b) by any public utility, as defined in K.S.A. 66-104, and amend-
26 ments thereto, gas gathering service, as defined in K.S.A. 55-1,101, and
27 amendments thereto, pipe-line companies, railroads and all persons and
28 associations of persons, whether incorporated or not, operating such
29 agencies for public use in the conveyance of persons or property within
30 this state, but only to the extent such property is used for the operation
31 of facilities necessary for the provision of services;

32 (c) by any municipality when the private property owner has acqui-
33 esced in writing to the taking;

34 (d) by any municipality for the purpose of acquiring property which
35 has defective or unusual conditions of title including, but not limited to,
36 clouded or defective title or unknown ownership interests in the property;

37 (e) by any municipality for the purpose of acquiring property which
38 is unsafe for occupation by humans under the building codes of the ju-
39 risdiction where the structure is situated;

40 (f) expressly authorized by the legislature on or after July 1, 2007, by
41 enactment of law that identifies the specific tract or tracts to be taken. If
42 the legislature authorizes eminent domain for private economic devel-
43 opment purposes, the legislature shall consider requiring compensation

1 of at least 200% of fair market value to property owners;

2 (g) *by any municipality, within the corporate boundary of such mu-*
3 *nicipality, for the purpose of remediating blight. As used in this section,*
4 *“blighted property,” “blighted” or “blight” means any developed property*
5 *which:*

6 (1) *Presents any of the following conditions:*

7 (A) *Uninhabitable, unsafe or abandoned structures;*

8 (B) *inadequate provisions for ventilation, light, air or sanitation;*

9 (C) *an imminent harm to life or other property caused by fire, flood,*
10 *tornado, storm or other natural catastrophe and the property owner has*
11 *failed to take reasonable measures to remedy the harm;*

12 (D) *a site identified by the federal environmental protection agency*
13 *as a superfund site pursuant to 42 U.S.C. § 9601, et seq., or environmental*
14 *contamination to an extent that requires remedial investigation or a feas-*
15 *ibility study;*

16 (E) *repeated illegal activities involving controlled substances, prosti-*
17 *tution or promoting prostitution on the individual property of which the*
18 *property owner knew or should have known; or*

19 (F) *the maintenance of the property remains in violation of state law*
20 *or municipal nuisance code requirements and has received at least three*
21 *notices for code violations within one year and such code violations have*
22 *been abated by the municipality, except that this paragraph shall not*
23 *apply to the removal or abatement of grass, weeds or other vegetation*
24 *from such property.*

25 (2) *Property shall not be deemed blighted because of esthetic*
26 *conditions.*

27 (3) *In no case shall land that is agricultural land be determined to be*
28 *in a blighted condition.*

29 (4) *For the purposes of this subsection:*

30 (A) *“Agricultural land” means any interest in real property that is*
31 *privately owned and satisfies any one of the following criteria:*

32 (i) *Is classified pursuant to article 11, section 1, of the Kansas con-*
33 *stitution as devoted to agricultural use;*

34 (ii) *is a feedlot, confined feeding facility or public livestock market;*
35 *or*

36 (iii) *is a farm home.*

37 (B) *“Confined feeding facility” means any lot, pen, pool or pond:*

38 (i) *Which is used for the confined feeding of animals or fowl for food,*
39 *fur or pleasure purposes;*

40 (ii) *which is not normally used for raising crops; and*

41 (iii) *in which no vegetation intended for animal food is growing.*

42 (C) *“Corporate boundary” means the jurisdictional boundary of the*
43 *municipality, specifically the city limits or county line, and does not in-*

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1 clude an urban growth area or area designated by a planning or zoning
2 commission in accordance with K.S.A. 12-754, and amendments thereto.

3 (D) "Farm home" means any tract of land which contains a single-
4 family residence, is adjacent to agricultural land and is occupied by an
5 individual or individuals engaged in farming operations.

6 (E) "Farming" means the cultivation of land for the production of
7 agricultural crops, the raising of poultry, the production of eggs, the pro-
8 duction of milk, the production of fruit, sod, or other horticultural crops,
9 grazing or the production of livestock.

10 (F) "Feedlot" means a lot, yard, corral, confined feeding facility or
11 other area in which livestock are fed for slaughter and are confined and
12 such additional acreage as is necessary for the operation of the feedlot.

13 (G) "Livestock" means cattle, sheep, swine, horses, mules, asses,
14 goats, aquatic animals, domesticated deer, all creatures of the ratite family
15 that are not indigenous to this state, including, but not limited to, os-
16 triches, emus and rheas, and any other animal which can or may be used
17 in and for the preparation of meat or meat products.

18 (H) This section shall be part of and supplemental to the eminent
19 domain procedure act.

20 Sec. 2. K.S.A. 2006 Supp. 26-501b is hereby repealed.

21 Sec. 3. This act shall take effect and be in force from and after its
22 publication in the Kansas register.

New Sec. 2. (a) When a municipality authorizes the taking of private residential property by eminent domain under subsection (g) of K.S.A. 2006 Supp. 26-501b, and amendments thereto, it shall sell or otherwise transfer such property to a nonprofit corporation as defined in K.S.A. 17-5903, and amendments thereto, for the purpose of providing single or multi-family residential dwellings. Such nonprofit corporation shall have been rehabilitating or repairing residences for at least seven years. Except that, if there is no nonprofit corporation meeting such seven-year requirement, the municipality may sell or otherwise transfer such property to a nonprofit organization meeting the state of Kansas community housing development organization (CHDO) requirements. Such nonprofit corporation shall require a purchaser of the residential property to reside in the dwelling for at least five years from the date of the conveyance.

(b) When a municipality authorizes the taking of commercial property by eminent domain under subsection (g) of K.S.A. 2006 Supp. 26-501b, and amendments thereto, it must hold a public sale following procedures provided by K.S.A. 3-143, and amendments thereto.

and renumber the following sections accordingly

3-143. Same; negotiations; bids; deeds. Before transferring and conveying said real estate, the governing bodies of said cities shall negotiate a sale or sales of such real estate, and no sale thereof shall be completed and conveyance made until: (1) Said governing bodies shall have solicited sealed bids by public notice inserted once each week in the official city newspaper of said cities for three consecutive weeks, and such sale shall be to the highest responsible bidder after such notice, except that said governing bodies may reject any and all bids, and in any such case, new bids may be called for as in the first instance; and (2) said bid has been accepted and resolutions accepting the same made a part of the records of said governing bodies. Thereupon, said cities by their respective mayors and city clerks are hereby authorized to make, execute and deliver a good and sufficient deed or deeds of conveyance to the purchaser or purchasers thereof.