

SESSION OF 2011

SUPPLEMENTAL NOTE ON SENATE BILL NO. 9

As Amended by Senate Committee on
Judiciary

Brief*

SB 9 would amend the Kansas Code of Civil Procedure. Most of the amendments are non-substantive, technical changes. These changes would correct typographical errors, make the civil code provision consistent with other Kansas statutory provisions, or make the civil code caption consistent with the corresponding caption in the Federal Rules of Civil Procedure, on which the Kansas code is modeled.

The more substantive changes are:

- The time period for filing a motion to transfer an appeal to the Supreme Court would be expanded from 20 days to 30 days, to correspond with the increased time allowed for docketing an appeal;
- The time period provided for a court adjudicating a juvenile offense to send case files to the sentencing court would be changed from 5 working days to 7 days;
- The bill would clarify that the three-day mail rule of K.S.A. 60-260(d) applies to service by fax and electronic means; and
- The bill would add requirements for a docket fee and case file number for foreign subpoenas filed in Kansas.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>

Background

The Kansas Judicial Council requested the Senate Judiciary Committee introduce SB 9 as a follow-up bill to HB 2656, passed by the 2010 Legislature, which recodified the Kansas Code of Civil Procedure to conform with recent amendments to the federal rules.

In the Senate Judiciary Committee, the Executive Director of the Kansas Judicial Council appeared in support of SB 9, explaining that SB 9 contains technical amendments and a few substantive revisions that were missed in HB 2656. No opponents provided testimony.

The Committee amended the bill pursuant to a request by the Judicial Council to add a provision requiring a docket fee and case file number for foreign subpoenas filed in Kansas under the Uniform Interstate Depositions and Discovery Act. The Committee recommended the bill be passed as amended.

The fiscal note on the bill, as introduced, states the bill is a technical clean-up bill that would have no fiscal effect.