

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 p.m. on March 4, 2004 in Room 313-S of the Capitol.

All members were present except:

Representative Ward Loyd- excused
Representative Michael O'Neal- excused
Representative Dan Williams- excused

Committee staff present:

Jill Wolters, Revisor of Statutes
Diana Lee, Revisor of Statues
Jerry Ann Donaldson, Kansas Legislative Research Department
Cindy O'Neal, Secretary

Conferees appearing before the committee:

John Steelman, Court Administrator, 4th Judicial District
Kay Falley, Court Administrator, 3rd Judicial District
Lisa Wilson, Office of Judicial Administration
Wayne White, Kansas Legal Services, Inc.
Kathy Porter, Office of Judicial Administration
Kathy Olsen, Kansas Bankers Association

The hearing on **SB 317 - eliminating the requirement subpoenaed business records held indefinitely by the clerk of the district court**, was opened.

John Steelman, Court Administrator, 4th Judicial District, appeared before the committee as a proponent of the bill. He explained that the proposed bill would allow clerks to return business records which were not used as evidence within 30 days after a case had been terminated. (Attachment 1)

The hearing on **SB 317** was closed.

The hearing on **SB 316 - requiring judges to sign executions and orders of sales**, was opened.

Kay Falley, Court Administrator, 3rd Judicial District, stated that the change is simple and would require executions and orders of sale be issued by the clerk but signed by the judge. This is currently the practice with other orders. (Attachment 2)

The hearing on **SB 316** was closed.

The hearing on **SB 315 - requiring a \$20 domestic post-docket motion fee on any domestic post-decree motion**, was opened.

Lisa Wilson, Office of Judicial Administration, appeared as a proponent of the bill. Which would include all post-decree motions so clerks would not have to spend them reading the motions to determine if a docket fee should be assessed. The bill would also remove the sunset of the \$21 docket fee to make it permanent. When filing motions, attorneys are coming up with creative titles which are requiring clerks to spend time reading each motion to determine what type of motion it is. (Attachment 3)

Committee members were concerned with the increase in fees and thought it might be looked upon as "funding for the court". Some wondered why the court doesn't make a rule to mandate exactly what is to be in the title of a motion.

Written testimony in opposition to the bill was provided by the Kansas Bar Association (Attachment 4)

The hearing on **SB 315** was closed.

The hearing on **SB 298 - creation of docket fee for garnishments**, was opened.

CONTINUATION SHEET

MINUTES OF THE HOUSE JUDICIARY COMMITTEE at 3:30 p.m. on March 4, 2004 in Room 313-S of the Capitol.

The proposed bill was requested from the Special Committee on Judiciary this past summer and would impose a \$5 docket fee for garnishment actions under Chapter 60 & 61 actions. The Senate amended the bill to establish a new Judicial Branch Fund in which the fees would be deposited. The fund would be administered by the Chief Justice of the Supreme Court. No proponents appeared on behalf of the bill. Those who did appear simply requested amendments.

Wayne White, Kansas Legal Services, Inc., requested an amendment to have the moneys generated by the garnishment docket fee be earmarked for the Access to Justice Fund, which provides legal assistance in debt collection and other related consumer legal issues. (Attachment 5)

Kathy Porter, Office of Judicial Administration, requested an amendment which would allow the docket fee to be placed with all other docket fees and then sent to the State Treasurer and then go through the docket fee percentage splits with a portion going to the newly proposed Judicial Branch Fund. (Attachment 6)

Kathy Olsen, Kansas Bankers Association, appeared as an opponent to the bill citing that it would raise the cost of collection on debts for all business, not just banks. (Attachment 7)

Written testimony in opposition to the bill was provided by the Kansas Bar Association (see attachment 4)

The hearing on **SB 298** was closed.

The committee meeting adjourned. The next meeting was scheduled from March 8, 2004.