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TO: House Judiciary Committee

FROM: Kansas Judicial Council – Nancy Strouse

DATE: February 9, 2016

RE: Judicial Council Testimony on SB 319

The Judicial Council supports SB 319, which corrects a reference in K.S.A. 61-2708. The citation in this statute to “article 19 of chapter 61” was never amended when the Council’s proposed revision of the code of civil procedure for limited actions was passed 15 years ago.

During the 2000 legislative session, a new code was enacted and the old statutes were repealed. K.S.A. 61-2708 currently refers to article 19 for venue provisions, although article 19 was repealed as of January 1, 2001. In the new code, venue is covered in article 34.

While this may seem like a very small change, it is important. It is currently unclear what law applies to small claims venue issues. I have been contacted by district judges and the Office of the Attorney General expressing concerns about the absence of venue provisions in small claims actions as a result of the erroneous reference to a repealed article.

The Judicial Council recommends that SB 319 be passed to delete from K.S.A. 61-2708 the reference to repealed article 19 and replace it with the correct reference to article 34.