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300 SW TENTH AVENUE ■ SUITE 24-E ■ TOPEKA, KS 66612 ■ (785) 296-2321

MEMORANDUM

To: Chairman Barker and members of the House Judiciary Committee

From: Jason Thompson, Senior Assistant Revisor of Statutes

Date: March 8, 2016

Subject: Statutes Repealed by HB 2705 (same as SB 454)

20-367. Disposition of docket fees. (Repealed in 2014 HB 2338, need to repeal again)

Directs distribution of docket fees (after the deduction of the county general fund, county law library fund, prosecuting attorneys' training fund and law enforcement training center fund) by a specified percentage amount to the following funds: (1) 4.37% to the access to justice fund; (2) 2.42% to the juvenile detention facilities fund; (3) 1.87% to the judicial branch education fund; (4) .50% to the crime victims assistance fund; (5) 2.38% to the protection from abuse fund; (6) 3.78% to the judiciary technology fund; (7) .30% to the dispute resolution fund; (8) 1.10% to the Kansas juvenile delinquency prevention trust fund; (9) .19% to the permanent families account in the family and children investment fund; (10) 1.31% to the trauma fund; (11) .99% to the judicial council fund; (12) .60% to the child exchange and visitation centers fund; (13) 16.03% to the judicial branch nonjudicial salary adjustment fund; (14) 15.85% to the judicial branch nonjudicial salary incentive initiative fund; and (15) the balance to the state general fund.

20-1a16. Electronic filing and management fund; authorized uses of moneys credited to fund. Created in 2014 HB 2338; repealed and re-created in Section 2 of SB 445.

20-1a17. Nonseverable provision. (from 2014 HB 2338)

Used to strike down entire 2014 enactment, no longer needed.

28-178. Same; discretionary charge by supreme court.

Part of the statutes authorizing a surcharge to fund the costs of non-judicial personnel.

28-179. Post-decree motion docket fee; authorized only by legislative enactment.

Any fees in post-decree family law cases will be an amount dete

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20-1a17. Nonseverable provision. The provisions of this act are not severable. If any provision of this act* is stayed or is held to be invalid or unconstitutional, it shall be presumed conclusively that the legislature would not have enacted the remainder of such act without such stayed, invalid or unconstitutional provision.

History: L. 2014, ch. 82, § 43; July 1.

* This act means L. 2014, ch. 82.

28-178. Same; discretionary charge by supreme court. (a) In addition to any other fees specifically prescribed by law, on and after July 1, 2015, through June 30, 2017, the supreme court may impose a charge, not to exceed \$12.50 per fee, to fund the costs of non-judicial personnel, on the following:

(1) A person who requests an order or writ of execution pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(2) Persons who request a hearing in aid of execution pursuant to K.S.A. 60-2419, and amendments thereto.

(3) A person requesting an order for garnishment pursuant to article 7 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, or article 35 of chapter 61 of the Kansas Statutes Annotated, and amendments thereto.

(4) Persons who request a writ or order of sale pursuant to K.S.A. 60-2401 or 61-3602, and amendments thereto.

(5) A person who requests a hearing in aid of execution pursuant to K.S.A. 61-3604, and amendments thereto.

(6) A person who requests an attachment against the property of a defendant or any one or more of several defendants pursuant to K.S.A. 60-701 or 61-3501, and amendments thereto.

(b) The clerk of the district court shall remit all revenues received from the fees imposed pursuant to subsection (a) 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 docket fee fund.

(c) The fees established in this section shall be the only fee collected or moneys in the nature of a fee collected for such court procedures. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee.

History: L. 2009, ch. 116, § 1; L. 2010, ch. 62, § 9; L. 2011, ch. 87, § 9; L. 2012, ch. 66, § 9; L. 2013, ch. 125, § 9; L. 2014, ch. 82, § 30; L. 2015, ch. 81, § 15; July 1.

28-179. Post-decree motion docket fee; authorized only by legislative enactment. (a) No post-decree motion petitioning for a modification or termination of separate maintenance, 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 \$40 on and after July 1, 2013, 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 K.S.A. 20-362, and amendments thereto.

(d) Except as provided further, the docket fee established in this section shall be the only fee collected or moneys in the nature of a fee collected for the docket fee. Such fee shall only be established by an act of the legislature and no other authority is established by law or otherwise to collect a fee. On and after July 1, 2015, through June 30, 2017, the supreme court may impose an additional charge, not to exceed \$22 per docket fee, to fund the costs of non-judicial personnel.

History: L. 1996, ch. 234, § 2; L. 2000, ch. 171, § 22; L. 2003, ch. 101, § 11; L. 2004, ch. 95, § 4; L. 2006, ch. 195, § 16; L. 2007, ch. 162, § 3; L. 2008, ch. 95, § 12; L. 2009, ch. 116, § 22; L. 2009, ch. 143, § 19; L. 2010, ch. 62, § 14; L. 2011, ch. 87, § 14; L. 2012, ch. 66, § 10; L. 2013, ch. 125, § 10; L. 2014, ch. 82, § 31; L. 2015, ch. 81, § 16; July 1.

Revisor's Note:

Section was amended twice in the 2006 session, see also 60-1621a.

Section was also amended by L. 2009, ch. 82, § 5, but that version was repealed by L. 2009, ch. 143, § 37.