

SESSION OF 2015

SUPPLEMENTAL NOTE ON SENATE BILL NO. 15

As Amended by Senate Committee on Judiciary

Brief*

SB 15, as amended, would create a dispositive motion filing fee of \$195 and define “dispositive motion” to include a motion to dismiss, a motion for judgment on the pleadings, a motion for summary judgment or partial summary judgment, or a motion for judgment as a matter of law. The fee would be applied on any motion seeking any of these dispositions, regardless of the title of the motion. The fee would not apply in limited actions under Chapter 61, and the State of Kansas and municipalities would be exempt from paying the fee. The fee would be allowed to be taxed as a cost, and a poverty affidavit would be allowed in lieu of the fee.

The bill would strike the current filing fee for motions for summary judgment.

The bill would be in effect upon publication in the *Kansas Register*.

Background

The bill was introduced by the Senate Committee on Judiciary at the request of Senator King.

In the Senate Committee, representatives of the Kansas District Judges Association testified in support of the bill, stating it would broaden the motion for summary judgment filing fee created by 2014 Senate Sub. for HB 2338. A representative of the Kansas Supreme Court also testified in

*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>

support of the bill and asked the Committee to consider amendments to clarify that the fee cannot be avoided by changing the title of a motion and that this fee could be assessed as costs on an adverse party when a state or municipality files such a motion and prevails.

The Senate Committee adopted the Supreme Court's proposed amendment applying the fee regardless of the title of the motion.

According to the fiscal note prepared by the Division of the Budget on the bill, as introduced, the Office of Judicial Administration (OJA) estimates the bill would increase revenues to the Judicial Branch by approximately \$574,000, although OJA notes the 2014 summary judgment filing fee generated 68 percent less revenue than expected, so an accurate estimate of the fiscal effect cannot be given.

Any fiscal effect associated with the bill is not reflected in *The FY 2016 Governor's Budget Report*.