

SESSION OF 2004

SUPPLEMENTAL NOTE ON SENATE BILL NO. 298

As Amended by Senate Committee on
Judiciary

Brief*

SB 298 establishes a \$5 docket fee for garnishment actions under the Code of Civil Procedure (Chapter 60) and the Code of Procedure for Limited Actions (Chapter 61).

The Senate Committee amended the bill to clarify its coverage of Chapter 61 garnishments and to provide moneys generated by the garnishment docket fee shall be deposited in a new Judicial Branch Fund.

Other Senate Committee amendments were technical.

Background

SB 298 was recommended by the 2003 Special Committee on Judiciary. A representative of the Office of Judicial Administration suggested technical amendments to the bill. A representative of Kansas Legal Services, Inc., suggested the moneys generated (approximately \$500,000 annually) by the garnishment docket fee to be earmarked for the Access to Justice Fund to be used to provide legal assistance in debt collections and other related consumer legal issues.

A representative of the Kansas Credit Attorneys Association and the Kansas Collectors Association Inc, said the Judicial Branch needed adequate funding, suggested Chapter 61 cases be included, and recommended other clarifications.

*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>

Amendments to another bill, SB 297, by the Senate Committee of the Whole, would create the new Judicial Branch Fund and provide that portion of docket fee moneys which now go to the State General Fund would be placed in the new fund.

The fiscal note stated the exact amount of money to be generated by SB 298 was not known.