

MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairman Mike O'Neal at 3:30 P.M. on February 7, 2005 in Room 313-S of the Capitol.

All members were present except:

Marti Crow- excused
Michael Peterson- excused

Committee staff present:

Jerry Ann Donaldson, Kansas Legislative Research
Jill Wolters, Office of Revisor of Statutes
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Kathy Olsen, Kansas Bankers Association
Ellen House, Court Administrator, 18th Judicial District, Wichita

The hearing on **HB 2168 - UCC; defining a new class of payment instrument, drawn on the customer's account without an authorized signature, called a demand draft**, was opened.

Kathy Olsen, Kansas Bankers Association, appeared as the sponsor of the proposed bill. She explained that it would amend the Uniform Commercial Code, Articles 3 & 4 as they relate to a new form of payment defined as "demand drafts". The bill would define a new class of payment instrument, drawn on a bank customer's account without a signature and place the risk of a loss for processing this instrument on the depository collecting bank which is in the best position to determine if the draft was authorized. Fifteen states have adopted the proposed amendments with Missouri & Iowa considering doing so this year. (Attachment 1)

The hearing on **HB 2168** was closed.

The hearing on **HB 2169 - docket fee for all post-decree motions**, was opened.

Ellen House, Court Administrator, 18th Judicial District, Wichita, appeared before the committee as a proponent of the bill. Currently, K.S.A. 60-1621(a) allows docket fees to be charged on change of custody, visitation, residency, parenting time and child support post-decree motions. Because the clerks are spending a large amount of time reading the motions to determine if they need to collect a filing fee, they requested a bill be drafted that would include all post-decree motions. It is not intended to provide revenue or create a hardship on any individual simply to reduce the amount of time it takes the clerk to process a post-decree motion. (Attachment 2)

Representative Loyd questioned what the status of emergency surcharges was. Chairman O'Neal explained that a budget subcommittee recommended making the emergency surcharge permanent, and that the District Judges Association proposed an increase in docket fees to fund Judicial salaries.

Representative Davis suggested that maybe the courts could mandate a specific heading for each post-decree filing so the clerks won't have to read through the motion to determine if they need to charge a filing fee.

Chairman O'Neal reminded the committee that originally the filing fee was proposed to raise money and to discourage frivolous filings.

The hearing on **HB 2169** was closed.

The committee meeting adjourned at 4:00 p.m. The next meeting is scheduled for February 8, 2005, at 3:30 p.m. in room 313-S.