

Approved: May 22, 2012
(Date)

MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on January 25, 2012, in Room 548-S of the Capitol.

All members were present.

Committee staff present:

Jason Thompson, Office of the Revisor of Statutes
Bob Allison-Gallimore, Kansas Legislative Research Department
Lauren Douglass, Kansas Legislative Research Department
Theresa Kiernan, Committee Assistant

Conferees appearing before the Committee:

Sargeant Gary Farthing, Sedgwick County Sheriff's Office
Vernon Chinn, Pratt County Sheriff
Sargeant Bill Carr, Ford County Sheriff's Office
Sandy Jacquot, Director of Law/General Counsel, League of Kansas Municipalities
Brady W. Keith, Assistant General Counsel, Credit Management Services Inc.
Trisha Thomas, Director of Child Support Enforcement (SRS)
Amy Raymond, Program Manager Topeka Office of YoungWilliams Child Support Services
Larry Zimmerman, Kansas Credit Attorneys Association

Others attending:

See attached list

The Chairman opened the hearings on **SB 283–Sheriffs, civil process fees.**

Jason Thompson, Staff Revisor, reviewed the bill, which was introduced at the request of the Kansas Sheriffs Association. Mr. Thompson stated the bill would establish a flat fee of \$30 which could be charged by a sheriff for serving, executing, and returning a writ, process, order, notice, summons or copy of those documents, whether successful or not. The bill also would eliminate an exemption provided to the state and municipalities for debt-collection cases filed by a non-governmental firm on behalf of the state or a municipality. Mr. Thompson noted that a balloon amendment had been distributed ([Attachment 1](#)).

Sargeant Gary Farthing testified in support of **SB 283** ([Attachment 2](#)). Sargeant Farthing stated the fees have not been addressed since 2004. The bill would shift the burden of these costs from the taxpayers to those persons involved in the lawsuits for which process is being served.

Sheriff Vernon Chinn testified in support of **SB 283** ([Attachment 3](#)). Sheriff Chinn noted the bill was introduced to address the increased costs of providing this government service. He added his support for the amendment to subsection (g) as proposed in the balloon. The amendment would modify the exemption

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so that the state and cities and counties would be exempt from the fees imposed by K.S.A. 28-110.

Sargeant Bill Carr testified in support of **SB 283** (Attachment 4). Sargeant Carr stated the sheriff is forced to use tax dollars to cover the costs of service of process, which results in the reduction of funds for other law enforcement functions.

Melissa Wangemann submitted written testimony in support of **SB 283** (Attachment 5). Her support was conditioned upon the adoption of the proposed balloon amendment.

Sandy Jacquot testified in opposition to **SB 283** (Attachment 6). Ms. Jacquot clarified her opposition was limited to the elimination of the exemption currently provided for municipalities, otherwise, she would support the increase in the fee.

Brady W. Keith testified in opposition to **SB 283** (Attachment 7). Mr. Keith stated the bill would substantially increase the cost of service of process in Kansas. The cost eventually will be passed on to consumers of goods and services.

Trisha Thomas testified in opposition to **SB 283** (Attachment 8). Ms. Thomas clarified her opposition was limited to the elimination of the exemption currently provided for the state and municipalities.

Amy Raymond testified in opposition to **SB 283** (Attachment 9). Ms. Raymond stated the bill would result in an increase of \$288,000 in the cost to her firm. She added she would not oppose the bill if the exemption was reinserted.

Larry Zimmerman testified in opposition to **SB 283** (Attachment 10). Mr. Zimmerman noted ensuring efficiency of the Kansas court system and access for citizens to its remedies is important. He expressed concern for unintended consequences that may result if the bill passes.

Audrey B. Magana submitted written testimony in opposition to **SB 283** (Attachment 11).

The Chairman closed the hearings on **SB 283**.

The next meeting is scheduled for January 26, 2012.

The meeting was adjourned at 10:30 a.m.