

## MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY

The meeting was called to order by Chairperson Michael R. O'Neal at 3:30 p.m. on February 10, 2000 in Room 313-S of the Capitol.

All members were present except:

Representative John Edmonds - Excused  
Representative Phill Kline - Excused  
Representative Tony Powell - Excused  
Representative Candy Ruff - Excused  
Representative Clark Shultz - Excused

Committee staff present:

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

Conferees appearing before the committee:

Bruce Ward, Kansas Judicial Council, Subcommittee of the Civil Code Advisory Committee

Hearing on **HB 2697 - Recodification of Chapter 61, civil procedure for limited actions**, was opened.

Bruce Ward, Kansas Judicial Council, Subcommittee of the Civil Code Advisory Committee, provided the committee with a markup of the bill showing the text on the right side and comments approved by the Judicial Council on the left (Attachment 1). He proceeded to talk about each change and specifically addressed the following areas:

- , Service of Process - the provisions do not allow for the plaintiff to request a particular form of service. The discretion is left with the sheriff or process server.
- , Wage Garnishment Order - provides that the garnishment order on wages remain in effect until the judgement is paid or the order is released. He suggested an amendment that the orders should be release in the event the employee terminates.
- , Garnishment Notice - the language should conform with current law except who serves the notice and when it is served.
- , Payment under Garnishments - The Kansas Bankers Association has requested additional language in the bill to protect the banks who pay garnished funds directly to the plaintiff without benefit of a court order.
- , Liens Against Real Estate - Chapter 61 judgements should not be liens against real estate and executions against real estate should not be allowed under Chapter 61.
- , Small Claims - proposed this section be removed from the bill.

Paul Davis, Kansas Bar Association, did not appear before the committee but requested that his written testimony be included in the minutes. (Attachment 2)

Hearing on **HB 2697** was closed.

Committee minutes from January 27 & 31, February 1, 2, 3, 7 & 8 were distributed.

The committee meeting adjourned at 5:30 p.m. The next meeting was scheduled for February 14, 2000.