

Approved: June 22, 2012  
(Date)

## MINUTES OF THE SENATE JUDICIARY COMMITTEE

The Chairman called the meeting to order at 9:35 a.m. on February 15, 2012, in Room 548-S of the Capitol.

All members were present except Senator Bruce, who was excused.

### Committee staff present:

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

### Conferees Appearing before the Committee:

Judge Nancy Parrish, Chief Judge, Third Judicial District  
Sandy McCurdy, Clerk of the District Court, Tenth Judicial District  
Kathleen Taylor, General Counsel, Kansas Bankers Association  
Koleen Nosekabel, Clerk of the District Court, Twenty-sixth Judicial District  
Helen Pedigo, Special Counsel to the Chief Justice of the Kansas Supreme Court

### Others in Attendance:

See Attached List

The Chairman opened the hearings on **SB 330—Relating to malpractice liability screening panels**.

Judge Nancy Parrish testified in support of **SB 330**. She stated the bill would allow any district court judge to convene a professional malpractice screening panel, rather than just the chief judge. (Attachment 1).

The Chairman closed the hearings on **SB 330**.

The Chairman opened the hearings on **SB 366—Relating to attachment and garnishment**.

Sandy McCurdy testified in support of **SB 366**. She stated the bill would amend the law concerning the non-wage garnishment procedure so that it would parallel the procedure for wage garnishment. The bill would reduce the involvement of the court clerk in the process. (Attachment 2).

Senator Vratil raised concerns with the garnishment of intangible property. He wondered how the garnishee would know what amount is to be paid since there is no “pay-in” order in the case of intangibles. He wondered how the garnishee would know what amount of the intangible should be paid in the case where the value of the intangible exceeds the amount of the debt owed. Mr. Thompson stated that the judgment creditor would be required to refund the overpayment. Senator Vratil maintained that it sounds good in theory, but the amount to be paid needs to be specified; and in the case of an overpayment, the time period in

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which the judgment creditor must repay the amount of the overpayment needs to be specified.

Kathleen Taylor testified as a neutral party to **SB 366**. She stated the bank is the garnishee, but not a party to the lawsuit from which the debt is derived. She is concerned that without court involvement the integrity of the process may be questioned. Ms. Taylor requested an amendment to K.S.A. 60-733 and 61-3506 to increase the administrative fee from \$10 to \$15. (Attachment 3).

Written testimony was submitted by Brandy Sutton. (Attachment 4).

The Chairman closed the hearings on **SB 366**.

The Chairman opened the hearings on **SB 367–Expanding jury pools to include Kansas income tax filers**.

Mr. Thompson reviewed the bill. He stated the bill would allow county jury commissioners to obtain and use lists of Kansas income tax filers in the county when preparing jury lists.

Koleen Nosekabel testified in support of **SB 367**. She stated data related to income tax filers is updated yearly and this additional source would provide more accurate address information than the information currently obtained from the Department of Motor Vehicles. (Attachment 5).

The Chairman closed the hearings on **SB 367**.

The Chairman opened the hearings on **SB 422–Relating to judges pro tem**.

Mr. Thompson reviewed the bill. He stated the bill would allow the chief judge of a judicial district to appoint a judge *pro tem* without applying to the departmental justice of that district. Such appointment power would be subject to the budget limitations of the district court.

Helen Pedigo presented testimony for Judge Mike Keeley in support of **SB 422**. (Attachment 6).

The Chairman closed the hearings on **SB 422**.

The next meeting is scheduled for February 16, 2012.

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