

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Elwaine F. Pomeroy at  
Chairperson

12:00 ~~am~~/p.m. on February 21, 1983 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ were: Senators Pomeroy, Winter, Burke, Feleciano, Gaar,  
Gaines, Hein, Hess, Steineger and Werts.

Committee staff present: Mary Torrence, Revisor of Statutes  
Mike Heim, Legislative Research Department  
Mark Burghart, Legislative Research Department

Conferees appearing before the committee:

Senator Joe Norvell  
Dan Biles, Office of Attorney General  
Art Griggs, Department of Administration  
Charles Joseph, Board of Tax Appeals  
Robert Henry, Board of Tax Appeals

The chairman presented a proposal to the committee for a committee bill in regard to changing the statutory forms concerning garnishment replies. Following the explanation, Senator Gaines moved to introduce the bill; Senator Gaar seconded the motion, and the motion carried.

The chairman explained the Judicial Council is making a study to come up with an administrative practices act. He asked the committee if they wanted to introduce a bill to deal with the problem that one statute purports to set out how all appeals from administrative agencies, while other statutes provide special procedures for appeals from specific agencies, or wait to get the work product of the administrative practices act study committee. Senator Gaar moved to treat the subject immediately; Senator Gaines seconded the motion, and the motion carried.

Senate Bill 246 - Defense of governmental employees in civil rights cases.

Senator Joe Norvell appeared before the committee to explain his bill. A copy of his remarks is attached (See Attachment #1).

Susan Marshall testified in support of the bill. A copy of her remarks is attached along with a copy of a letter from the attorney general's office (See Attachments #2, #3).

Dan Biles presented a suggested alternative to the bill (See Attachment #4). He stated the department feels there is justification for Miss Marshall's actions. It is the attorney general's position that with so many civil rights actions brought to their office, they hope the committee will address them. He said the tort claims act does not cover civil rights action. They believe the distinction is unjustified. They would like the legislature to give the attorney general's office the authority to settle civil rights cases, which they do not have now; and provide the mechanism for payment of judgments and settlements. Mr. Biles explained it is important to eliminate the distinction between civil rights and other tort claims cases. He stated it makes it difficult to know what the employees' rights and responsibilities are under the law. He strongly recommended the committee add the suggested language that appears in Section (d) of Section (1) of his proposed bill. He also urged the committee to leave in the eleventh amendment immunity.

Art Griggs testified the executive branch hears about this same problem about which Mr. Biles spoke. He explained the personal liability under the tort claims

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,  
room 514-S, Statehouse, at 12:00 ~~xxx~~/p.m. on February 21, 19 83

Senate Bill 246 continued

act. He said what happened to Susan Marshall is a typical situation; their department is receiving increasing numbers of these cases. The draft of Senator Norvell's bill would provide the same proceedings and provision as the tort claims act. Mr. Griggs stated existing law doesn't say how you go about paying those expenses. He encouraged the committee to consider favorably the draft Mr. Biles handed out to the committee. Committee discussion with him followed. The chairman asked Susan Marshall if she had comments on the proposed draft. She commented she did not like the wording "and which violates the civil rights laws of the United States," and would prefer to have it read "which allegedly violates".

Senate Bill 263 - Appeals from orders of Board of Tax Appeals

Charles Joseph appeared before the committee to explain how the bill affects their office. He stated the present situation is expensive and time consuming. It is the board's feeling in these cases that they run into a lot of money. They feel the bill would get the matter up to the Court of Appeals and to the Supreme Court faster. He said this bill is designed to give the legislature a better handle on the overview of the administrative treatment; it comes before you quicker this way. A copy of a memo from the Board of Tax Appeals is attached (See Attachment #5). Committee discussion with him followed.

The chairman recognized Robert Henry from the Board of Tax Appeals. Mr. Henry said he had nothing to add to what Mr. Joseph said, and he supports the bill. Committee discussion with him followed.

Senate Bill 91 - Redemption of real property.

The chairman called the committee's attention to a copy of a proposal amending Senate Bill 91 that had been requested (See Attachment #6). The chairman explained the committee had acted to report the bill. Staff explained the amendment to the committee. Following the explanation, Senator Burke moved to reconsider the committee's action on Senate Bill 91; Senator Feleciano seconded the motion, and the motion carried. Senator Burke moved to amend the bill as was explained by staff; Senator Gaines seconded the motion, and the motion carried. Senator Burke moved to report the bill favorably as amended; Senator Gaines seconded the motion, and the motion carried.

Senator Steineger presented a proposal for a committee bill regarding mortgage revenue bonds. Following the explanation, Senator Steineger moved to introduce the bill; Senator Hein seconded the motion, and the motion carried.

Senate Bill 263 - Appeals from orders of Board of Tax Appeals

Following discussion, Senator Steineger moved to amend the bill in lines 92 and 102 by striking "encise" and inserting "excise"; Senator Werts seconded the motion, and the motion carried. Senator Steineger made a motion to report the bill favorable as amended; Senator Werts seconded the motion, and the motion carried.

The meeting adjourned.

2-21-83 (P. )

GUESTS

SENATE JUDICIARY COMMITTEE

NAME	ADDRESS	ORGANIZATION
Charles Hamm	State Off. Bldg	SRS
Art. Cripps	Dept of Polm	DOA
Maxim Unholtz	KU Topeka	KUM
Do Bto	ALA	
Chas B Joseph	State off Bldg	Bd of Tax Appeals
Robert C. Henry	" " "	Bd of Tax Appeals
Larry Huns	Lawrence	Seineyer
Susan Marshall	Lincoln, Ks	K.K.C.R.
Julius Smith	Topeka, Ks	K.C.C.R.
James E. Butler	Manhattan	K.C.C.R.
Shelby Seines	Topeka	Can. Dept. Rev.
Mark Shears	"	"
John Klesick	Topeka	KAPE
Jarcy Jantola	Topeka	KCC
Becky Goushaw	"	CHFC
M. Hawva	"	Capitol Journal
Sue Neustifter	Lawrence	Reg. of Deeds
Angie Farmer	Leavenworth	" " "
Margie Van Buren	Topeka	OJA
Alf Lamm	Ks Seed Obs, Inc	Topeka
Kevin G. Yowell	Topeka	SOS
Walter M. Scott	"	Credit Bureau

SENATOR  
 JOSEPH F. NORVELL  
 STATE SENATE—37TH DISTRICT  
 ELLIS, TREGO, RUSH, PAWNEE, NESS,  
 LANE, EDWARDS, AND HODGEMAN  
 BOX 991  
 HAYS, KANSAS 67601



TOPEKA

SENATE CHAMBER

## Summary of S.B. 246

SENATE ASSISTANT MINORITY LEADER

COMMITTEE ASSIGNMENTS  
 MEMBER AGRICULTURE AND LIVESTOCK  
 TRANSPORTATION AND UTILITIES  
 ADMINISTRATIVE RULES AND  
 REGULATIONS  
 LEGISLATIVE CONGRESSIONAL AND  
 JUDICIAL APPOINTMENT  
 INTERSTATE COOPERATION  
 ADVISORY COMMITTEE ON AGING

#1

New section 1 provides for defense of state employees in civil actions arising out of their employment. The section does not apply to tort claim actions or to local governmental employees.

The language in section 1 parallels the current language for defense of tort claim actions against governmental employees. It provides that the state shall provide for the defense of employees either by the attorney general or employed counsel. In limited cases, set out in subsections (b) and (c), the state may recover the expenses of defending an employee or may refuse to defend an employee. Otherwise, the employee may recover the expenses of defense if the state refuses to provide counsel.

Section 2 of the bill simply amends the tort claims act to clarify that the section providing for defense of government employees applies only to tort claim actions. This section applies to local governmental employees as well as state employees.

Atch. 1



Mr. Chairman, members of the judiciary committee, Senator

Norvell, members of the legislature, ladies and gentlemen:

I thank you for being allowed the opportunity to speak to you on Senate Bill 246 which did not exist a month ago and which I'm sure you were not overly ~~thrilled~~<sup>pleased</sup> at seeing<sup>ing</sup> an addition to your already hectic calendar —

But Senators I am here to tell you a short story which as yet has no end -- but which I'm hoping you will cause to be a happy one.

I am an attorney ~~for~~<sup>from</sup> Lincoln, Kansas, and I also fill the attorney position on the Kansas Civil Rights Commission. I have recently been reappointed and reconfirmed to that position and when I received a telephone call from Senator Norvell to tell me of that reconfirmation I responded to him, "Thanks, I think."

I now wish to tell why Senate Bill 246 and I are before you today.

Approximately one week prior to my telephone conversation with Senator Norvell I had received a letter from Mr. Roger Lovett, chief legal counsel for the K.C.C.R.. He informed me in this letter that I had better send a letter to the Attorney General's office and find a lawyer.

During the summer of 1981 an employee of the K.C.C.R. filed a lawsuit in the federal district court system. During the time from the filing of this lawsuit in ~~approximately July of 1981~~ until I received the letter in January of 1983, Mr. Lovett had represented the commissioners and staff in this lawsuit. <sup>on his letter</sup> ~~The~~ stated that one lawyer might have great difficulty defending each of us on an individual basis which the federal court had allowed as an amendment to the original petition and that he could only continue his representation of us as a commission and as commissioners <sup>but</sup> - not as individuals.

I contacted an attorney about representation on this matter.

The important thing for your purposes here today is that he

stated his fee would range from \$20,000.00 - \$40,000.00.

Granted, he was not a lawyer fresh out of law school but

neither am I.

*10/27/77*  
The ~~next~~ day <sup>I met</sup> ~~the~~ defendants assembled at the Attorney General's <sup>private</sup> attorney

offices. Although Attorney General Stephan did visit with us

briefly and express his support for our situation, being in a

similar situation himself, we spent most of our time with Deputy

Attorney General Bruce Miller. Among other things that day he

passed out a letter which we went over (provide copies of the

letter). He stated to us the following points:

- 1) That the office of the Attorney General was not obligated under the statute to represent us in this matter as it was not a tort claims act but a civil rights suit.

(Great)

- 2) It was the policy, however, of Attorney General Stephan's office to represent members of the state government who are sued on these matters - (What happens when Stephens is no longer A.G.)

3) That we had the option of retaining our own counsel

(they were short staffed and really didn't need another case) but that in order for them to be paid by the state we would have to petition the legislature for said payment which could be denied in whole or in part.

(leaving me the potential for payment of a bill ranging from \$0.00 - \$40,000.00)

With all that good news I could hardly wait for the next statement which was that if it appeared at some future time that some conflict of interest did occur among us defendants such that the Attorney General's office could not represent all of us, we would have to seek outside counsel. I asked Mr. Miller how the decision as to whom the Attorney General's office would represent and who would have to find other counsel would be made. He said that they would have to cross that bridge when we came to it - and yes, we would have to petition the legislature for payment.



This is the story I told Senator Norvell. I also said that, as he well knows, this commission, as are most other state commissions, is not a \$20,000.00 - \$40,000.00 per year job. It's mileage, per diem, and \$35.00 per meeting day. Some years I don't get a tax loss. But when someone serves on these commissions it's definitely not for the salary - hopefully, as in my case, it's to perform a service for the state of Kansas. Finding people willing to serve under these conditions who are qualified for the job is difficult enough, but when they learn that there is the possibility that they may be sued with no obligation on the part of the state to represent them when they have acted in good faith toward the betterment of this state and yet face a \$40,000.00 legal fee - it may become impossible to find good people for these boards and commissions.

Senators, it is my desire to serve this state in any capacity I can. I am asking you in your capacities as Senators to serve our state by recommending Senate Bill 246 favorably out of this committee.

THANK YOU



2-21-83  
# 3

STATE OF KANSAS

OFFICE OF THE ATTORNEY GENERAL

2ND FLOOR, KANSAS JUDICIAL CENTER, TOPEKA 66612

ROBERT T. STEPHAN  
ATTORNEY GENERAL

January 21, 1983

MAIN PHONE: (913) 296-2215  
CONSUMER PROTECTION: 296-3751

Mr. Michael L. Bailey  
Ms. Patricia W. Caruthers  
Mr. Edward J. Martinez  
Mr. James E. Butler  
Ms. Susan Marshall  
Mr. Eugene Anderson  
Ms. Leslee H. McKenna

Re: Ross v. K.C.C.R., et al.

Your letter to Robert T. Stephan of January 10, 1983, requesting representation in the referenced case, has been forwarded to me for reply.

Leslie A. Kulick and I have discussed this case with your agency counsel, Roger Lovett. It is his feeling a conflict of interest may exist in his representing you in your individual capacities in this action. The Attorney General strongly believes a defense should be provided to each state employee sued in a civil rights action, whenever possible.

There are several things which I feel you should know concerning this civil rights lawsuit against you in your individual capacities.

First:

Representation by state attorneys can only be done under the laws of Kansas. The only statutes giving the State the power or right to represent people are K.S.A. 1981 Supp. 75-6108, which is a part of the Kansas Tort Claims Act, and K.S.A. 1981 Supp. 75-6116, which is a separate statute dealing with civil rights suits. See copies attached.

Strictly read, K.S.A. 1981 Supp. 75-6108 applies only to tort actions, and K.S.A. 1981 Supp. 75-6116 applies only to civil rights suits. If these two statutes are

Atch. 3

read together, we believe state attorneys may provide defense to each defendant in this action, unless this office, your agency, or a court of law determines one of the following to be true in regard to any specific defendant:

1. His/her act or omission was not within the scope of their employment by the State of Kansas;
2. He/she acted or failed to act because of actual fraud or actual malice;
3. His/her defense would create a conflict with your agency or the State of Kansas;
4. His/her act or omission constituted a violation of state or federal criminal laws;
5. His/her act or omission was not done by him/her in good faith execution of his/her assigned employment duties; or
6. Any defendant who does not fully cooperate with his/her state attorney in defending this action.

At the present time, this office is willing to conduct your defense. If at any time in the future any of the conditions outlined above become true, representation of that individual defendant by a state attorney will have to stop. Reid Stacey, Assistant Attorney General, has been assigned as your attorney in this action.

Second:

Any defendant is free to hire a private attorney and proceed with his/her defense at his/her own personal cost. The State of Kansas may or may not be responsible for any attorneys' fees or expenses incurred in the hiring of private counsel. In a tort claims act suit, the State of Kansas is responsible for private defense costs only if, in that action, this office fails or refuses to provide a defendant with a defense. (K.S.A. 1981 Supp. 75-6108.)

In a state or federal civil rights action such as this case, the Attorney General believes K.S.A. 1981 Supp. 75-6116 enables state employees, when found to be in compliance with the six conditions stated earlier in this letter, to be reimbursed by the State for judgments, costs, and attorneys' fees incurred in the defense of such an action. It is our opinion that costs and attorneys' fees may be reimbursed upon filing a claim with the Joint Committee on Special Claims Against the State at the conclusion of the lawsuit. The office of the Attorney General does not have any authority to guarantee reimbursement under K.S.A. 1981 Supp. 75-6116. However, should you decide to exercise this option, we certainly will consider supporting your request for reimbursement of reasonable

costs and attorneys' fees before the Joint Committee on Special Claims Against the State at the conclusion of the action, or upon your dismissal from the action.

Third:

You have probably already notified your insurance carrier(s) of this lawsuit, but if not, you should do so immediately. Each defendant may have purchased professional, personal, or homeowner insurance which will provide him/her with a defense in this action. If you have any applicable insurance contract, the law considers that coverage to be primary and the State would defer representation of you to your insurance carrier.

Fourth:

There exists in an action such as this with seven named individual defendants a possibility that conflicts of interest between various defendants will develop. Those will have to be considered when they arise and appropriate decisions made at that time. It may be necessary to terminate representation of one or more defendants by a state attorney because of these conflicts. If such occurs, there are no other provisions for payment of outside attorneys, other than outlined above.

As stated above, Reid Stacey, Assistant Attorney General, has been assigned as your attorney in this case, and he will be contacting you in the near future.

Sincerely,

OFFICE OF THE ATTORNEY GENERAL  
ROBERT T. STEPHAN

A handwritten signature in black ink, appearing to read "Bruce E. Miller". The signature is written in a cursive style with some flourishes.

Bruce E. Miller  
Deputy Attorney General

MC

## A T T A C H M E N T

K.S.A. 1981 Supp. 75-6108 provides:

(a) Upon request of an employee in accordance with subsection (e), a governmental entity shall provide for the defense of any civil action or proceeding against such employee, in his or her official or individual capacity or both, on account of an act or omission in the scope of his or her employment as an employee of the governmental entity, except as provided in subsection (c).

(b) A governmental entity may provide for a defense by its own attorney or by employing other counsel for this purpose or by purchasing insurance which requires that the insurer provide the defense. A governmental entity has no right to recover such expenses from the employee defended, except as provided in K.S.A. 1979 Supp. 75-6109.

(c) Except as provided in K.S.A. 75-4360, a governmental entity may refuse to provide for the defense of an action against an employee if the governmental entity determines that:

(1) The act or omission was not within the scope of such employee's employment;

(2) such employee acted or failed to act because of actual fraud or actual malice;

(3) the defense of the action or proceeding by the governmental entity would create a conflict of interest between the governmental entity and the employee; or

(4) the request was not made in accordance with subsection (e).

(d) If after a timely request in accordance with subsection (e), a governmental entity fails or refuses to provide an employee with a defense and the employee retains his or her own counsel to defend the action or proceeding, such employee is entitled to recover from the governmental entity such reasonable attorney's fees, costs and expenses as are necessarily incurred in defending the action or proceeding if the action or proceeding arose out of an act or omission in the scope of employment as an employee of the governmental entity, but such employee is not entitled to such reimbursement if the trier of fact finds that such employee acted or failed to act because of actual fraud or actual malice.

Nothing in this section shall be construed to deprive an employee of the right to petition a court of competent jurisdiction to compel the governmental entity or the governing body or an employee thereof to perform the duties imposed by this section.

(e) An employee's request for a governmental entity to provide for the defense of the employee shall be made in writing within fifteen (15) days after

service of process upon the employee in the action. In actions involving employees of the state, such request shall be filed in the office of the attorney general. In actions involving employees of a municipality, such request shall be filed with the governing body thereof or as otherwise provided by such governing body. A governmental entity, in its discretion, may provide requested defense for any of its employees who failed to make a request within the time prescribed by this subsection.

K.S.A. 1981 Supp. 75-6116 provides:

If an employee of a governmental entity is or could be subject to personal civil liability for a loss occurring because of a noncriminal act or omission within the scope of his or her employment which violates the civil rights laws of the United States, and the act or omission was in good faith, and the employee reasonably cooperates in good faith in defense of the action, the governmental entity shall, subject to procedure requirements imposed by statute, ordinance, resolution or written policy, pay or cause to be paid any judgment or settlement of the claim or suit and all costs and fees incurred by the employee in defense thereof. A municipality may pay for the cost of providing defense, judgments and other costs involving actions for civil rights violations in the same manner as that provided in the Kansas tort claims act.



AN ACT concerning employees of certain governmental entities; relating to defense thereof in certain civil rights cases; amending K.S.A. 1982 Supp. 75-6116 and 75-6117 and repealing the existing sections.

Be it enacted by the Legislature of the State of Kansas:

Section 1. K.S.A. 1982 Supp. 75-6116 is hereby amended to read as follows: 75-6116. (a) If an employee of a governmental entity is or could be subject to personal civil liability ~~for~~ ~~a~~ ~~loss~~ ~~occurring~~ ~~because~~ on account of a noncriminal act or omission which is within the scope of his or her the employee's employment and which violates the civil rights laws of the United States, and the act or omission was in good faith, and the governmental entity shall provide for the defense of any civil action or proceeding which arises out of the act or omission and which is brought against the employee in the employee's official or individual capacity or both to the extent and under the conditions and limitations provided by K.S.A. 1982 Supp. 75-6108 and amendments thereto for the defense of actions and proceedings under the Kansas tort claims act. If the employee's act or omission giving rise to the action or proceeding was not the result of actual fraud or actual malice and the employee reasonably cooperates in good faith in defense of the action or proceeding, the governmental entity shall, subject to procedure any procedural requirements imposed by statute, ordinance, resolution or written policy, shall pay or cause to be paid any judgment or settlement of the claim or suit and all costs and fees incurred by the employee in defense thereof.

(b) A municipality may pay for the cost of providing defense, judgments and other costs involving actions for civil

rights violations in the same manner as that provided in the Kansas tort claims act.

(c) In actions described in subsection (a), a claim against the state or an employee of the state may be compromised or settled for and on behalf of the state or employee under the conditions and procedures provided by K.S.A. 1982 Supp. 75-6106 and amendments thereto for settlements of actions pursuant to the Kansas tort claims act.

(d) Nothing in this section or in the Kansas tort claims act shall be construed as a waiver by the state of Kansas of immunity from suit under the 11th amendment to the constitution of the United States.

Sec. 2. K.S.A. 1982 Supp. 75-6117 is hereby amended to read as follows: 75-6117. (a) There is hereby established in the state treasury the tort claims fund which shall be administered by the attorney general. All expenditures from such fund shall be made upon warrants of the director of accounts and reports pursuant to vouchers approved by the attorney general or by a designee of the attorney general.

(b) Moneys in the tort claims fund shall be used only for the purpose of paying (1) compromises, settlements and final judgments arising from claims against the state or an employee of the state under the Kansas tort claims act or under the civil rights laws of the United States and (2) costs of defending the state or an employee of the state in any actions or proceedings on those claims. To the extent that payment cannot be made from insurance coverage obtained therefor, payment of a compromise or settlement shall be made from the fund if the compromise or settlement has been approved by the state finance council as provided in K.S.A. 1982 Supp. 75-6106 and amendments thereto. To the extent that payment cannot be made from insurance coverage obtained therefor, payment of a final judgment shall be made from the fund if there has been a determination of any appeal taken from the judgment or, if no appeal is taken, if the time for appeal has expired.

(c) Upon certification by the attorney general to the director of accounts and reports that the unencumbered balance in the tort claims fund is insufficient to pay an amount for which the fund is liable, the director of accounts and reports shall transfer an amount equal to the insufficiency from the state general fund to the tort claims fund.

(d) This section shall be part of and supplemental to the Kansas tort claims act.

Sec. 3. K.S.A. 1982 Supp. 75-6116 and 75-6117 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

#5

JOHN CARLIN • Governor

THE STATE OF KANSAS



9/31

2761

BOARD OF TAX APPEALS  
1030-S, STATE OFFICE BUILDING  
Telephone 296-2388 AC-913  
TOPEKA, KANSAS 66612

1/24/83

(Legend:  
PVD - Prop. Valuation  
DOR - Dir. of Taxation

MEMO

To: Chairman  
From: Karl

Subj: Appeals from BTA Orders;  
PVD AND Dir. of Taxation

1. During the period of FY 82 the Board received the following appeals from orders relating to state departments:

PVD: 40  
DOR: 15

2. During the period of FY 82 the Board heard the following appeals from orders relating to state departments:

PVD: 05  
DOR: 18

3. In the first-half of FY 83, the figures are as follows:

PVD: 10 (received and heard)  
DOR: 08 (received and heard)

4. From July 1, 1981 to Dec. 31, 1982, 8 DOR cases were appealed to district court; 2 PVD complaints were (Russell County).

VR Karl

Atch. 5

PROPOSED

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT:

Your committee on Judiciary

Recommends that Senate Bill No. 91

"AN ACT relating to civil procedure; concerning redemption of real property; amending K.S.A. 1982 Supp. 60-2414 and repealing the existing section."

Be amended:

On page 1, following line 21, by inserting the following:

"Section 1. K.S.A. 60-2401 is hereby amended to read as follows: 60-2401. (a) Definitions. A general execution is a direction to an officer to seize any nonexempt property of a judgment debtor and cause ~~the same~~ it to be sold in satisfaction of the judgment. A special execution or order of sale is a direction to an officer to effect some action ~~as to some~~ with regard to specified property ~~in such manner as the court shall~~ have as determined necessary by the court in adjudicating the rights of parties to an action.

(b) By whom issued. Executions and orders of sale shall be issued by the clerk at the request of any interested person and directed to the appropriate officers of the counties where they are to be levied.

(c) When returnable. The officer to whom any execution or order of sale ~~shall be~~ is directed shall return ~~the same~~ it to the court ~~out of~~ from which it is issued within ~~sixty (60)~~ 60 days from the date thereof.

~~(d) Executions to another county. When an execution or order of sale is issued to an officer of any county other than that in which the judgment was rendered, the officer, after endorsing the date of its reception thereon, shall deliver the same to the clerk of the district court of his or her county, who shall thereupon enter the same in the execution docket in the~~

~~same-manner-as-if-it-had-issued-from-the-court-of-which-he-or-she  
is--clerk,-and-before-the-officer-shall-return-any-such-execution  
or-order,-such-officer-shall--cause--his--or--her--return--to--be  
entered-in-like-manner-~~

(e) (d) Manner of levy. A general execution shall be levied upon any nonexempt real or personal property of the judgment debtor, ~~either-real-or-personal,-in-the-same-manner-and-with-like effect-as-is~~ in the manner provided for the service and execution of orders of attachment under K.S.A. 60-706 ~~to~~ through 60-710, ~~inclusive~~ and amendments thereto. Oil and gas leaseholds shall, for the purposes of this article, shall be treated as real property. Special executions or orders of sale shall be levied and executed in ~~such-manner-as-the--court--shall--have~~ a manner determined by the court.";

Also on page 1, in line 22, by striking "Section 1" and inserting "Sec. 2";

On page 6, by renumbering sections 2 and 3 as sections 3 and 4; in line 224, before "K.S.A.", by inserting "K.S.A. 60-2401 and"; also in line 224, by striking "is" and inserting "are";

In the title, in line 18, before "redemption", by inserting "executions and"; in line 19, before "K.S.A.", by inserting "K.S.A. 60-2401 and"; in line 20, by striking "section" and inserting "sections";

And the bill be passed as amended.

\_\_\_\_\_  
Chairperson