Approved: 5/13/97
Date

MINUTES OF THE HOUSE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Tim Carmody at 3:30 p.m.. on March 20, 1997 in Room 313--S of the Capitol.

All members were present except: Representative Kline (excused)

Committee staff present: Jerry Ann Donaldson, Legislative Research Department
Mike Heim, Legislative Research Department
Jill Wolters, Revisor of Statutes
Jan Brasher, Committee Secretary

Conferees appearing before the committee: Brian Moline, Member of the Judicial Council, Family Law Advisory Committee
Greg Debacker, National Congress for Fathers and Children
Shirely Moses, Director of Accounts and Reports, Department of Administration
Elwaine Pomeroy, Kansas Credit Attorneys Association

Others attending: See attached list

The Chair called the meeting to order at 3:40 p.m.

A motion was made by Representative Swenson, and seconded by Representative Presta to approve the minutes of 3/18, 3/17, 3/13, 3/11, 2/19 and 2/18 as amended to reflect that Representative Haley was present at the 2/18/97 Committee meeting. The motion carries.

The Chair opened the hearing on **SB 67.**

SB 67: Amendments to the protection from abuse act

Brian Moline, Member of the Judicial Council, Family Law Advisory Committee testified in support of **SB 67.** The conferee stated that this bill represents a clean-up of the existing Protection From Abuse Act-K.S.A. 60-3102 et seq. The conferee stated that the need for this bill was brought to the Family Law Advisory Committee's attention by judges and practitioners. The conferee explained the changes, (section by section) that this bill will provide. (Attachment 1)

Greg Debacker testified on behalf of the National Congress for Fathers and Children, Topeka Chapter to offer amendments to **SB 67.** The conferee requested that on page 2, line 7, that 20 days be replaced with 7 days or 48 hours concerning the hearing to prove allegation of abuse. The conferee requested changes making possession of a residence temporary on page 2, line 38. The conferee requested that lines 1-3, on page 3 be deleted and changed so that the party with temporary custody of the house must immediately contact the utility companies to have those utilities installed in the name of the person occupying the residence. The conferee requested language on page 3, line 11 so that the excluded party will not be liable for stepchildren or children other than their own. The conferee stated that there needs to be a penalty for false reports. (Attachment 2)

The Chair closed the hearing on **SB 67.**

The Chair opened the hearing on **SB 100.**

Shirley Moses, Director of Accounts and Reports, Department of Administration testified in support of **SB 100.** The conferee stated that this bill was proposed by the Department to provide more flexible, efficient central services to those served by the Department. The conferee stated that this bill will implement a fee structure which more fairly represents the administrative and processing costs incurred to re-issue warrants not cashed within one year from the date of issuance. The conferee cited examples of the current fee charged to someone needing to have a warrant re-issued. (Attachment 3)

The Chair closed the hearing on **SB 100.**

SB 101: Garnishment; responses to answer of garnishee

Shirley Moses, Director of Accounts and Reports, Department of Administration testified in support of **SB**

101. The conferee stated that this bill amends Chapter 60, Article 7 and Chapter 61, Article 20, concerning attachment and garnishment, and Chapter 61, Article 26 containing the appendix of forms. The conferee stated that this bill addresses a problem of many Kansas employers because it would allow the garnishee to return the withheld funds to the employee/defendant after 180 days have passed from the date the garnishee filed an answer. The conferee stated that the Department of Administration would not oppose the Kansas Credit Attorneys Association and the Kansas Collectors Association, Inc. amendment to extend the 180 day threshold to 365 days. (Attachment 4)

Elwaine Pomeroy, Kansas Credit Attorneys Association testified in opposition to **SB 101** in its present form. The conferee stated that his Association is concerned with permitting a garnishee, after receiving a court order to withhold funds from a defendant, to then at some future time return those funds without there being a court order allowing such return of funds. The conferee stated that his Association was concerned with provisions in this bill that permits an automatic return of funds to a defendant after the expiration of only 180 days. The conferee requested that the time period for returning of funds be extended to 365 days. The conferee stated that extending 180 days to 365 days should give sufficient time for the disposition of any bankruptcy proceedings. The conferee stated that this request has been discussed with the Department of Administration and a compromise time period of 365 days was agreeable to both parties. The conferee cited four references to "180 days" that need to be changed to "365 days." The conferee stated if the requested changes were made, his Association would support the bill. (Attachment 5)

Representative Carmody directed a question to the Revisor regarding two references on page 2 and page 4 to Chapter 13 in the Federal Bankruptcy Act that was repealed in 1978. A clean-up amendment needs to be considered.

The Chair closed the hearing on **SB 101.**

The Chair open discussion on **HB 2506 and HB 2415.**

HB 2415: **Juvenile Justice Reform Act.**

HB 2506: **Department of Social and Rehabilitation Services and Secretary retain custody of juvenile offenders.**

The Chair reminded the Committee that both bills concern the same subject, but that **HB 2506** was an exempt bill and **HB 2415** was not.The Chair recognized Representative Adkins.

Representative Adkins referred to the Revisor's balloon for **HB 2415** and stated that the Revisor noted provisions where conferees had raised concerns and suggested changes were both included. Representative Adkins stated that the most noted changes were clean-ups and clarifications suggested by the many agencies involved in this effort. The conferee referred to a concern raised by Paul Morrison in his testimony regarding the date on which extended jurisdiction for juvenile prosecution (referred to as dual sentencing) would be implemented. The conferee stated that this particular balloon has the implementation date for extended jurisdiction for juvenile prosecution to be January 1, 1998. The conferee stated that the Office of Judicial Administration (OJA) has a balloon that changes the implementation date to July 1, 1999, which would coincide with the implementation of the placement matrix. The Revisor's balloon takes all references to the Corporation for Change out of this bill. The OJA balloon maintains the same language regarding the Corporation for Change but it assigns the CASA and Citizen Review Board Fund to the OJA. The conferee stated that there is already a bill, **SB 187**, in the system dealing with the Corporation for Change.

Representative Adkins made a motion to adopt the Revisor's balloon for **HB 2415** into **HB 2506** making it a substitute bill. The second was made by Representative Haley. The motion carries.

A motion was made by Representative Adkins to amend **Substitute HB 2506** by adopting all portions of the OJA balloon with the exception of: those provisions that refer to the Corporation for Change; the provision that changes the date for extended jurisdiction for juvenile prosecution to 1999; or to the extent that the OJA's balloon does not conflict with the Revisor's balloon. The motion was seconded by Representative Mays.

The Committee members discussed the OJA's suggestion concerning the length of time a juvenile can stay in a sanction house. The conferee stated the OJA suggestion of increasing the time from 72 hours to 30 days. Representative Adkins stated that the OJA's balloon contains provisions that would delay implementation of the wavier to adult status provisions until 1999. The Revisor's balloon does not contain any of those and the Youth Authority would prefer to see those begin July 1, 1997.

The motion carries.

A motion was made by Representative Presta to move the CRB and CASA funds to be administered by OJA, Representative Howell seconded.

Discussion on that motion followed with Representative Adkins stating that there are two funds to consider. One fund is the CASA and Citizen Review Board (CRB) fund and the other is the Permanent Families Fund which funds child abuse and neglect programs. The conferee stated that OJA is not requesting transfer of the second fund. The conferee suggested that the Permanent Families Fund be placed with the new Commission on Children and Families within the SRS.

Representative Adkins discussed other options. The conferee gave reasons supporting the OJA's administration of the CASA and CRB funds.

The Revisor requested clarification of the motion as to whether the motion included abolishing the Corporation for Change.

Representative Adkins stated that the Committee should either do the whole thing in this bill, (abolish Corporation for Change and transfer funds) or keep it out of this bill and do it in the separate bill that deals with all of these funds.

Representative Adkins recommended sending CASA and CRB to OJA and sending the child abuse and neglect fund to the SRS Commission on Children and Families and have the other language that gets rid of the Corporation for Change so that these funds can be transferred.

Representative Presta withdrew his motion, Representative Howell withdrew his second.

Representative Presta made a motion to shift the CRB and CASA funds to OJA and move the Child Abuse and Neglect fund to SRS Commission on Children and Families and incorporate provisions that abolish the Corporation for Change as of July 1, 1997. The motion was seconded by Representative Howell. The motion carries.

The Chair discussed the issue concerning the date of implementation of dual sentencing and a request to put that off until the matrix is in place.

A motion was made by Representative Garner to delay the implementation of dual sentencing provision for two years. Representative Pauls seconded the motion.

During Committee discussion the Chair stated that he would vote against the motion. The Chair stated that the dual sentencing is somewhat independent of the implementation of the placement matrix. The provisions passed last year were an opportunity to come in with a rather unique type of sentencing for the violent juveniles so we can give them an adult or juvenile sentence. The Chair stated that the sooner the duel sentencing can be implemented the better.

Representative Garner stated that in conversations with judges they are not up to speed on what their options are going to be. Representative Garner stated that the judges are dealing with other changes as well.

Motion fails 6,in favor, 10 opposing.

Representative Klein made a motion to amend **Substitute HB 2506** concerning when information can become public, eliminate the language on page 31, line 1 by placing a period after "best interest of the child" delete "and serve some other legitimate state purpose" The motion was seconded by Representative Howell.

Adkins stated that the requested language returns to the courts the authority to determine, after consideration, if the disclosure serves the best interest of the child or some other legitimate state purpose. The Representative stated that other "state purposes" includes the group of activities where some sharing of information would be necessary in an attempt to deal with other issues such as those indicated. The conferee stated he did not want the court to have its hands tied in divulging information when it may actually serve the purpose of aiding in the criminal conviction of a suspected perpetrator of child abuse or neglect. The conferee urged the Committee to keep the amendment.

The Committee members discussed incorporating some definitions of other legitimate state purposes.

The motion carries.

In response to Representative Garner's request, the Revisor clarified that the adopted OJA amendment included the 30 day time limit for referring a juvenile to a sanction house.

Representative Adkins discussed with other Committee members provisions in the adopted Revisor's balloon concerning the placement matrix, the placement of funds for juvenile detention, and the term "immediate intervention," on page 51 of **HB 2415**.

Representative Gilmore expressed concerns regarding the language, Section 86, page 104, line 2 "appropriate adult" and inquired as to the meaning of that term.

In response to a Committee member's inquiry regarding the term, "a juvenile adjudicated," the Revisor stated that the term parallels other language and was a request by Judge Shepherd.

Issues concerning the age of juvenile offender as defined in the bill were discussed.

Representative Gilmore made a motion to strike, "another appropriate adult" page 104, . Representative Powell seconded the motion.

Several scenarios were presented by Representative Adkins as to who an appropriate adult might be and what circumstances might occur.

Representative Gilmore withdrew her motion.

A motion was made by Representative Adkins, seconded by Representative Gilmore to conceptually amend by adding language that states on page 104, "The release shall be to the child's parent or legal guardian unless after a reasonable attempt to contact or locate such parent or legal guardian which has failed, the intake and assessment worker believes that it is in the best interest of the child, it would not be harmful to the child to release the child into the custody of another appropriate adult." and to clean-up language in the second paragraph to referring to appropriate adult.

Discussion on the motion to amend followed.

Motion fails 7 in favor, 8 oppose.

A motion was made by Representative Adkins, seconded by Representative Klein to make a technical amendment that would add "other appropriate adult" on lines 8 and 11 page 104 in place of "parent" or "legal guardian." The motion carries.

A motion was made by Representative Adkins, seconded by Representative Wilk to report Substitute for **HB 2506** out favorably as amended. The motion carries.

The Chair adjourned the meeting at 5:20 p.m.

The next meeting is scheduled for March 24, 1997.

HOUSE JUDICIARY COMMITTEE COMMITTEE GUEST LIST

DATE: 3-20-97

NAME	REPRESENTING
Elwaine F Pomeroy	Kansas Credit Attorney Assn Kansas Collector Ass'n Inc
Jim Clark	KCDAA
Sue W Lockett	CASA / CRB
John House	SRS / Judicial Council
[illegible]	OJA - JJAS
Mark Gleeson	OJA
SHIRLEY MOSES	DofA / A&R
Sue Schmelzer	KCUA
LaRae Elliott	KCSDV
Julene Mader	AG office
GREG DEBACKER	National Congress for Fathers & Children NCFC
Rebecca Mize	SRS - Children & Family Services
DAVID TALLMAN	Ks Bar Assn
Dodie Lacey	Ks Children's Service League
[illegible]	KAPS

#1

TESTIMONY OF BRIAN J. MOLINE ON SB67

Good morning.

My name is Brian Moline, and I appear today on behalf of the Family Law Advisory Committee to the Kansas Judicial Council. I have served on the Committee for over 20 years and most of the current statutory domestic law of the state is a product of Committee deliberations.

SB67 represents a clean-up of the existing Protection From Abuse Act - K.S.A. 60-3102 et seq. - and results from either complaints brought to the Committee's attention by judges and practitioners or an attempt to conform the Kansas statute as much as possible to the Model State Code.

Section 1-16-18 simply adds a new classification - persons "who have a child in common" - to the current classification of persons who reside together or who formerly resided together within the purview of the Protection From Abuse Act.

Several Kansas judges complained of this omission and, in fact, there is evidence that persons who may never have resided together but have a child in common are among the most frequent fact situations coming to court.

Section 1(a) simply substitutes the words "intentionally" and "intentionally and recklessly" for "willfully" and "willfully and wantonly," respectively. This conforms the language to the criminal where "intentionally" and "intentionally and recklessly" have been systematically replaced with the suggested language.

Section 2(a) and (b) simply adds the new "or has a child in common" language to the existing sub-sections.

Section 1(e) is an attempt to provide statutory underpinning for a commonly exercised discretion of the district judges and is adopted at the request of several district judges around the state.

Section 3(b) attempts to address a problem brought to the Committee's attention by Mr. Charles Harris, an active family law practitioner in Wichita. According to Mr. Harris, there have been more than a few cases where attempts have been made to utilize the summary and ex parte protection from abuse process to amend an existing custody, residency or visitation order. This provision is meant to assure that the protection from abuse process cannot be utilized to change an existing order.

Section 4(2) is proposed to be amended to insure that a party not granted possession of a common residence by the court but in whose name the utilities are registered cannot retaliate against the abused party by canceling utility service. This situation was brought to the Committee's attention by Judge Nelson Toburen of Pittsburgh.

Harris Judiciary Comm.
Attach 1
3/20/97

Section 4 (9)(b) is proposed to be amended to attempt to insure consistency and that the appropriate Order controls when both a protection from abuse action under K.S.A. 60-3102 and a divorce or other action under K.S.A. 60-1601 exist contemporaneously.

These suggested amendments will, in the belief of the Committee and the Judicial Council, strengthen and improve the Protection From Abuse Act.

#2

NATIONAL CONGRESS FOR FATHERS AND CHILDREN

PRESERVING THE PROMISE OF FATHERHOOD

851 Minnesota Avenue
Post Office Box 171675
Kansas City, KS 66117
(913) 281-9943
Hotline: (800) SEE-DADS
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E-mail: ncfc@primenet.com

National Congress for Fathers and Children
Topeka Chapter

modification to SB 67

1) page 2, line 7. Replace 20 days within 7 days or 48 hours. I have talked to many excluded parties who have been denied their children from 3 months to a year. **This is court ordered kidnapping and extortion.** This is also child abuse, denying a child the emotional support of a parent and can lead to "parental alienation syndrome."

2) page 2, line 37. Granting possession of the residence. This should be **temporary possession.** Does this allow confiscation of property similar to the confiscation of alleged drug monies and property? What happens if you run a business out of your home?

3) page 3, lines 1-3. Delete and change to "*the court shall order the party awarded temporary custody of the house to immediately contact the utilities and to have the utilities installed in the name of the person occupying the residence or household.*" This will prevent the excluded party from a blemished credit report due to unpaid bills and excessive long distance phone calls. Also as we all know court orders are often violated, this will not stop the shutting off of utilities if it is in the excluded parties name. The attorney representing the petitioning party should tell that party to change names on all utilities. Take a step toward responsibility.

4) page 3, line 10. This needs to be worded so that the excluded party will not be liable for stepchildren or children other than their own. The current wording could allow a custodial parent to receive child support from two or more excluded parties. I know of a case where a live in was required to pay temporary child support.

5) **Needs to be a penalty for false reports. Allegations of abuse are rampant in the "divorce industry", and fear** (page 1 line 21) **is an emotion that should not be used to punish the other parent because ultimately it harms the children.** It is a ploy used to extort higher settlement, child support and alimony payments.

Children need Fathers not Visitors

PO Box 750361 Topeka, KS 66675-0361

House Judiciary Comm
Attach 2
3/20/97

Journal of Family Violence, Vol. 10, No. 3, 1995

Divorce Related Malicious Mother Syndrome

Ira Daniel Turkat[1]

With the increasing commonality of divorce involving children, a pattern of abnormal behavior has emerged that has received little attention. The present paper defines the Divorce Related Malicious Mother Syndrome. Specific nosologic criteria are provided with abundant clinical examples. Given the lack of scientific data available on the disorder, issues of classification, etiology, treatment, and prevention appear ripe for investigation.

KEY WORDS: divorce; malicious mothers; child custody; child visitation.

INTRODUCTION

A divorced man gains custody of his children and his ex-wife burns down his home. A woman in a custody battle buys a cat for her offspring because her divorcing husband is highly allergic to cats. A mother forces her children to sleep in a car to "prove" their father has bankrupted them. These actions illustrate a pattern of abnormal behavior that has emerged as the divorce rate involving children has grown.

Today, half of all marriages will end in divorce (Beal and Hochman, 1991). The number of children involved in divorce has grown dramatically (e.g., Hetherington and Arastah, 1988) as well. While the majority of such cases are "settled" from a legal perspective, outside the courtroom the battle continues.

[1]Florida Institute of Psychology and University of Florida College of Medicine, 1225 Avenida Del Circo, Venice, Florida 34285.

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Criterion 3A: Malicious Lying to the Children

Given their developmental status, children in a disputed divorce situation are quite vulnerable. When one parent decides to attack the other by lying to the children, examples of this type of malicious behavior may include some of the following.

> One divorcing mother told her very young daughter that her father was "not really" her father even though he was.
>
> An eight year old girl was forced by her mother to hand unpaid bills to her father when he visited because the mother had falsely told the daughter that the father had not provided any economic means of support to the family.
>
> One mother falsely told her children that their father had repeatedly beat her up in the past.

These examples of malicious lying can be contrasted with the more subtle maneuvers typically seen in Parental Alienation Syndrome, such as "virtual allegations" (Cartwright, 1993). Here, the mother setting up a Parental Alienation Syndrome may *hint* that abuse *may* have occurred, whereas the individual suffering from Divorce Related Malicious Mother Syndrome falsely claims that abuse has *actually* occurred.

Criterion 3B: Malicious Lying to Others

Individuals suffering from Divorce Related Malicious Mother Syndrome may engage a wide range of other individuals in their attacks upon the ex-husband. However, with this particular criterion, the individual with Divorce Related Malicious Mother Syndrome specifically lies to other individuals in the belligerency against the father. Some examples include the following.

> One furious mother called the president of the (1500 employee) workplace of her divorcing husband, claiming falsely that he was using business property for personal gain and was abusing their mutual children at his work locale.
>
> One woman falsely told state officials that her ex-husband was sexually abusing their daughter. The child was immediately taken away from him and his access to her was denied.
>
> During the course of a custody dispute, one mother falsely informed the guardian, who was investigating the parenting skills of each parent, that the father had physically abused her.

Snyder (1986) has reported on the difficulty imposed upon legal authorities when confronted with someone who is an excellent liar. Consistent with research on the inability of "specialists" to detect lying (Ekman and O'Sullivan, 1991), a skilled fabricator can be a compelling witness in the courtroom (Snyder, 1986). While sometimes seen in borderline personalities, Snyder (1986) notes that pathological lying (Pseudologia Fantastica) is not restricted to that particular character disorder.

F3

TESTIMONY REGARDING SENATE BILL 100
HOUSE JUDICIARY COMMITTEE
March 20, 1997, 3:30 p.m., Room 313-S

Presented by Shirley A. Moses
Director of Accounts and Reports

Mr. Chairman, Members of the Committee:

Thank you, Mr Chairman, for scheduling these measures today. I realize your committee calendar is full. I appreciate you hearing these bills designed to increase efficiency in our division.

I am testifying today on behalf of the Department of Administration in support of SB 100. This bill represents a proposal by the Department to provide more flexible, efficient central services of value to those served.

The amendments in SB 100 are proposed to implement a fee structure which more fairly assesses to claimants the administrative and processing costs incurred to re-issue warrants not cashed within one year from the date of issuance. These warrants are automatically canceled one year from issuance date. However, if the payee subsequently discovers that the warrant was not cashed, a claim may be filed to allow the warrant to be re-issued. The proposed statutory amendment will reduce the fee for processing such claims from the greater of $15 or ten percent, to the greater of $15 or five percent. The present fee structure of ten percent, commensurate with warrant amounts over $150, can become very excessive. Claimants have voiced their displeasure with this policy, with some expressing their concerns to the Office of the Governor and to members of the Legislature. A more equitable fee structure should provide the intangible benefits of improved customer relations and a reduction in administrative time spent on claimant complaints. State agencies do not pay these fees and will not be affected by the amendment.

Thank you for the opportunity to appear before the Committee today. I would be happy to answer any questions the Committee may have.

House Judiciary
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3/20/97

#4

TESTIMONY REGARDING SENATE BILL 101
HOUSE JUDICIARY COMMITTEE
March 20, 1997, 3:30 p.m., Room 313-S

Presented by Shirley A. Moses
Director of Accounts and Reports

Mr. Chairman, Members of the Committee:

Thank you, Mr Chairman, for scheduling these measures today. I realize your committee calendar is full. I appreciate you hearing these bills designed to increase efficiency in our division.

I am testifying today on behalf of the Department of Administration in support of SB 101 concerning garnishment answers and holding of funds.

SB 101 amends Chapter 60, Article 7 and Chapter 61, Article 20, concerning attachment and garnishment, and Chapter 61, Article 26 containing the appendix of forms. The bill affects all employers in the State of Kansas and establishes a time limit for responses to the "Answer of Garnishee" in order to eliminate old garnishments awaiting disposition. On behalf of the State of Kansas as an employer, the Division of Accounts and Reports expends considerable effort in processing garnishment documents, in excess of 2,500 annually. In a fairly significant number of cases the State, as garnishee, has filed its answer indicating that it is withholding funds but never receives an order disposing of the garnishment proceeds. Currently no time limit exists for the party initiating the garnishment to respond to the "Answer of Garnishee" and the employer may be required to hold garnished funds for an extended period of time. Continually monitoring the withheld moneys and the effort involved in attempting to dispose of these funds is burdensome to employers. The proposed legislation would allow the garnishee to return the withheld funds to the employee/defendant after 180 days have passed from the date the garnishee filed its answer. The amendments are an attempt to streamline the garnishment process for all employers.

House Judiciary Com
Attach 4
3/20/97

I understand Mr. Elwaine Pomeroy representing the Kansas Credit Attorneys Association and the Kansas Collectors Association, Inc. prefers to extend this 180 day threshold to 365 days. Should the committee deem it appropriate to approve such an amendment, the Department of Administration does not oppose it.

Thank you for the opportunity to appear before the Committee today. I would be happy to answer any questions the Committee may have.

#5

REMARKS CONCERNING SENATE BILL 101

HOUSE JUDICIARY COMMITTEE

MARCH 20, 1997

Thank you for giving me the opportunity to appear before your committee on behalf of Kansas Credit Attorneys Association, which is a state-wide organization of attorneys whose practice includes considerable collection work, and Kansas Collectors Association, Inc., which is an association of collection agencies in Kansas.

The organizations I represent oppose SB 101 in its present form. The bill eliminates the requirement that the garnishee petition the court for an order allowing the return of withheld funds to the defendant. That requirement is eliminated by striking the language which appears on page 2 in line 22 and on page 6 in lines 17 and 18. We have concerns with permitting a garnishee, after receiving an order from a court to withhold funds from a defendant, to then at some future time return those funds without there being an order of the court allowing such return of funds.

A second change made by this bill is to extend the time frame. Presently the garnishee may petition the court for an order allowing the return of funds if the garnishee has not received an order of the court disposing of the earnings within 60 days. The bill as written extends the time frame from 60 days to 180 days, although now the return of funds would be **automatic**. We are very concerned about permitting an **automatic** return of funds to a defendant after the expiration of only 180 days. In most cases, 180 days would be sufficient. But far too many of the defendants whose funds are garnished file for relief in bankruptcy court. Although I personally do not practice in bankruptcy court, I understand that there is a stay concerning actions to enforce debts when the bankruptcy action is filed, which prohibits a creditor from taking any action during the time when that stay from the bankruptcy court is in effect. While

Hause Judiciary
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3/20/97

that stay from the bankruptcy court is in effect, the creditor could not obtain an order from the court which issued the garnishment directing the garnishee to pay into court those funds the garnishee had been directed to withhold from the defendant. I am further advised that it is not unusual for that stay from the bankruptcy court to be in effect for a period longer than 180 days.

We have discussed our concerns about the changes which this bill would make with the Kansas Department of Administration, and we have reached a compromise agreement which, if adopted by the committee, would accomplish what the Director of Accounts and Reports wants to achieve by the passage of this bill and which compromise would be acceptable to the organizations I represent. The compromise agreement would be that the time frame provided by the bill would be changed from 180 days to 365 days. That extended period should allow time for the creditor to get a relief from the stay imposed by the bankruptcy court when the defendant files bankruptcy.

We would therefore request the committee to amend the bill on page 2 in line 21 by striking "180" and inserting "365"; on page 3, line 11, by striking "180" and inserting "365"; on page 5, line 29, by striking "180" and inserting "365"; and on page 6, line 16, by striking "180" and inserting "365".

If the bill would be amended as we have requested, we would support the bill in that amended form.

ELWAINE F. POMEROY