

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2163

As Recommended by House Committee on
Judiciary

Brief*

HB 2163 would amend the requirement in garnishment proceedings that a garnishee respond to an order of garnishment within 14 days after service by completing the answer in substantial compliance with the forms provided by the Judicial Council and stating the facts with respect to the demands of the order. If the garnishee does not have the assets of the judgment debtor, the bill would require the garnishee to send the completed answer to the judgment creditor's attorney at the address listed on the answer form or, if the judgment creditor does not have an attorney, to the judgment creditor at the address listed on the answer form. The bill also would require such an answer to be supported by an unsworn declaration in the manner set forth on the answer form. Further, in instances where the garnishee does have the assets of the judgment debtor, the bill would require the answer to be sent to the judgment creditor's attorney or, if the judgment creditor does not have an attorney, to the judgment creditor.

Background

In the House Committee on Judiciary, a representative of the Kansas Bankers Association appeared in support of the bill. No others offered testimony.

The Division of the Budget's fiscal note indicates passage of HB 2163 would have no fiscal effect on the Judicial Branch.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>