

As Amended by House Committee

Session of 2007

HOUSE BILL No. 2143

By Committee on Judiciary

1-19

10 AN ACT concerning child support; relating to wildlife and parks licenses  
11 and permits; amending K.S.A. 2006 Supp. 23-495, 32-918 and 32-930  
12 and repealing the existing sections.  
13

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

15 Section 1. K.S.A. 2006 Supp. 23-495 is hereby amended to read as  
16 follows: 23-495. The court trustee shall have the responsibility:

17 (a) For collection of support or restitution from the obligor upon the  
18 written request of the obligee or upon the order of the court; *and*

19 (b) *to compile a list of individuals who owe arrearages under a sup-*  
20 *port order or have failed, after appropriate notice, to comply with a sub-*  
21 *poena issued pursuant to a duty of support. The court trustee shall deliver*  
22 *such list to the secretary of social and rehabilitation services on a quarterly*  
23 *basis or more frequently as requested by the secretary.*

24 Sec. 2. K.S.A. 2006 Supp. 32-918 is hereby amended to read as fol-  
25 lows: 32-918. (a) Upon request of the secretary of social and rehabilitation  
26 services, the secretary of wildlife and parks shall not allow any license,  
27 permit, stamp, tag or other issue of the department of wildlife and parks  
28 to be purchased by any applicant except as provided in this section. The  
29 secretary of social and rehabilitation services may make such a request  
30 by providing the secretary of wildlife and parks, on a quarterly basis, a  
31 listing of names and other information sufficient to allow the secretary of  
32 wildlife and parks to match applicants against the list with reasonable  
33 accuracy. The secretary of social and rehabilitation services may include  
34 an individual on the listing if, at the time the listing is compiled, the  
35 individual owes arrearages under a support order in a title IV-D case or  
36 has failed, after appropriate notice, to comply with an outstanding warrant  
37 or subpoena directed to the individual in a title IV-D case. *The secretary*  
38 *of social and rehabilitation services shall include an individual on the*  
39 *listing if, at the time the listing is compiled, the individual owes arrearages*  
40 *under a support order, as reported to the secretary of social and rehabil-*  
41 *itation services by the court trustee or has failed, after appropriate notice,*  
42 *to comply with a subpoena directed to the individual by the court trustee*  
43 *and as reported to the secretary of social and rehabilitation services by*

1 *the court trustee.*

2 (b) If any applicant for a license, permit, stamp, tag or other issue of  
3 the department of wildlife and parks is not allowed to complete a pur-  
4 chase pursuant to this section, the vendor of the license, permit, stamp,  
5 tag or other issue of the department of wildlife and parks shall immedi-  
6 ately deliver to the applicant a written notice, furnished by the state of  
7 Kansas, stating the basis for the action and how the applicant may dispute  
8 the action or request other relief. *Such notice shall inform the applicant*  
9 *who owes arrearages in an IV-D case to contact social and rehabilitation*  
10 *services and in a non-IV-D case to contact the court trustee.*

11 (c) Immediately upon receiving a release executed by an authorized  
12 agent of the secretary of social and rehabilitation services *or the court*  
13 *trustee*, the secretary of wildlife and parks may allow the applicant to  
14 purchase any license, permit, stamp, tag or other issue of the department  
15 of wildlife and parks. The applicant shall have the burden of obtaining  
16 and delivering the release. The secretary of social and rehabilitation serv-  
17 ices *or court trustee* may limit the duration of the release.

18 (d) Upon request the secretary of social and rehabilitation services  
19 shall issue a release if, as appropriate:

20 (1) The arrearages are paid in full or a tribunal of competent juris-  
21 diction has determined that no arrearages are owed;

22 (2) an income withholding order in the case has been served upon  
23 the applicant's current employer or payor;

24 (3) an agreement has been completed or an order has been entered  
25 setting minimum payments to defray the arrearages, together with receipt  
26 of the first minimum payment; ~~or~~

27 (4) the applicant has complied with the warrant or subpoena or the  
28 warrant or subpoena has been quashed or withdrawn; *or*

29 (5) *the court trustee notifies the secretary of social and rehabilitation*  
30 *services that the applicant has paid the arrearages in full or has complied*  
31 *with the subpoena or the subpoena has been quashed or withdrawn.*

32 (e) Individuals previously included in a quarterly listing may be omit-  
33 ted from any subsequent listing by the secretary of social and rehabili-  
34 tation services. When a new listing takes effect, the secretary of wildlife  
35 and parks may allow any individual not included in the new listing to  
36 purchase any license, permit, stamp, tag or other issue of the department  
37 of wildlife and parks, whether or not the applicant had been included in  
38 a previous listing.

39 (f) Nothing in this section shall be construed to require or permit the  
40 secretary of wildlife and parks to determine any issue related to *a child*  
41 *support order or related to* the title IV-D case, including questions of  
42 mistaken identity or the adequacy of any notice provided pursuant to this  
43 section. *In a title IV-D case*, the secretary of social and rehabilitation

1 services shall provide an opportunity for fair hearing pursuant to K.S.A.  
2 75-3306, and amendments thereto, to any person who has been denied  
3 any license, permit, stamp, tag or other issue of the department of wildlife  
4 and parks pursuant to this section, provided that the person complies  
5 with the requirements of the secretary of social and rehabilitation services  
6 for requesting such fair hearing. *In a non-IV-D case, the applicant shall*  
7 *contact the court trustee.*

8 (g) The term “title IV-D” has the meaning ascribed thereto in K.S.A.  
9 32-930, and amendments thereto.

10 (h) The secretary of social and rehabilitation services and the secre-  
11 tary of wildlife and parks may enter into an agreement for administering  
12 the provisions of this section.

13 (i) The secretary of social and rehabilitation services and the secretary  
14 of wildlife and parks may each adopt rules and regulations necessary to  
15 carry out the provisions of this section.

16 (j) *Upon receipt of such list, the secretary of wildlife and parks shall*  
17 *send by first class mail, a letter to ~~the individuals informing such individ-~~*  
18 **uals any new individual on the listing who has a current license,**  
19 **permit, stamp, tag or other issue of the department of wildlife and**  
20 **parks informing such individual of the provisions of this section.**

21 Sec. 3. K.S.A. 2006 Supp. 32-930 is hereby amended to read as fol-  
22 lows: 32-930. (a) Except as provided in subsection (c), the secretary or  
23 the secretary’s designee is authorized to issue to any Kansas resident a  
24 lifetime fishing, hunting or furharvester or combination hunting and fish-  
25 ing license upon proper application made therefor to the secretary or the  
26 secretary’s designee and payment of a license fee as follows: (1) A total  
27 payment made at the time of purchase in the amount prescribed pursuant  
28 to K.S.A. 32-988 and amendments thereto; or (2) payment may be made  
29 over a two-year period in eight quarter-annual installments in the amount  
30 prescribed pursuant to K.S.A. 32-988 and amendments thereto. If pay-  
31 ment is in installments, the license shall not be issued until the final  
32 installment has been paid. A person making installment payments shall  
33 not be required to obtain the appropriate annual license, and each in-  
34 stallment payment shall be deemed to be such an annual license for a  
35 period of one year following the date of the last installment payment  
36 made. If an installment payment is not received within 30 days after it is  
37 due and owing, the secretary may consider the payments in default and  
38 may retain any payments previously received. Any lifetime license issued  
39 to a Kansas resident shall not be made invalid by reason of the holder  
40 thereof subsequently residing outside the state of Kansas. Any nonresi-  
41 dent holder of a Kansas lifetime hunting or combination hunting and  
42 fishing license shall be eligible under the same conditions as a Kansas  
43 resident for a big game or wild turkey permit upon proper application to

1 the secretary. Any nonresident holder of a lifetime fishing license issued  
 2 before July 1, 1989, shall be eligible under the same conditions as a Kansas  
 3 resident for a big game or wild turkey permit upon proper application to  
 4 the secretary.

5 (b) For the purposes of subsection (a), the term “resident” shall have  
 6 the meaning defined in K.S.A. 32-701, and amendments thereto, except  
 7 that a person shall have maintained that person’s place of permanent  
 8 abode in this state for a period of not less than one year immediately  
 9 preceding the person’s application for a lifetime fishing, hunting or fur-  
 10 harvester or combination hunting and fishing license.

11 (c) (1) Upon request of the secretary of social and rehabilitation serv-  
 12 ices, the secretary of wildlife and parks shall not issue a lifetime fishing,  
 13 hunting or furharvester or combination hunting and fishing license to an  
 14 applicant except as provided in this subsection. The secretary of social  
 15 and rehabilitation services may make such a request if, at the time of the  
 16 request, the applicant:

17 (A) Owed arrearages under a support order in a title IV-D case being  
 18 administered by the secretary of social and rehabilitation services ~~or~~;

19 (B) had outstanding a warrant or subpoena, directed to the applicant,  
 20 in a title IV-D case being administered by the secretary of social and  
 21 rehabilitation services;

22 (C) *owes arrearages under a support order, as reported to the sec-*  
 23 *retary of social and rehabilitation services by the court trustee; or*

24 (D) *has failed, after appropriate notice, to comply with a subpoena*  
 25 *directed to the individual by the court trustee as reported to the secretary*  
 26 *of social and rehabilitation services by the court trustee.*

27 (2) Upon receiving a release from an authorized agent of the secretary  
 28 of social and rehabilitation services *or the court trustee*, the secretary of  
 29 wildlife and parks may issue the lifetime fishing, hunting or furharvester  
 30 or combination hunting and fishing license. The applicant shall have the  
 31 burden of obtaining and delivering the release.

32 (3) The secretary of social and rehabilitation services shall issue a  
 33 release upon request if, as appropriate:

34 ~~(1)~~ (A) The arrearages are paid in full or a tribunal of competent  
 35 jurisdiction has determined that no arrearages are owed;

36 ~~(2)~~ (B) an income withholding order has been served upon the ap-  
 37 plicant’s current employer or payor;

38 ~~(3)~~ (C) an agreement has been completed or an order has been en-  
 39 tered setting minimum payments to defray the arrearages, together with  
 40 receipt of the first minimum payment; ~~or~~

41 ~~(4)~~ (D) the applicant has complied with the warrant or subpoena or  
 42 the warrant or subpoena has been quashed or withdrawn; *or*

43 (E) *the court trustee notifies the secretary of social and rehabilitation*

- 1 *services that the applicant has paid the arrearages in full or has complied*  
2 *with the subpoena or the subpoena has been quashed or withdrawn.*
- 3 (d) (1) *Upon request of the secretary of social and rehabilitation serv-*  
4 *ices, the secretary of wildlife and parks shall suspend a lifetime fishing,*  
5 *hunting or furharvester or combination hunting and fishing license to a*  
6 *licensee as provided in this subsection. The secretary of social and reha-*  
7 *bilitation services may make such a request if, at the time of the request,*  
8 *the applicant owed arrearages under a support order or had outstanding*  
9 *a warrant or subpoena as stated in subsection (c)(1).*
- 10 (2) *Upon receiving a release from an authorized agent of the secretary*  
11 *of social and rehabilitation services or the court trustee, the secretary of*  
12 *wildlife and parks may reinstate the lifetime fishing, hunting or furhar-*  
13 *vester or combination hunting and fishing license. The licensee shall have*  
14 *the burden of obtaining and delivering the release.*
- 15 (3) *The secretary of social and rehabilitation services shall issue a*  
16 *release upon request if the requirements of subsection (c)(3) are met.*
- 17 (e) *Nothing in ~~this~~ subsection (c) or (d) shall be construed to require*  
18 *or permit the secretary of wildlife and parks to determine any issue re-*  
19 *lated to a child support order or related to the title IV-D case ~~except~~*  
20 **including** *to resolve questions of mistaken identity or determine the*  
21 *adequacy of any notice relating to ~~this~~ subsection (c) or (d) that the sec-*  
22 *retary of wildlife and parks provides to the applicant.*
- 23 (f) *“Title IV-D” means part D of title IV of the federal social security*  
24 *act (42 U.S.C. § 651 et seq.) and amendments thereto, as in effect on*  
25 *December 31, 2001, relating to child support enforcement services.*
- 26 ~~(g)~~ (g) *The secretary, in accordance with K.S.A. 32-805 and amend-*  
27 *ments thereto, may adopt rules and regulations necessary to carry out the*  
28 *provisions of this section.*
- 29 Sec. 4. *K.S.A. 2006 Supp. 23-495, 32-918 and 32-930 are hereby*  
30 *repealed.*
- 31 Sec. 5. *This act shall take effect and be in force from and after its*  
32 *publication in the statute book.*