

Approved March 15, 1988
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY

The meeting was called to order by Senator Robert Frey at
Chairperson

8:00 a.m./~~p.m.~~ on March 4, 1988 in room 514-S of the Capitol.

~~All~~ members ~~were~~ present ~~except~~ : Senators Frey, Hoferer, Burke, Gaines, Langworthy, Parrish, Steineger and Winter.

Committee staff present:

Gordon Self, Office of Revisor of Statutes
Mike Heim, Legislative Research Department
Jerry Donaldson, Legislative Research Department

Conferees appearing before the committee: None

Senate Bill 566 - Children, support and determination of parentage.

Senator Steineger, chairman of the subcommittee, reported the committee had an amendment prepared. They decided not to change the venue statutes. They did deal with the SRS proposal in the dormancy statute that the child has the authority to bring action to recover on past child support payment within age of majority. It would be the state in many, many cases would be able to go in and recover which can amount to five to six million dollars for the state. See Attachment I.

Senator Steineger moved to amend the bill to adopt the prepared amendments. Senator Parrish seconded the motion. The motion carried.

Senator Steineger moved to report the bill favorably as amended. Senator Parrish seconded the motion. The motion carried.

Senate Bill 679 - Consumer protection act, exclusion of warranties.

Senator Burke moved to amend the bill by striking unlawfully in line 50 except in subsection (i). Senator Parrish seconded the the motion. The motion carried.

Senator Winter made a conceptual motion concerning modification of warranties.

The committee will take further action on Senate Bill 679 at the next meeting at 10:00 A.M.

Senate Bill 691 - Interception of wire, oral and electronic communications.

Senator Parrish moved to amend the bill in line 173 by striking escape and inserting appear. Senator Steineger seconded the motion. The motion carried.

Senator Steineger moved to report the bill favorably as amended. Senator Parrish seconded the motion. The motion carried.

CONTINUATION SHEET

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY,
room 514-S, Statehouse, at 8:00 ~~a.m.~~ pm on March 4, 1988

Senate Bill 586 - Corporation control share acquisition act.

Senator Winter moved to amend the bill by removing Section 5(b), the opt out provision. Senator Hoferer seconded the motion. With three member voting in favor of the motion and four opposed, the motion failed.

Senator Gaines moved to amend the bill in Section 5(b) by striking 18 months and adding 6 months. Senator Winter seconded the motion. The motion carried.

Senate Bill 691 will be taken up again at the next meeting at 10:00 A.M.

The meeting adjourned.

A copy of the guest list is attached (See Attachment II).

3-4-88
8:00 AM

Revised SB 566 (child support)

3/2/88

Old Sec. 1 through 7: Interstate child support. Deleted.

Section 1 (Old Sec. 8): Paternity of a Child in Need of Care. Not changed.

Section 2 (Old Sec. 9): Dormancy. Allows child support judgments to become dormant if not enforced within 5 years, but extends the length of the dormancy period until 2 years after the child is emancipated.

Under this approach, a child support judgment would become dormant after 5 years if not enforced, just as any money judgment would. If it becomes dormant it must be revived, however, the time limit for filing a revivor motion would be delayed until the child becomes emancipated. Once the child is emancipated, the revivor must be filed within 2 years. This mirrors the tolling provisions in KSA 60-508 for filing a petition.

Because a judgment that is dormant is not a lien on real estate, extending the dormancy period would not change the present law's impact on title searches and real estate transactions.

Section 3 (New): Dormancy. Amends KSA 60-2404 to clearly state that the court has the authority to prevent windfalls when older child support judgments are being revived or to direct disbursements to ensure that they go to the person or agency which actually supported the child during the child's minority.

Existing provisions of KSA 60-2404 require any motion for revivor to be served in the manner of a summons, i.e., personally. The existing notice and hearing requirements would protect a support debtor from "surprise" if older support judgments were to be revived, in the same way a demand for payment under contract law protects a contract debtor.

Section 4 (Old Sec. 10): Support payments from Dept. of Corrections. No changes.

Section 5 (Old Sec. 11): SRS' cause of action for reimbursement of ADC. No changes.

Att. I