

Approved

Date

2-22-89
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MINUTES OF THE HOUSE COMMITTEE ON PUBLIC HEALTH AND WELFARE

The meeting was called to order by Marvin L. Littlejohn at
Chairperson

1:30 /a/m/p.m. on February 20, 1989 in room 423-S of the Capitol.

All members were present except:

Rep. Weimer, Rep. Shallenburger, excused

Committee staff present:

Bill Wolff, Research
Norman Furse, Revisor
Sue Hill, Committee Secretary

Conferees appearing before the committee:

Ben Coates, Department of Social Rehabilitation Services

Chair called meeting to order at 2:20 p.m. He apologized to members in audience for the late start of committee due to a very long session in the House Chambers. He called attention to fiscal note on HB 2146. We will hold hearings on SB 36 rather than HB 2146, but fiscal note applies to the Senate Bill.

He recognized Mr. Ben Coates, Department of Social Rehabilitation Services who would present bill requests this date. Mr. Coates offered hand-outs, Attachments No. 2 through No. 7.

Mr. Coates drew attention to Attachments, i.e., the one numbered 0976 (Attachment No.2) deals with the transfer of property. Our state law is out of compliance with the Federal regulations, and the bill requested will bring us equal to Federal Compliance.

Attachment No. 3, numbered 975, asks for certain dentists to be placed in an un-classified service.

Attachment No.4, numbered 978, deals with amending statutes to add additional members to the Board of of Kanwork Interagency Coordinating Committee. This commission has proved to be a very important part of the Kanwork program.

Attachment No.5, numbered 980, deals with further clarification on language in statutes dealing with dormant judgments. This is not new legislation, will only clarify authority of SRS.

Attachment No.6, numbered 977, deals with interlocutory orders of support in actions for divorce. This will allow their Department the authority to collect child support funds in cases of divorce, annulment/ separate maintenance.

Attachment No.7, numbered 1053 deals with enforcement of support/relating to income withholding, This bill would allow their Department authority to go after Judgment after a period of 30 days. This will automatically be a Federal law in 1990, and he explained they were just trying to get in compliance with that Federal law now. There is a great deal of amended language in this bill.

Rep. Amos moved to introduce all 6 recommendations from Mr. Coates in behalf of the Department of Social Rehabilitation Services, seconded by Rep. Wiard. No discussion. Motion carried.

Rep. Foster moved to approve committee minutes as written, (February 15, 16th), motion seconded by Rep. Amos. No discussion. Vote taken, motion carried.

Meeting adjourned.

Unless specifically noted, the individual remarks recorded herein have not been transcribed verbatim. Individual remarks as reported herein have not been submitted to the individuals appearing before the committee for editing or corrections.

GUEST REGISTER

HOUSE PUBLIC HEALTH AND WELFARE COMMITTEE

Date Feb. 20th 1989

Name	Organization	Address
Jenny Ransom	KS. Dept. Health and Env.	Landon State Bldg.
Alan Ransom	SRS	Dorkey State Bldg.
Jamie Cortchill	SRS	" " " "
Kim Ruffeld	Close - Up	Ulysses, Ks
Mandie Kluwe	Close - up	Ulysses, Ks
Rebecca A. Divas	Close - up	Ulysses, Ks.
Vikki Norton	Close - up	Ulysses, Ks
Dee Dee Stewart	Close - up	Ulysses, Ks.
Candee Monson	Close - up	Ulysses, Ks
George Geibel	QARP Capital Area Task Force	Topeka, Ks
Joseph F. Keese	KOITK	LSOB
JACK GUMB	SRS	TOPEKA -
Ann Smith	Hinert Ebert - AMST	Topeka
Allyn D. Lockner	SRS	"
Don Lindsey Jr	UTU	OSAWATOMIE
David Hatzel	U.T.U.	Shawnee, Ks
Ron Heru	R J Reynolds	Topeka
Bill Henry	Philip Morris	Topeka
Keri Baker	KAL PCHA	Topeka

426-5

The Honorable Marvin Littlejohn, Chairperson
House Committee on Public Health and Welfare
House of Representatives
Third Floor, Statehouse

Dear Representative Littlejohn:

SUBJECT: Fiscal Note for HB 2146 by Representative Holmes


In accordance with KSA 75-3715a, the following fiscal note concerning HB 2146 is respectfully submitted to your committee.

The proposed act relates to persons with physical disabilities and the use of support dogs. The act will amend KSA 39-1103 and repeal existing sections.

Current statute states a totally or partially blind person accompanied by a guide dog has the right to enjoy all public facilities. The proposed act would amend KSA 39-1102's language and includes any person with a physical disability accompanied by a support dog trained, but not limited to, pulling wheelchairs, opening doors and picking up objects has the right to enjoy all public facilities. Any person accompanied by such a dog will be liable for any damage done to a premise by the dog.

The proposed act also states that any person, firm or corporation who denies or interferes with admittance to any public facility will be guilty of a misdemeanor.

This act, as introduced, does not have any fiscal impact.


Michael F. O'Keefe
Director of the Budget

MFO:ME:dlf

cc: Sid Snider, Department of Human Resources
Ben Coates, Department of Social and Rehabilitation Services

5724

PH/ccc
attn #1
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_____ BILL NO. _____

By

AN ACT concerning social welfare; relating to eligibility requirements for assistance; amending K.S.A. 39-702 and K.S.A. 1988 Supp. 39-709 and repealing the existing sections.

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

Section 1. K.S.A. 39-702 is hereby amended to read as follows: 39-702. The following words and phrases when used in this act shall, for the purposes of this act, have the meanings respectively ascribed to them in this section:

(a) "Secretary" means the secretary of social and rehabilitation services.

(b) "Applicants" means all persons who, as individuals, or in whose behalf requests are made of the secretary for aid or assistance.

(c) "Social welfare service" may include such functions as giving assistance, the prevention of public dependency, and promoting the rehabilitation of dependent persons or those who are approaching public dependency.

(d) "Assistance" includes such items or functions as the giving or providing of money, food stamps or coupons, food, clothing, shelter, medicine or other materials, the giving of any service, including instructive or scientific, and the providing of institutional care, which may be necessary or helpful to the recipient in providing the necessities of life for the recipient and the recipient's dependents. The definitions of social welfare service and assistance in this section shall be deemed as partially descriptive and not limiting.

(e) "Aid to families with dependent children" means financial assistance with respect to or on behalf of a dependent

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child or dependent children and includes financial assistance for any month to meet the needs of the relative with whom any dependent child is living.

(f) "Medical assistance" means the payment of all or part of the cost of necessary: (1) Medical, remedial, rehabilitative or preventive care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act and furnished by health care providers who have a current approved provider agreement with the secretary, and (2) transportation to obtain care and services which are within the scope of services to be provided under a medical care plan developed by the secretary pursuant to this act.

(g) "Dependent children" means needy children under the age of 18 years, or who are under the age of 19 years and are full-time students in secondary schools or the equivalent educational program or are full-time students in a program of vocational or technical training if they may be reasonably expected to complete the training before attaining age 19 years, who have been deprived of parental or guardian support or care by reasons of the death, continued absence from the home, or physical or mental incapacity of a parent or guardian, and who are living with any blood relative, including those of the half-blood, and including first cousins, uncles, aunts, and persons of preceding generations are denoted by prefixes of grand, great, or great-great, and including the spouses or former spouses of any persons named in the above groups, in a place of residence maintained by one or more of such relatives as their own home. The secretary may adopt rules and regulations which extend the deprivation requirement under this definition to include being deprived of parental or guardian support or care by reason of the unemployment of a parent or guardian. The term "dependent children" also includes children who would meet the foregoing requirements except for their removal from the home of a relative as a result of judicial determination to the effect

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that continuation therein would be contrary to the welfare of such children, for whose placement and care the secretary is responsible, who have been placed in a foster family home or child care institution as a result of such determination and who received aid to dependent children in or for the month in which court proceedings leading to such determination were initiated, or would have received such aid in or for such month if application had been made therefor, or in the case of a child who had been living with a relative specified above within six months prior to the month in which such proceedings were initiated, would have received such aid in or for such month if in such month such child had been living with and removed from the home of such a relative and application had been made therefor.

(h) "The blind" means not only those who are totally and permanently devoid of vision, but also those persons whose vision is so defective as to prevent the performance of ordinary activities for which eyesight is essential.

(i) "General assistance" means financial assistance in which the cost of such financial assistance is not participated in by the federal government. General assistance may be limited to transitional assistance in some instances as specified by rules and regulations adopted by the secretary.

(j) "Recipient" means a person who has received assistance under the terms of this act.

(k) "Intake office" means the place where the secretary shall maintain an office for receiving applications.

(l) ~~"Adequate--consideration"--means--consideration--equal--or--reasonably--proportioned--to--the--value--of--that--for--which--it--is--given--~~

(m) "Transitional assistance" means a form of general assistance in which as little financial assistance as one payment may be made during each period of 12 consecutive calendar months to an eligible and needy person and all other persons for whom such person is legally responsible.

Sec. 2. K.S.A. 1988 Supp. 39-709 is hereby amended to read

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as follows: 39-709. (a) General eligibility requirements for assistance for which federal moneys are expended. Subject to the additional requirements below, assistance in accordance with plans under which federal moneys are expended may be granted to any needy person who:

(1) Has insufficient income or resources to provide a reasonable subsistence compatible with decency and health. Where a husband and wife are living together, the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary, in determining need of any applicant for or recipient of assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or minor stepchild if the stepchild is living with such individual. The secretary in determining need of an individual may provide such income and resource exemptions as may be permitted by federal legislation.

(2) Is a citizen of the United States or is an alien lawfully admitted to the United States and who is residing in the state of Kansas. ~~If any person--transfers--or--assigns--property without--adequate--consideration--or--for--the--purpose--of--becoming eligible--for--assistance--(A)---within---the---two-year---period immediately--preceding--the--application--if--the--value--of--the property--so--transferred--or--assigned--is--\$12,000--or--less--or--(B) within--a--period--of--time--in--excess--of--two--years,--as--established--by rules--and--regulations--of--the--secretary,--if--the--value--of--the property--so--transferred--or--assigned--is--in--excess--of--\$12,000,--such person--shall--thereby--become--ineligible--to--receive--assistance--for such--period--of--time--as--the--value--of--the--property--assigned--or transferred--would--have--reasonably--maintained--such--person--at--a standard--compatible--with--decency--and--health.--If--any--person without--the--consent--of--the--secretary--assigns--or--transfers property--without--adequate--consideration--while--on--the--assistance~~

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~~rolls, after making application for assistance or while receiving assistance, such person shall thereby become ineligible to receive assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health.~~

(b) Assistance to families with dependent children.

Assistance may be granted under this act to any dependent child, or relative, subject to the general eligibility requirements as set out in subsection (a), who resides in the state of Kansas or whose parent or other relative with whom the child is living resides in the state of Kansas. Such assistance shall be known as aid to families with dependent children.

(c) Aid to families with dependent children; assignment of support rights and limited power of attorney. (1) By applying for or receiving aid to families with dependent children such applicant or recipient shall be deemed to have assigned to the secretary on behalf of the state any accrued, present or future rights to support from any other person such applicant may have in such person's own behalf or in behalf of any other family member for whom the applicant is applying for or receiving aid. In any case in which an order for child support has been established and the legal custodian and obligee under the order surrenders physical custody of the child to a caretaker relative without obtaining a modification of legal custody and the caretaker relative's support rights are assigned pursuant to this section, the surrender of physical custody and the assignment shall transfer, by operation of law, the child support obligation under the order to the secretary on behalf of the state. Such assignment shall be of all accrued, present or future rights to support of the child surrendered to the caretaker relative. The assignment of support rights shall automatically become effective upon the date of approval for or receipt of such aid without the requirement that any document be signed by the applicant, recipient or obligee. Except as provided by subsection (c)(2), the assignment shall remain in full force and effect so long as

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such person is an applicant for or recipient of such aid or a caretaker relative no longer has physical custody of the child and aid to dependent children is discontinued. Upon the discontinuance of such aid, the assignment shall remain in effect as to unpaid support obligations due and owing at the time of the discontinuance of such aid until the claim of the secretary of social and rehabilitation services for repayment of the unreimbursed portion of such aid is satisfied. By applying for or receiving aid to dependent children assistance, or by surrendering physical custody of a child to a caretaker relative whose support rights are assigned, the applicant, recipient or obligee is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary in behalf of any person applying for, receiving or having received such assistance or in behalf of an obligee whose child receives or has received aid to dependent children because of the child's placement with a caretaker relative. This limited power of attorney shall be effective from the date the secretary approves the application for aid and shall remain in full force and effect as to the respective support rights assigned to the secretary under this subsection (c). The secretary retains the power to endorse all drafts, checks, money orders or other negotiable instruments representing support to which the secretary retains a partial claim pursuant to subsection (c) of K.S.A. 39-754 and amendments thereto.

(2) For a period of five calendar months after a recipient's final aid to families with dependent children payment, the secretary of social and rehabilitation services shall continue to provide all appropriate support enforcement services for the persons who were receiving assistance, unless the former recipient requests that support enforcement services be discontinued. Before the end of the five-month period, the

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secretary shall send notice to the former recipient that support enforcement services pursuant to this subsection will continue unless a request to discontinue the services is received. The notice shall summarize the services available, any fees charged and policies for cost recovery and collection distribution. During the period services are being provided pursuant to this subsection, the assignment and limited power of attorney provided in subsection (c)(1) shall continue in full force and effect, except that the secretary's claim for repayment of the unreimbursed portion of aid to families with dependent children previously provided shall not be satisfied from support obligations which accrue after the final assistance payment. Nothing in this subsection (c)(2) shall affect or limit any assignment of support rights pursuant to subsection (c)(1) which occurs after the final assistance payment to the recipient.

(d) Eligibility requirements for general assistance, the cost of which is not shared by the federal government. (1) General assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d).

(A) To qualify for general assistance in any form a needy person must have insufficient income or resources to provide a reasonable subsistence compatible with decency and health and, except as provided for transitional assistance, be a member of a family in which a minor child or a pregnant woman resides or be unable to engage in employment. The secretary shall adopt rules and regulations prescribing criteria for establishing when a minor child may be considered to be living with a family and whether a person is able to engage in employment, including such factors as age or physical or mental condition. Eligibility for general assistance, other than transitional assistance, is limited to families in which a minor child or a pregnant woman resides or to an adult or family in which all legally responsible family members are unable to engage in employment. Where a

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husband and wife are living together the combined income or resources of both shall be considered in determining the eligibility of either or both for such assistance unless otherwise prohibited by law. The secretary in determining need of any applicant for or recipient of general assistance shall not take into account the financial responsibility of any individual for any applicant or recipient of general assistance unless such applicant or recipient is such individual's spouse or such individual's minor child or a minor stepchild if the stepchild is living with such individual. In determining the need of an individual, the secretary may provide for income and resource exemptions.

(B) To qualify for general assistance in any form a needy person must be a citizen of the United States or an alien lawfully admitted to the United States and must be residing in the state of Kansas.

(2) General assistance in the form of transitional assistance may be granted to eligible persons who do not qualify for financial assistance in a program in which the federal government participates and who satisfy the additional requirements prescribed by or under this subsection (d), but who do not meet the criteria prescribed by rules and regulations of the secretary relating to inability to engage in employment or are not a member of a family in which a minor or a pregnant woman resides.

(3) In addition to the other requirements prescribed under this subsection (d), the secretary shall adopt rules and regulations which establish community work experience program requirements for eligibility for the receipt of general assistance in any form and which establish penalties to be imposed when a work assignment under a community work experience program requirement is not completed without good cause. The secretary may adopt rules and regulations establishing exemptions from any such community work experience program requirements. A first time failure to complete such a work assignment requirement

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shall result in ineligibility to receive general assistance for a period fixed by such rules and regulations of not more than three calendar months. A subsequent failure to complete such a work assignment requirement shall result in a period fixed by such rules and regulations of ineligibility of not more than six calendar months.

(4) ~~if any person transfers or assigns property without adequate consideration or for the purpose of becoming eligible for any form of general assistance (A) within the two-year period immediately preceding the application if the value of the property so transferred or assigned is \$12,000 or less or (B) within a period of time in excess of two years, as established by rules and regulations of the secretary, if the value of the property so transferred or assigned is in excess of \$12,000, such person shall thereby become ineligible to receive any form of general assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health. If any person without the consent of the secretary assigns or transfers property without adequate consideration while on the assistance rolls after making application for assistance or while receiving assistance, such person shall thereby become ineligible to receive assistance for such period of time as the value of the property assigned or transferred would have reasonably maintained such person at a standard compatible with decency and health. If any person is found guilty of the crime of theft under the provisions of K.S.A. 39-720 and amendments thereto, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the provisions of K.S.A. 39-720 and amendments thereto or the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction.~~

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First time offenders convicted of a felony under the provisions of such statute shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction. If any person is found guilty by a court of competent jurisdiction of any state other than the state of Kansas of a crime involving welfare fraud, such person shall thereby become forever ineligible to receive any form of general assistance under the provisions of this subsection (d) unless the conviction is the person's first conviction under the law of any other state concerning welfare fraud. First time offenders convicted of a misdemeanor under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 12 calendar months from the date of conviction. First time offenders convicted of a felony under the law of any other state concerning welfare fraud shall become ineligible to receive any form of general assistance for a period of 60 calendar months from the date of conviction.

(e) Requirements for medical assistance for which federal moneys or state moneys or both are expended. When the secretary has adopted a medical care plan under which federal moneys or state moneys or both are expended, medical assistance in accordance with such plan shall be granted to any person who is a citizen of the United States or who is an alien lawfully admitted to the United States and who is residing in the state of Kansas, whose resources and income do not exceed the levels prescribed by the secretary. In determining the need of an individual, the secretary may provide for income and resource exemptions and protected income and resource levels. The secretary shall exempt principal and interest held in irrevocable trust pursuant to subsection (c) of K.S.A. 16-303 and amendments thereto from the eligibility requirements of applicants for and recipients of medical assistance. Such assistance shall be known as medical assistance.

(f) Eligibility for medical assistance of resident receiving medical care outside state. A person who is receiving

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medical care including long-term care outside of Kansas whose health would be endangered by the postponement of medical care until return to the state or by travel to return to Kansas, may be determined eligible for medical assistance if such individual is a resident of Kansas and all other eligibility factors are met. Persons who are receiving medical care on an ongoing basis in a long-term medical care facility in a state other than Kansas and who do not return to a care facility in Kansas when they are able to do so, shall no longer be eligible to receive assistance in Kansas unless such medical care is not available in a comparable facility or program providing such medical care in Kansas. For persons who are minors or who are under guardianship, the actions of the parent or guardian shall be deemed to be the actions of the child or ward in determining whether or not the person is remaining outside the state voluntarily.

(g) Medical assistance; assignment of rights to medical support and limited power of attorney. Except as otherwise provided in K.S.A. 1988 Supp. 39-786 and 39-787, by applying for or receiving medical assistance under a medical care plan in which federal funds are expended, any accrued, present or future rights to medical support and any rights to payment for medical care from a third party of an applicant or recipient and any other family member for whom the applicant is applying shall be deemed to have been assigned to the secretary on behalf of the state. The assignment shall automatically become effective upon the date of approval for such assistance without the requirement that any document be signed by the applicant or recipient. Upon the discontinuance of such assistance, the assignment shall remain in effect as to unpaid obligations due and owing at the time of the discontinuance of such assistance until the claim of the secretary for repayment of the unreimbursed portion of such assistance is satisfied. By applying for or receiving medical assistance the applicant or recipient is also deemed to have appointed the secretary, or the secretary's designee, as an attorney in fact to perform the specific act of negotiating and

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endorsing all drafts, checks, money orders or other negotiable instruments, representing payments received by the secretary in behalf of any person applying for, receiving or having received such assistance. This limited power of attorney shall be effective from the date the secretary approves the application for assistance and shall remain in full force and effect as to the respective rights assigned to the secretary under this subsection. The secretary retains the power to endorse all drafts, checks, money orders or other negotiable instruments representing support to which the secretary retains a partial claim pursuant to subsection (c) of K.S.A. 39-754 and amendments thereto. The assignment of any rights to payment for medical care from a third party under this subsection shall not prohibit a health care provider from directly billing an insurance carrier for services rendered if the provider has not submitted a claim covering such services to the secretary for payment.

(h) Placement under code for care of children or juvenile offenders code; assignment of support rights and limited power of attorney. In any case in which the secretary of social and rehabilitation services pays for the expenses of care and custody of a child pursuant to K.S.A. 38-1501 et seq. or 38-1601 et seq., and amendments thereto, including the expenses of any foster care placement, an assignment of all past, present and future support rights of the child in custody possessed by either parent or other person entitled to receive support payments for the child is, by operation of law, conveyed to the secretary. Such assignment shall become effective upon placement of a child in the custody of the secretary or upon payment of the expenses of care and custody of a child by the secretary without the requirement that any document be signed by the parent or other person entitled to receive support payments and shall remain in full force and effect so long as such expenses are paid or the child remains in the custody of the secretary. When the payment of expenses by the secretary ceases or the secretary is relieved of custody of the child, the assignment shall remain in effect as

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to unpaid support obligations due and owing for the child who was in custody at the time payments for expense of care and custody or custody of the child are discontinued until the claim of the secretary of social and rehabilitation services has been satisfied. Such claim under this subsection is limited to an amount not exceeding the amount of assistance provided to the child. When the secretary pays for the expenses of care and custody of a child or a child is placed in the custody of the secretary, the parent or other person to whom support is ordered paid in a previously existing order for support is also deemed to have appointed the secretary, or the secretary's designee, as attorney in fact to perform the specific act of negotiating and endorsing all drafts, checks, money orders or other negotiable instruments representing support payments received by the secretary on behalf of any parent or other person otherwise entitled to receive support payments pursuant to the assignment of support rights. This limited power of attorney shall be effective from the date the assignment to support rights becomes effective and shall remain in full force and effect as to the respective support rights assigned to the secretary under this subsection. The secretary retains the power to endorse all drafts, checks, money orders or other negotiable instruments representing support to which the secretary retains a partial claim pursuant to K.S.A. 39-754 and amendments thereto.

Sec. 3. K.S.A. 39-702 and K.S.A. 1988 Supp. 39-709 are hereby repealed.

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

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_____ BILL NO. _____

By

AN ACT placing certain dentists in the unclassified service under the Kansas civil service act; amending K.S.A. 1988 Supp. 75-2935 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 75-2935 is hereby amended to read as follows: 75-2935. The civil service of the state of Kansas is hereby divided into the unclassified and the classified services.

(1) The unclassified service comprises positions held by state officers or employees who are:

(a) Chosen by election or appointment to fill an elective office;

(b) members of boards and commissions, heads of departments required by law to be appointed by the governor or by other elective officers, and the executive or administrative heads of offices, departments, divisions and institutions specifically established by law;

(c) except as otherwise provided under this section, one personal secretary to each elective officer of this state, and in addition thereto, 10 deputies, clerks or employees designated by such elective officer;

(d) all employees in the office of the governor;

(e) officers and employees of the senate and house of representatives of the legislature and of the legislative coordinating council and all officers and employees of the office of revisor of statutes, of the legislative research department, of the division of legislative administrative services, of the division of post audit and the legislative counsel;

(f) chancellor, president, deans, administrative officers,

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student health service physicians, teaching and research personnel, and student employees in the institutions under the state board of regents, the executive officer of the board of regents and the executive officer's employees other than clerical employees, and, at the discretion of the state board of regents, directors or administrative officers of departments and divisions of the institution, except that this subsection (1)(f) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(g) operations, maintenance and security personnel employed to implement agreements entered into by the adjutant general and the federal national guard bureau, and officers and enlisted persons in the national guard and the naval militia;

(h) persons engaged in public work for the state but employed by contractors when the performance of such contract is authorized by the legislature or other competent authority;

(i) persons temporarily employed or designated by the legislature or by a legislative committee or commission or other competent authority to make or conduct a special inquiry, investigation, examination or installation;

(j) officers and employees in the office of the attorney general and special counsel to state departments appointed by the attorney general, except that officers and employees of the division of the Kansas bureau of investigation shall be in the classified or unclassified service as provided in K.S.A. 75-711 and amendments thereto;

(k) all employees of courts;

(l) patient and inmate help in state charitable, penal and correctional institutions;

(m) all attorneys for boards, commissions and departments;

(n) the secretary of the Kansas state historical society;

(o) physician specialists and dentists employed by the commissioner of mental health and retardation services and

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assigned by the commissioner to a position in mental health and retardation services or any institution under the supervision of the state department of social and rehabilitation services;

(p) physician specialists employed at any institution under the supervision of the secretary of corrections;

(q) student employees enrolled in public institutions of higher learning;

(r) administrative officers, directors and teaching personnel of the state board of education and the state department of education and of any institution under the supervision and control of the state board of education, except that this subsection (1)(r) shall not be construed to include the custodial, clerical or maintenance employees, or any employees performing duties in connection with the business operations of any such institution, except administrative officers and directors;

(s) all officers and employees in the office of the secretary of state;

(t) one personal secretary and one special assistant to the following: The secretary of administration, the secretary of aging, the secretary of commerce, the secretary of corrections, the secretary of health and environment, the superintendent of the Kansas highway patrol, the secretary of human resources, the secretary of revenue, the secretary of social and rehabilitation services, the secretary of transportation and the secretary of wildlife and parks;

(u) one personal secretary and one special assistant to the chancellor and presidents of institutions under the state board of regents;

(v) one personal secretary and one special assistant to the executive vice chancellor of the university of Kansas medical center;

(w) one public information officer and one chief attorney for the following: The department of administration, the department on aging, the department of commerce, the department

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of corrections, the department of health and environment, the department of human resources, the department of revenue, the department of social and rehabilitation services, the department of transportation and the Kansas department of wildlife and parks;

- (x) civil service examination monitors;
- (y) the secretary of the state corporation commission;
- (z) specifically designated by law as being in the unclassified service.

(2) The classified service comprises all positions now existing or hereafter created which are not included in the unclassified service. Appointments in the classified service shall be made according to merit and fitness from eligible lists prepared upon the basis of examination which so far as practicable shall be competitive. No person shall be appointed, promoted, reduced or discharged as an officer, clerk, employee or laborer in the classified service in any manner or by any means other than those prescribed in the Kansas civil service act and the rules adopted in accordance therewith.

(3) For positions involving unskilled, or semiskilled labor, the secretary of administration, as provided by law, shall establish rules and regulations concerning certifications, appointments, layoffs and reemployment which may be different from the rules and regulations established concerning these processes for other positions in the classified service.

(4) Officers authorized by law to make appointments to positions in the unclassified service, and appointing officers of departments or institutions whose employees are exempt from the provisions of the Kansas civil service act because of the constitutional status of such departments or institutions shall be permitted to make appointments from appropriate registers of eligibles maintained by the division of personnel services.

Sec. 2. K.S.A. 1988 Supp. 75-2935 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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_____ BILL NO. _____

By

AN ACT concerning the KanWork interagency coordinating committee; relating to the membership thereof; amending K.S.A. 1988 Supp. 39-7,108 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 39-7,108 is hereby amended to read as follows: 39-7,108. (a) There is hereby created the KanWork interagency coordinating committee which shall consist of the following members: (1) No more than 10 members appointed by the governor; (2) the secretary of social and rehabilitation services; (3) the secretary of human resources; (4) the secretary of administration or the secretary's designee; (5) the secretary of commerce or the secretary's designee; and (6) a faculty member engaged in teaching social welfare courses at a college or university located in this state appointed by the chairperson of the state board of regents; and (7) a representative of the state department of education who is knowledgeable in the area of vocational-technical education or community colleges, or both, appointed by the chairperson of the state board of education.

Individuals appointed to the committee by the governor shall include: A representative of the Kansas league of municipalities; a representative of the Kansas association of counties; a representative of a local school district; a representative of the financial community; a representative of the business community; a representative of organized labor; a representative of the child support enforcement program of the judicial branch; and a social services advocacy representative.

(b) The member of the committee appointed by the chairperson of the state board of regents, the member of the committee appointed by the chairperson of the state board of

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education and the members of the committee appointed by the governor shall be appointed for two-year terms and until their successors are appointed and qualified. Upon the vacancy of a position on the committee, the person appointing the member whose position is vacant, or the successor to the position of the person appointing such member, shall appoint a person to fill such vacancy.

(c) The secretary of social and rehabilitation services shall serve as chairperson of the committee. The committee shall meet on the call of the chairperson. A majority of all the members of the committee shall constitute a quorum.

(d) The committee shall provide oversight of the KanWork program to insure cooperation at all levels of government, to avoid duplication among agencies and programs, insure cooperation and smooth implementation of the program, encourage involvement by the public, private and nonprofit sectors in the state and provide ongoing planning for the program. In addition, the committee shall review periodically the use of funds under the federal job training and partnership act and other federal funds available for any similar programs and may issue reports as necessary.

(e) The secretary of social and rehabilitation services shall provide staff assistance and clerical services to the committee. Other state agencies shall cooperate with the committee by providing information and other assistance as may be helpful to the committee in carrying out its duties under this section.

(f) The members of the committee who are not state officers or employees and who are attending meetings of such committee, or attending a subcommittee meeting thereof authorized by such committee, shall be paid amounts provided in subsection (e) of K.S.A. 75-3223 and amendments thereto. Amounts paid under this subsection (f) shall be from appropriations to the department of social and rehabilitation services upon warrants of the director of accounts and reports issued pursuant to vouchers approved by

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the secretary of social and rehabilitation services or a person designated by the secretary.

Sec. 2. K.S.A. 1988 Supp. 39-7,108 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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_____ BILL NO. _____

By

AN ACT concerning revivor of dormant judgments; amending K.S.A. 1988 Supp. 60-2404 and repealing the existing section.

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

Section 1. K.S.A. 1988 Supp. 60-2404 is hereby amended to read as follows: 60-2404. A dormant judgment may be revived and have the same force and effect as if it had not become dormant ~~if, within two years of the date on which such judgment became~~ dormant, the holder thereof files a motion for revivor and files a request for the immediate issuance of an execution thereon if such motion is granted. Notice of the filing of the motion shall be given as for a summons under article 3 of this chapter, ~~and~~. If the motion for revivor was filed within two years after the date on which the judgment became dormant or, in the case of a child support judgment, was filed during the period prior to the child's emancipation, within two years after the child's emancipation or within two years after the judgment became dormant, whichever is later, on the hearing thereof the court shall enter an order of revivor unless good cause to the contrary be shown, and thereupon the execution shall issue forthwith. On the hearing of a motion to revive a child support judgment, the court may enter an order to prevent the unjust enrichment of any party or to ensure that payments will be disbursed to the real party in interest. A judgment may also be revived by the filing of a written stipulation of revivor signed by all of the parties affected thereby. For the purpose of this section and K.S.A. 60-2403 and amendments thereto, attachment, income withholding or garnishment process shall have the same effect as the issuance of an execution.

Sec. 2. K.S.A. 1988 Supp. 60-2404 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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_____ BILL NO. _____

By

AN ACT relating to interlocutory orders of support in actions for divorce, annulment or separate maintenance; amending K.S.A. 60-1607 and repealing the existing section.

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

Section 1. K.S.A. 60-1607 is hereby amended to read as follows: 60-1607. (a) Permissible orders. After a petition for divorce, annulment or separate maintenance has been filed, the judge assigned to hear the action may, without requiring bond, make and enforce by attachment, orders which:

(1) Jointly restrain the parties with regard to disposition of the property of the parties and provide for the use, occupancy, management and control of that property;

(2) restrain the parties from molesting or interfering with the privacy or rights of each other;

(3) provide for the custody of the minor children and the support, if necessary, of either party and of the minor children during the pendency of the action;

(4) make provisions, if necessary, for the expenses of the suit, including reasonable attorney's fees, that will insure to either party efficient preparation for the trial of the case; or

(5) require an investigation by court service officers into any issue arising in the action.

(b) Ex parte orders. Orders authorized by subsections (a)(1), (2) and (3) may be entered after ex parte hearing upon compliance with rules of the supreme court, but no ex parte order shall have the effect of changing the custody of a minor child from the parent who has had the sole de facto custody of the child to the other parent unless there is sworn testimony to support a showing of extraordinary circumstances. If an

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interlocutory order is issued ex parte, the court shall hear a motion to vacate or modify the order within 10 days of the date that a party requests a hearing whether to vacate or modify the order. In the absence, disability, or disqualification of the judge assigned to hear the action, any other judge of the district court may make any order authorized by this section, including vacation or modification or any order issued by the judge assigned to hear the action.

(c) Support orders. (1) An order of support obtained pursuant to this section may be enforced by an order of garnishment as provided in this section or may be enforced by income withholding as provided under K.S.A. 23-4,105 et seq.

(2) No order of garnishment shall be issued under this section unless: (A) Ten or more days have elapsed since the order of support was served upon the party required to pay the support, and (B) the order of support contained a notice that the order of support may be enforced by garnishment and that the party has a right to request an opportunity for a hearing to contest the issuance of an order of garnishment, if the hearing is requested by motion filed within five days after service of the order of support upon the party. If a hearing is requested, the court shall hold the hearing within five days after the motion requesting the hearing is filed with the court or at a later date agreed to by the parties.

(3) No bond shall be required for the issuance of an order of garnishment pursuant to this section. Except as provided in this section, garnishments authorized by this section shall be subject to the procedures and limitations applicable to other orders of garnishment authorized by law.

(4) A party desiring to have the order of garnishment issued shall file an affidavit with the clerk of the district court stating that:

(A) The order of support contained the notice required by this subsection;

(B) ten or more days have elapsed since the order of

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support was served upon the party required to pay the support;
and

(C) either no hearing was requested on the issuance of an order of garnishment within the five days after service of the order of support upon the party required to pay the same or a hearing was requested and held and the court did not prohibit the issuance of an order of garnishment.

Sec. 2. K.S.A. 60-1607 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.

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_____ BILL NO. _____

By

AN ACT concerning enforcement of support; relating to income withholding; amending K.S.A. 23-4,106, 23-4,107, 23-4,110, 23-4,113, 23-4,114 and 23-4,130 and repealing the existing sections.

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

Section 1. K.S.A. 23-4,106 is hereby amended to read as follows: 23-4,106. As used in K.S.A. 1985-Supp. 23-4,105 through 23-4,118:

(a) "Arrearage" means the total amount of unpaid support which is due and unpaid under an order of for support, based upon the due date specified in the order for support or, if no specific date is stated in the order, the last day of the month in which the payment is to be made. If the order for support includes a judgment for reimbursement or for an arrearage accrued under a previously existing order, an arrearage exists on the date the order for support is entered.

(b) "Income" means any form of periodic payment to an individual, regardless of source, including but not limited to wages, salary, trust, royalty, commission, bonus, compensation as an independent contractor, annuity and retirement benefits and any other periodic payments made by any person, private entity or federal, state or local government or any agency or instrumentality thereof. "Income" does not include: (1) Any amounts required by law to be withheld, other than creditor claims, including but not limited to federal and state taxes, social security tax and other retirement and disability contributions; (2) any amounts exempted by federal law; (3) public assistance payments; and (4) unemployment insurance benefits except to the extent otherwise provided by law. Any

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other state or local laws which limit or exempt income or the amount or percentage of income that can be withheld shall not apply.

(c) "Income withholding order" means an order issued under this act which requires a payor to withhold income to satisfy an order for support or to defray an arrearage.

{e} (d) "Obligee" means the person or entity to whom a duty of support is owed.

{d} (e) "Obligor" means any person who owes a duty to make payments under an order for support.

{e} (f) "Order for support" means any order of a court, or of an administrative agency of another jurisdiction, authorized by law to issue such an order, which provides for payment of funds for the support of a child, or for maintenance of a spouse or ex-spouse living with a child for whom an order of support is also being enforced, and includes such an order which provides for modification or resumption of a previously existing order; payment of an arrearage accrued under a previously existing order; a reimbursement order, including but not limited to an order established pursuant to K.S.A. 39-718a and amendments thereto; or an order established pursuant to K.S.A. 23-451 et seq. and amendments thereto.

{f} (g) "Payor" means any person or entity owing income to an obligor or any self-employed obligor.

{g} (h) "Public office" means any elected or appointed official of the state or any political subdivision or agency of the state, or any subcontractor thereof, who is or may become responsible by law for enforcement of, or who is or may become authorized to enforce, an order for support, including but not limited to the department of social and rehabilitation services, court trustees, county or district attorneys and other subcontractors.

{h} (i) "Title IV-D cases" means those cases required by part D of title IV of the federal social security act (42 U.S.C. §651 et seq.), as amended, to be processed by the department of

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social and rehabilitation services under the state's plan for support enforcement.

Sec. 2. K.S.A. 23-4,107 is hereby amended to read as follows: 23-4,107. (a) ~~Any new or modified order for support entered on or after January 1, 1986, shall include a provision for the withholding of income to enforce the order of support. Unless the order provides that income withholding will take effect immediately, withholding shall take effect only if: (1) There is an arrearage in an amount equal to or greater than the amount of support payable for one month or, if a judgment is granted pursuant to K.S.A. 39-718a and amendments thereto, a lump sum due and owing; and (2) there is compliance with the requirements of this section.~~

(b) ~~If the court has issued an order for support, with or without a conditional order requiring income withholding as provided by subsection (a), the obligee or a public office may apply for an order for withholding by filing with the court an affidavit stating: (1) That an arrearage exists in an amount equal to or greater than the amount of support payable for one month; (2) that a notice of delinquency has been served on the obligor in accordance with subsection (f) and the date and type of service; (3) that the obligor has not filed a motion to stay service of the income withholding order; and (4) a specified amount which shall be withheld by the payor to satisfy the order of support and to defray any arrearage. Upon the filing of the affidavit, the court shall issue an order requiring the withholding of income without the requirement of a hearing, amendment of the support order or further notice to the obligor.~~

~~For purposes of this subsection, an arrearage shall be computed on the basis of support payments due and unpaid on the date the notice of delinquency was served on the obligor.~~

(a) Except as otherwise provided in subsection (h) or (i), all new or modified orders for support entered on or after January 1, 1990, shall include a provision for the withholding of income to enforce the order of support, and an income withholding

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order shall be issued without further notice to the obligor specifying an amount sufficient to satisfy the order for support and to defray any arrearage. The income withholding order shall be issued regardless of whether a payor subject to the jurisdiction of this state can be identified at the time the order for support is entered.

(b) (1) Not less than seven days after the obligee or public office has served a notice of intent to apply for an income withholding order pursuant to subsection (f), the obligee or public office may apply for an income withholding order by filing with the court an affidavit stating: (1) The date that the notice was served on the obligor and the manner of service; (2) that the obligor has not filed a motion and to stay issuance of the income withholding order or, if a motion to stay has been filed, the reason an income withholding order must be issued immediately; (3) a specified amount to be withheld by the payor to satisfy the order of support and to defray any arrearage; and (4) if subsection (h)(2) applies, that the amount of the arrearage as of the date the notice to the obligor was prepared was equal to or greater than the amount of support payable for one month. In addition to any other penalty provided by law, the filing of such an affidavit with knowledge of the falsity of a material declaration is punishable as a contempt.

(2) Upon the filing of an affidavit pursuant to subsection (b)(1), the income withholding order shall be issued without further notice to the obligor, hearing or amendments of the support order. Payment of all or part of the arrearage before issuance of the income withholding order shall not prevent issuance of the income withholding order, unless the arrearage is paid in full and the order for support does not include an amount for the current support of a person. No affidavit is required if the court, upon hearing a motion to stay issuance of the income withholding order or otherwise, issues an income withholding order.

(c) An income withholding order issued-under--this--section

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shall be directed to any payor of the obligor and shall require the payor to withhold from any income due, or to become due, to the obligor a specified amount sufficient to satisfy the order of support and to defray any arrearage, subject to the limitations set forth in K.S.A. 1986-Supp. 23-4,109 and amendments thereto. The order shall include notice of and direction to comply with the provisions of K.S.A. 1986-Supp. 23-4,108 and 23-4,109, and amendments thereto.

(d) ~~An order issued under this section shall~~ Upon written request and without the requirement of further notice to the obligor, the clerk of the district court shall cause a copy of the income withholding order to be served on the payor and returned by the officer making service in the same manner as an order of attachment.

(e) An income withholding order ~~issued under this section~~ shall be binding on any existing or future payor on whom a copy of the order is served and shall require the continued withholding of income from each periodic payment of income until further order of the court. ~~if the obligor changes employment or has a new source of income after an income withholding order is issued by the court, the new employer or income source, if known, must be served a copy of the income withholding order~~ At any time following issuance of an income withholding order, the obligee, obligor or public office may request service of a copy of the income withholding order on any payor without the requirement of prior further notice to the obligor.

(f) ~~No sworn affidavit shall be filed with the court issuing the support order pursuant to subsection (b) unless it contains a declaration that~~ Except as provided in subsection (i), at any time following entry of an order for support the obligee or public office has served may serve upon the obligor a written notice of delinquency because an arrearage exists in an amount equal to or greater than the amount of support payable for one month and that intent to apply for issuance of an income withholding order. The notice was shall be served on the obligor

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by certified mail, return receipt requested, or in the manner for service of a summons pursuant to article 3 of chapter 60 of the Kansas Statutes Annotated at least seven days before the date the affidavit is filed. If service is by certified mail, a copy of the return receipt shall be attached to the affidavit. The notice of delinquency served on the obligor must state: (1) The terms of the support order and the total arrearage as of the date the notice of delinquency was prepared; (2) the amount of income that will be withheld; (3) that the provision for withholding applies to any current or subsequent payers payor; (4) the procedures available for contesting the withholding and that the only basis for contesting the withholding is a mistake of fact concerning the amount of the support order, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor; (5) the period within which the obligor must file a motion to stay service issuance of the income withholding order and that failure to take such action within the specified time will result in payors' being ordered to begin withholding; and (6) the action which will be taken if the obligor contests the withholding.

~~In addition to any other penalty provided by law, the filing of an affidavit with knowledge of falsity of the declaration of notice is punishable as a contempt.~~ The obligor may, at any time, waive in writing the notice required by this subsection.

(g) On request of an obligor, the court shall issue a withholding order which shall be honored by a payor regardless of whether there is an arrearage. Nothing in this subsection shall limit the right of the obligee to request modification of the income withholding order.

(h) (1) Before entry of a new or modified order for support, a party may request that no income withholding order be issued pursuant to subsection (a) if notice of the request has been served on all interested parties and: (A) The party demonstrates, and the court finds, that there is good cause not to require immediate income withholding, or (B) a written

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agreement among all interested parties provides for an alternative arrangement.

(2) Notwithstanding the provisions of subsection (h)(1), the court shall issue an income withholding order when an affidavit pursuant to subsection (b) is filed, if the obligor does not file a motion to stay issuance of the income withholding order.

(3) If an affidavit pursuant to subsection (b) is filed and the obligor files a motion to stay issuance of the income withholding order based upon the court's previous finding of good cause not to require immediate income withholding pursuant to subsection (h)(1), the obligor must demonstrate the continued existence of good cause. Unless the court again finds that good cause not to require immediate income withholding exists, the court shall issue the income withholding order.

(4) If an affidavit pursuant to subsection (b) is filed and the obligor files a motion to stay issuance of an income withholding order based upon a previous agreement of the interested parties for an alternative arrangement pursuant to subsection (h)(1), the court shall issue an income withholding order, notwithstanding any previous agreement, if the court finds that:

(A) The agreement was not in writing;

(B) the agreement was not approved by all interested parties;

(C) the terms of the agreement or alternative arrangement are not being met;

(D) the agreement or alternative arrangement is not in the best interests of the child; or

(E) the agreement or alternative arrangement places an unnecessary burden upon the obligor, obligee or a public office.

(5) The procedures and requirements of K.S.A. 23-4,110 and amendments thereto apply to any motion pursuant to subsection (h)(3) or (h)(4).

(i) (1) An ex parte interlocutory order for support may be

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enforced pursuant to subsection (a) only if the obligor has consented to the income withholding in writing.

(2) An ex parte interlocutory order for support may be enforced pursuant to subsection (b) only if 10 or more days have elapsed since the order for support was served on the obligor.

(3) Any other interlocutory order for support may be enforced by income withholding pursuant to this act in the same manner as a final order for support.

(4) No bond shall be required for the issuance of an income withholding order to enforce an interlocutory order pursuant to this act.

Sec. 3. K.S.A. 23-4,110 is hereby amended to read as follows: 23-4,110. (a) ~~An obligor may prevent an income withholding order issued under this section from being served on the payor by filing with the court a motion to stay service of the withholding order and serving a copy of the motion on the obligee or public office filing the notice of delinquency within seven days after being served with the notice of delinquency.~~ A motion to stay issuance of the income withholding order must be filed with the court and a copy served on the obligee or public office within seven days after service on the obligor of a notice pursuant to subsection (f) of K.S.A. 23-4,107 and amendments thereto. Except as provided in subsection (h) of K.S.A. 23-4,107 and amendments thereto, the grounds for obtaining the stay shall be limited to a showing of a mistake of fact in the notice of delinquency concerning the amount of the order for support, the amount of the arrearage, the amount of income to be withheld or the proper identity of the obligor. ~~If the obligor files a motion to stay service of the income withholding order, the obligor~~ The motion shall specify the mistake of fact alleged to be the basis for the motion. If the amount of the order for support or the amount of the arrearage is challenged, the obligor motion shall specify the amount of the order for support or the arrearage which is uncontested. In addition to any other penalty provided by law, filing a motion to stay with knowledge of the falsity of

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any material declaration or without specifying the uncontested amount of the order for support or the arrearage, when required, is punishable as a contempt.

(b) ~~If the obligor files a motion to stay service of the withholding order, the~~ The court, upon notice of the date, time and place of hearing to the obligor and the obligee or public office ~~that filed the affidavit,~~ shall hear the matter within 14 days after the obligor's motion to stay issuance of the income withholding order is filed with the court. ~~The court shall enter an order granting or denying relief, amending the notice of delinquency or otherwise resolving the matter. If the court finds that an arrearage existed when the notice of delinquency was served in an amount at least equal to one month's support obligation, the court shall order immediate service of the order for withholding. If the court cannot promptly resolve any dispute over the total amount of the arrearage, the court shall order immediate service of the order for withholding if the undisputed arrearage is at least equal to the amount of one month's support obligation and may continue the hearing on the disputed arrearage. In any case, the court must notify~~

(c) (1) If a motion to stay has been filed and the identity of the obligor is not contested, the obligee, obligor or public office may apply for immediate issuance of an income withholding order pursuant to subsection (b) of K.S.A. 23-4,107 and amendments thereto pending resolution of the contested issues. The affidavit shall specify an amount sufficient to satisfy the order for support or the arrearage only to the extent that the amount of the order for support or the arrearage is not contested. A copy of the affidavit shall be served on the obligor.

(2) Whenever an affidavit has been filed as provided in this subsection, the court shall immediately issue the income withholding order.

(d) If the court cannot promptly resolve all issues, the court may continue the hearing on the unresolved issues, provided

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that within 45 days of the date the notice was served on the obligor the court notifies the obligor and the obligee or public office of whether or not the withholding is to occur within 45 days of the date the obligor was served the notice of delinquency. If the court upholds the issuance of a withholding order in a contested case, the court must include in its order notice of the time within which the withholding will begin and the information given to the payor as required in K.S.A. 1985 Supp. 23-4,108 and 23-4,109, and amendments thereto.

Sec. 4. K.S.A. 23-4,113 is hereby amended to read as follows: 23-4,113. (a) If an obligee is receiving income withholding payments under this act, the obligee shall give written notice of any change of address, within seven days after the change to the public office, clerk of the district court or court trustee through which the obligee receives the payments.

(b) If support rights are assigned to the secretary of social and rehabilitation services pursuant to K.S.A. 39-709 and amendments thereto, the obligee shall serve ~~a copy of any notice of delinquency filed pursuant to this act~~ on the secretary of social and rehabilitation services a copy of any order for support providing for immediate income withholding or any notice of intent to apply for issuance of an income withholding order. If current support or all or a part of the arrearage remains assigned to the secretary of social and rehabilitation services pursuant to K.S.A. 39-709 and amendments thereto and subject to K.S.A. 60-2403 and amendments thereto and the secretary has on file with the court a notice of assignment as provided for in K.S.A. 39-754 and amendments thereto, payments from the payor shall be disbursed as the notice of assignment directs. When the secretary of social and rehabilitation services is no longer authorized to receive payments for the obligee, the secretary shall provide written notice to the court trustee or clerk of the court disbursing the payments to redirect all or part of the payments to the obligee.

(c) The obligee or public office shall provide written

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notice to the court trustee or clerk of the court of any other support payments made, including but not limited to a setoff under federal or state law, a collection of unemployment compensation pursuant to K.S.A. 44-718 and amendments thereto or a direct payment from the obligor. The clerk of the court issuing the support order or other designated person shall record the amounts reported in such notices.

(d) Any public office and clerk of court which collects, disburses or receives payments pursuant to orders for withholding shall maintain complete, accurate and clear records of all payments and their disbursement. Certified copies of payment records maintained by a public office or clerk of court shall, without further proof, be admitted into evidence in any legal proceedings which concern the issue of support.

Sec. 5. K.S.A. 23-4,114 is hereby amended to read as follows: 23-4,114. An obligor whose income is being withheld or who has been served with a notice of delinquency under this act of intent to apply for issuance of an income withholding order shall provide written notice to the obligee, the public office, or the clerk of court of any new payor or change of address, within seven days of the change.

Sec. 6. K.S.A. 23-4,130 is hereby amended to read as follows: 23-4,130. (a) No later than 10 days after the date a support order is entered pursuant to K.S.A. 1985--Supp: 23-4,129 and amendments thereto, the agency shall serve upon the obligor, a ~~notice of delinquency~~ notice as provided for in subsection (f) of K.S.A. 1985-Supp: 23-4,107 and amendments thereto. The notice shall also advise the obligor that income withholding was requested on the basis of a support order of another jurisdiction. As appropriate, the agency shall then file the affidavit provided for in subsection (b) of K.S.A. 1985-Supp: 23-4,107 and amendments thereto ~~to---establish---an---income withholding--order~~. If, in accordance with subsection (b) of K.S.A. 1985-Supp: 23-4,110 and amendments thereto, the obligor contests the establishment issuance of an income withholding

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order, the court must hold a hearing and render a decision within 45 days of the date of service of the notice of--delinquency on the obligor.

(b) If the obligor seeks a hearing to contest the proposed income withholding, the agency shall immediately notify the requesting agency of the date, time and place of the hearing.

Sec. 7. K.S.A. 23-4,106, 23-4,107, 23-4,110, 23-4,113, 23-4,114 and 23-4,130 are hereby repealed.

Sec. 8. This act shall take effect and be in force from and after January 1, 1990, and its publication in the statute book.

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