

Approved: March 12, 1997  
Date

MINUTES OF THE SENATE COMMITTEE ON JUDICIARY.

The meeting was called to order by Chairperson Mike Harris at 10:14 a.m. on March 6, 1997 in Room 514-S of the Capitol.

All members were present except:

Committee staff present: Mike Heim, Legislative Research Department  
Jerry Donaldson, Legislative Research Department  
Gordon Self, Revisor of Statutes  
Mary Blair, Committee Secretary

Conferees appearing before the committee: Jamie Corkhill, Attorney, SRS

Others attending: See attached list

**SB 140 - Enforcement of child support, uniform interstate family support act**

Conferee Corkhill explained the proposed amendments to **SB 140**, one relating to financial institutions (attachment 1) and the other offered by SRS. (attachment 2) After discussion, Senator Bond moved to adopt the amendments, Senator Emert seconded. Motion carried. Following discussion of the logistics of reporting information for the New Hires Directory portion of **SB 140**, Senator Emert made a motion that the Director of Revenue be designated as recipient of information in a time frame acceptable to the congressional mandate so that an employer of a new employee would only have to make one reporting, Senator Goodwin seconded. Extensive discussion followed after which the motion carried. Following further discussion and clarification of reporting procedures of a practical nature, Senator Emert made a motion to move **SB 140** out as amended. Senator Bond seconded. Senator Bond requested that the minutes reflect the Senate's "great reluctance to bend and bow to an obnoxious piece of legislation such as **SB 140**". Senator Harris called **SB 140** a "draconian bill" and commented that "this legislation places in jeopardy \$29 million dollars because of the mandates apparently imposed upon the state by the federal government." There was general consensus that the majority of committee members were concerned and in consternation over this unfunded mandate. There was concern expressed about the time line of the Child Support Enactment (CSE) Mandates (attachment 3) and the inability to work further amendments into the bill. Senator Petty requested that the minutes record that, despite the committee's abhorrence of **SB 140**, the committee supports aggressive pursuit of child support collection. Motion passed on a vote of 8 to 3 with Senators, Pugh, Harrington and Feleciano voting nay.

**SR 1815 - AG directed to determine constitutionality of abortion and to establish that upon conception there is life**

Senator Harris called for a vote on **SR 1815**. Senator Gilstrap made a motion to move **SR 1815** to the Senate floor for consideration, Senator Harrington seconded. Senator Emert expressed concern about extraneous citation of cases which he felt didn't need to be in the resolution. He stated that he had considered preparing an amendment to delete some of the cases. Senator Goodwin agreed with Senator Emert. Motion failed 5-6 with Senators Gilstrap, Emert, Pugh, Harrington and Harris voting aye. Senator Oleen made a motion to report the bill unfavorably to the floor, Senator Goodwin seconded. Senator Oleen explained the difference between a resolution and senate bill and the procedural correctness to move to report it unfavorably so that it can be moved out on the floor and still be heard. Senator Goodwin made a substitute motion to table the resolution, Senator Bond seconded. Substitute motion to table the resolution passed 6-5.

Meeting adjourned at 10:49 a.m. The next scheduled meeting is Tuesday, March 11, 1997.

# SENATE JUDICIARY COMMITTEE GUEST LIST

DATE: 3/6/97

NAME	REPRESENTING
Ashley Hoffman	Wellington High School
Jenny Fadenhure	Wellington High School
John Bedger	SRS
Rachelle Chronister	SRS
Jamie Corkhill	SRS-CSE
Dianna Umans	OJA
Mark Gleeson	OJA
Bill Laves	KDHR
Paul Johnson	PACK
Brent Smith	DPS (DofA)
Sara Mallick	RTLK, TAC
Clita Renyer	RTLK Inc
Jeanne Hawdun	KFL
JOSAN PITREVIDEBOOR	BRAD SMITH
Zyler Haffron	Wellington High School
Matt Truell	AP
Boyle Fisher	self
Cl Huelstump	self
Pyron Jarnan	PCAL + WHCS





KANSAS DEPARTMENT OF SOCIAL  
AND REHABILITATION SERVICES

915 SW HARRISON STREET, TOPEKA, KANSAS 66612

ROCHELLE CHRONISTER, SECRETARY

February 18, 1997

Child Support Enforcement Program  
P.O. Box 497  
300 SW Oakley Street  
Topeka, KS 66601-0497  
(913) 296-3237

The Honorable Mike Harris  
Chairman, Senate Judiciary Committee  
State House, Room 449-N  
Topeka, KS 66612

**COPY**

RE: Senate Bill 140  
Child Support Enforcement

Dear Senator Harris:

Kathy Taylor of the Kansas Banker Association testified last week about concerns the banking community felt with respect to section 5 of Senate Bill 140. I in turn voiced concerns about the 5¢ per name fee they suggested for data matches.

Ms. Taylor, Matt Goddard, and I met last Friday and came up with the attached balloon, which we believe achieves a middle ground and acceptably addresses all our concerns. Together, we would appreciate the Judiciary Committee's consideration of this balloon when the bill is worked on Thursday.

In light of the balloon, we did not try to project the actual cost of the 5¢ fee. For reference, however, if SRS received listings totaling 100,000 names per year, the gross cost would be \$5,000 (state share = \$1,700).

Thank you for providing us this opportunity for additional input.

Sincerely,

*Jamie L. Corkhill*  
Jamie L. Corkhill  
Policy Counsel

JLC

JLC:Letterst HARRIS18.027

Attachments

cc: Members of the Senate Judiciary Committee  
Kathleen Taylor, Kansas Bankers Association  
Matthew Goddard, Heartland Community Bankers Association  
Secretary Chronister

*Senate Judiciary  
Attachment 1*

*3-6-97*

2-1

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1 ments thereto.

2 (1) This section shall be part of and supplemental to article 7 of chap-  
3 ter 39 of the Kansas Statutes Annotated.

4 New Sec. 5. (a) Upon request, the secretary shall enter into agree-  
5 ments with financial institutions doing business in this state:

6 (1) To develop and operate, in coordination with such financial in-  
7 stitutions, a data match system, using automated data exchanges to the  
8 maximum extent feasible, in which each such financial institution is re-  
9 quired to provide for each calendar quarter the name, record address,  
10 social security number or other taxpayer identification number and other  
11 identifying information for each responsible parent, as identified by the  
12 secretary by name and social security number or other taxpayer identifi-  
13 cation number, who maintains an account at such financial institution and  
14 who owes arrearages;

15 (2) to encumber, restrict transfer of or surrender cash assets of any  
16 responsible parent in response to any notice of lien, order to restrict  
17 transfer or order to disburse received by the financial institution from the  
18 secretary; and

19 (3) to address any other matters related to the title IV-D program;

20 (b) No financial institution that is a party to an agreement under this  
21 section shall be liable to any person:

22 (1) For any disclosure of information made pursuant to the agree-  
23 ment;

24 (2) for encumbering, restricting transfer of or surrendering any prop-  
25 erty in response to any notice of lien, order to restrict transfer or order  
26 to disburse received pursuant to the agreement; or

27 (3) for any other action taken in good faith to comply with the agree-  
28 ment.

29 (c) Agreements entered into pursuant to this section shall not be con-  
30 strued to be contracts for the performance of support enforcement serv-  
31 ices pursuant to K.S.A. 75-5365 and amendments thereto. Nothing in  
32 such an agreement or in this section shall be construed as requiring the  
33 secretary to implement or modify any automated system;

34 (d) As used in this section, the term "responsible parent" shall have  
35 the meaning given such term in section 9 and amendments thereto.

36 (e) This section shall be part of and supplemental to article 7 of chap-  
37 ter 39 of the Kansas Statutes Annotated.

38 New Sec. 6. The social security number of any individual applicant  
39 for a professional license, occupational license or marriage license shall  
40 be recorded, if available, on the application for such license. As used in  
41 this section, "on the application" includes but is not limited to any doc-  
42 ument attached or supplemental to an application or any optically, elec-  
43 tronically or magnetically recorded data related to an individual applica-

subject to any existing liens or any right of setoff the financial institution may have against such assets;

; and (4) to provide for reasonable compensation, not to exceed actual costs incurred by the financial institution, as agreed by the parties.

or to enter into any agreement if the secretary determines that implementing the agreement would cause the secretary to exceed the secretary's budget authority, spend more state general funds than appropriated or reduce or jeopardize federal matching funds or other federal funds.

2/7/97

SB 140

Jamil Corbett  
Sen. Judiciary  
Attachment  
3-6-97

29 New Sec. 23. (a) Nothing in this section shall be construed to prevent  
30 the secretary from redirecting support payments by filing a notice of as-  
31 signment pursuant to K.S.A. 39-754 and amendments thereto, or to re-  
32 quire the secretary to issue an order to change payee in lieu of filing such  
33 a notice of assignment.

34 (b) If a support order has been entered in any IV-D case, the secre-  
35 tary may issue an order to change the payee. The order may be directed  
36 to the clerk of court or any other payer under the support order and shall  
37 require payments to be made and disbursed as provided in the order to  
38 change payee until further notice. The secretary shall serve notice of the  
39 order to change payee on the responsible parent and the custodial parent  
40 and, if the previous payee is a real party in interest, upon the previous  
41 payee.

42 (c) If an order to change payee is directed to any payer other than  
43 the clerk of court, a copy shall also be filed with the tribunal that issued

1 the support order.

2 (d) If the underlying support order was entered or has been regis-  
3 tered in this state, no order to change payee issued by any IV-D agency  
4 shall be effective to require any payer, other than a clerk of court, to send  
5 payments to any location other than to the clerk of court where the sup-  
6 port order was entered or registered, a location specified in the support  
7 order or a location specified by court rule ~~and~~. If the clerk of court  
8 receives an order to change payee from anyone other than the secretary  
9 and a notice of assignment pursuant to K.S.A. 39-754 and amendments  
10 thereto or a conflicting order to change payee is still in effect, the clerk  
11 of court ~~shall~~ request review of the order to change payee pursuant to  
12 section 15 and amendments thereto.

~~delete~~

may

13 (e) If the underlying support order was not entered and has not been  
14 registered in this state, any person whose interest may be prejudiced by  
15 the order to change payee may request review pursuant to section 15 and  
16 amendments thereto.

17 (f) An order to change payee issued by a IV-D agency in another state  
18 shall have the same force and effect in this state, and be subject to the  
19 same limitations, as an order to change payee issued by the secretary  
20 under this section. Upon request of a IV-D agency in another state, the  
21 secretary may enforce such an order to change payee as though it had  
22 been issued by the secretary of social and rehabilitation services. By serv-  
23 ing an order to change payee related to a support order entered in this  
24 state, such IV-D agency shall be deemed to have consented to the juris-  
25 diction of this state to determine how payments will be directed to main-  
26 tain accurate payment records and rapid disbursement of support collec-  
27 tions.

28 (g) As used in this section, "clerk of court" includes any district court  
29 trustee generally designated to process support payments and includes  
30 any disbursement unit or entity that may be established by court rule or  
31 ~~entity~~ to process support payments.

~~delete~~

3/6/97

Time Line of CSE Mandates

Enactment of PRWORA (Personal Responsibility & Work Opportunity Act)

August 1996

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*Mandates due July 1, 1997<sup>1</sup>:*

July 1997

**Paternity enhancements:** Greater legal effect for voluntary acknowledgement; services through KDHE; shorter period (60 days) to rescind acknowledgement without proving fraud, duress, or mistake of fact; temporary support in appropriate circumstances; streamline procedure in contested cases

**Expand license sanctions:** Add (as grounds) noncompliance with subpoena or warrant from child support proceedings; include recreational licenses

**IV-D access to locate & financial information:** Access to records of financial institutions, utilities, cable TV, employers, law enforcement, and Dept. of Revenue. Parents in IV-D (CSE) cases must keep information in the state case registry up to date. Social security numbers must be requested on applications for marriage licenses and professional/occupational licenses. Authority for financial institutions to request agreement for quarterly data matches with CSE.

**Modification of current support:** Presumed change of circumstances in 3-year cycle of review and modification in IV-D (CSE) cases.

**Administrative procedures:** IV-D agency must be authorized to issue subpoenas for information, order genetic testing, order income withholding, seize assets (including bank accounts, settlements, judgments, and workers compensation), seize and sell assets, change payee of an order, and order minimum payments on arrearages owed.

**Create a State Case Registry:** Initially consists only of IV-D (CSE) cases.

**Income withholding amendments:** Include periodic workers compensation benefits; change time for remittance from 10 days to 7 business days.

**Liens:** Give full faith & credit to child support liens that arise in other states.

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*Mandates due October 1, 1997:*

October 1997

**Creation of State New Hires Directory**

**Enhancement of privacy protections** for both parents in IV-D (CSE) cases

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*Mandate due January 1, 1998:*

January 1998

**Adopt official amendments to UIFSA** (Uniform Interstate Family Support Act)

1

Items not given a specific effective date or deadline in PRWORA became effective upon enactment (8-22-96). As is customary, states have a grace period to enact legislation if needed; for Kansas, the end of the grace period is 7-1-97.

Mandate due May 1, 1998:

May 1998

New Hires Directory interface with IV-D (CSE) caseload (automated)

Mandate due October 1, 1998:

October 1998

Establish a central collection & disbursement unit to handle support payments. [This is the *general deadline*; Kansas could elect the optional extension until October 1999.]

State Case Registry: Add minimum data about non-IV-D (non-CSE) orders that are entered or modified after 10-1-98 to State Case Registry. [At that time, it may be advantageous to relocate the State Case Registry.]

Mandate due October 1, 1999:

October 1999

Establish a central collection & disbursement unit to handle support payments. [This is the *optional extension* available to Kansas because support payments are processed through the local clerks of court.]

Effective date of new performance-based incentive formula for federal funding, replacing collection-based formula.