

Approved

Date: *February 13, 2001*

MINUTES OF THE SENATE JUDICIARY COMMITTEE.

The meeting was called to order by Chairperson John Vratil at 9:37 a.m. on February 12, 2001 in Room 123-S of the Capitol.

All members were present.

Committee staff present:

Gordon Self, Revisor
Mike Heim, Research
Mary Blair, Secretary

Conferees appearing before the committee:

Senator Derek Schmidt
Secretary of State Ron Thornburgh

Others attending: see attached list

The Chair distributed copies of, and briefly discussed, correspondence from SRS Secretary Janet Schalansky, addressing Committee Members' inquiries at the January 23rd meeting on the Kansas Payment Center. (attachment 1)

SB 139—concerning civil procedure; re: liability for domestic animal activities

Conferee Senator Schmidt testified in support of **SB 139**. He reviewed the current statute regarding domestic animal activities in Kansas which states that a person participating in a domestic animal activity assumes the risk of participating in the activity and stated that his bill proposal would add "bison" to the list of domestic animals named in the statute. He summarized the current activities of a native son in his district who is promoting a tourist attraction called the "prairie experience" which will include bison. He discussed conditions in which the bison owner would still be liable. (attachment 2) He further mentioned an article in the Metro section of today's Kansas City Star, B 1-2, which discusses the "prairie passage." Following brief discussion Senator Adkins moved to pass the bill out favorably, Senator Schmidt seconded. Carried.

SB 128—concerning election crimes

Conferee Thornburgh testified in support of **SB 128**. He discussed the four types of election problems encountered in recent years: voter registration suppression; vote trading; voter intimidation; and electioneering, cited examples of each and detailed how **SB 128** addresses each of these problems by making the first two a crime and by expanding on the current statutes to include issues relevant to the latter. (attachment 3) Discussion included questions regarding what constituted electioneering and the type of penalties imposed by the bill. The Conferee agreed to write amendments to address these concerns.

SB 119—concerning mental health; re: screenings and placements

The Chair summarized **SB 119**, a bill which provides that juvenile offender cases and misdemeanor cases require a community mental health screening prior to admission to state psychiatric hospitals and also provides liability immunity for the mental health professional. Following discussion and clarification for Committee by staff regarding liability immunity, Senator Oleen moved to pass the bill out favorably, Senator Goodwin seconded. Carried.

SB 67—DUI; concerning penalties

The Chair summarized **SB 67**, a bill which makes consistent, driving laws for persons under the age of 21 with a blood alcohol level of .08 or greater by requiring them to serve a standard one-year suspension. At the request of the Chair, Senator Pugh presented an overview of the DUI penalty process. Following discussion and the lateness of the hour there was consensus to table the bill until tomorrow.

The meeting adjourned at 10: 31 p.m. The next meeting is February 13, 2001.



KANSAS DEPARTMENT OF SOCIAL
AND REHABILITATION SERVICES

915 SW HARRISON STREET, TOPEKA, KANSAS 66612

JANET SCHALANSKY, SECRETARY
February 5, 2001

Senator John Vratil
Statehouse, Room 120-S
Topeka KS 66612

and

Representative Michael O'Neal
Statehouse, Room 170-W
Topeka KS 66612

RE: Kansas Payment Center (KPC)

Dear Senator Vratil and Representative O'Neal:

The following additional information is provided in response to Committee Members' questions on January 23rd.

What is the federal penalty for failure to operate a payment center? Attached is a letter dated February 25, 2000, from the Department of Health and Human Services (HHS) stating that, "...Without an approved State plan, a State will not be able to receive Federal funding for its child support enforcement program." In State FY 2001, IV-D federal funding will total \$36.8 million. Additionally, HHS points out that, "...Kansas should be aware that TANF funds may also be at risk."

Why does the Contract reflect an amount of \$23,291,763? The change in the Total Contract Commitment Amount as shown on the Contract Cover Sheet from \$17,431,309 to \$23,291,763 is an error. When the contract was signed a Contract Cover Sheet was completed showing the Total Contract Commitment as \$17,431,309. Each year an additional form is completed showing the portion of the total which is expected to be expended in that fiscal year for encumbering purposes. Somehow, the amount projected for FY 2001, \$5,860,454, was added to the actual total commitment and a new Cover Sheet was created showing the Total Contract Commitment as \$23,291,763. SRS Purchasing is contacting the Department of Administration in regard to correcting the error. However, the Contract Cover Sheet is not part of the actual contract and does not change the terms of the contract.

Is it possible to obtain a by-county listing of the number of child support cases? Attached is a by-county listing of the court orders in the KPC.

In Jued
2-12-01
att 1

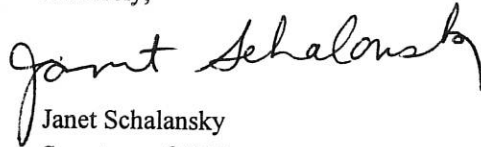
Senator John Vratil and
Representative Michael O'Neal
February 5, 2001
Page Two

Is it possible to receive a by-county listing of the payments in "unidentified"? By virtue of an unidentified payment, most are not associated to a court order. However, enclosed is a by-county listing of those unidentified payments that can be linked to a court order. Some reasons why payments can be on the unidentified list although the court order is known are:

- The order number is unknown to the KPC database (i.e., the case needs to be set up by the local court or CSE, or the number given with the payment is incorrect).
- The face amount of the check does not match the total of the details (for example, when an employer combines payments for multiple payors in one check).
- The correct payor cannot be identified (for example, when Parent A owes maintenance to Parent B and Parent B owes child support to Parent A).

Please do not hesitate to contact my office at 296-3271, if I can be of further assistance.

Sincerely,



Janet Schalansky
Secretary of SRS

cc: Deputy Secretary Candace Shively, Integrated Service Delivery

Enclosures

FEB 25 2000

Ms. Janet Schalansky
Secretary
Department of Social and Rehabilitation Services
Docking State Office Building
915 S.W. Harrison Street, Rm 603N
Topeka, Kansas 66612-1570

KANSAS SOCIAL AND
REHABILITATION SERVICES

FEB 28 2000

OFFICE OF THE
SECRETARY

Dear Ms. Schalansky:

This letter constitutes formal notice of my intent, subject to an opportunity for hearing, to disapprove Kansas' State IV-D plan in accordance with sections 452(a)(3), 454(27), 454B, and 455(a) of the Social Security Act (the Act) as amended by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA), P.L. 104-193, and 45 CFR 301.10 and 301.13. This also serves as notice to the State, as outlined later in this letter, of an opportunity to request an alternative penalty to avoid the loss of all Federal child support enforcement funding, as provided under the Consolidated Appropriations Act for FY 2000, P.L. 106-113.

The basis for my decision to disapprove the State IV-D plan is Kansas' failure to operate a State Disbursement Unit (SDU) by October 1, 1999 that meets all requirements of sections 454(27) and 454B of the Social Security Act. If a State has not met these requirements, it will not be able to maintain an approved State IV-D plan. Without an approved State plan, a State will not be able to receive Federal funding for its child support enforcement program.

As provided in program instructions issued in OCSE-AT-97-05, dated April 28, 1997, prior to issuance of a final determination to disapprove your State plan, you have the option to request a hearing under procedures at 45 CFR Part 213. Election of a hearing prior to the final decision to approve or disapprove the State IV-D plan will constitute a waiver of reconsideration hearing rights contained in 45 CFR 301.14.

You have 60 days from the date of this letter to request a formal hearing regarding the matters at issue in the proposed disapproval. Requests for a hearing should be sent to the Assistant Secretary for Children and Families with a copy to our Regional Office. If Kansas requests such a pre-decision review, a Notice of Hearing will be issued setting forth the time and place of the hearing and the issues which will be considered therein. This notice will be published in the Federal Register.

Should the Department of Health and Human Services conclude, following the hearing, that Kansas does not have an approved State plan, you will be notified that further Federal payments under title IV-D of the Act will not be made until a State IV-D plan is submitted and approved. The effective date for withholding of Federal funds shall not be earlier than the date of my decision and shall not be later than the first day of the next calendar quarter following such decision.

Should Kansas decline the opportunity for a hearing at this time, a determination will be made whether the IV-D plan must be disapproved for failure to conform with the requirements of section 454 of the Act. If you are dissatisfied with my decision, you may request reconsideration of the decision pursuant to regulations at 45 CFR 301.14. Federal funding, however, will be suspended and may not be stayed pending reconsideration. If I subsequently determine that my original decision is no longer warranted, restitution of funds withheld or otherwise denied will immediately be certified in a lump sum.

In addition, section 402(a)(2) of the Act (as amended by PRWORA) provides that the Chief Executive Officer of a State must certify that the State will operate a child support enforcement program under an approved IV-D plan as a condition for eligibility for a Temporary Assistance for Needy Families (TANF) block grant under Title IV-A of the Act. Therefore, Kansas should be aware that TANF funds may also be at risk.

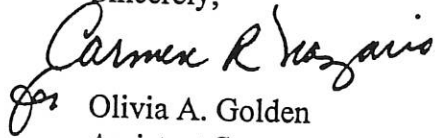
I urge you to take the necessary steps to complete the required SDU and confirm your compliance with the Regional Office. Although Kansas is completely and independently responsible for preparation, submission, and content of its State IV-D plan, technical assistance may be obtained from our Regional Office.

As I mentioned earlier in this letter, there is an alternative available to States in lieu of State plan disapproval. On November 28, 1999, the President signed into law the Consolidated Appropriations Act for FY 2000 (P.L. 106-113). Section 807 of the Consolidated Appropriations Act for FY 2000 amended section 455 of the Social Security Act by adding a new subsection (a)(5) which provides an alternative penalty for States which fail to operate the State Disbursement Unit by the deadlines stipulated in section 454(27) of the Act. A State has the option of requesting an alternative penalty and, if criteria for the alternative penalty are met and the Secretary of HHS approves the State's request, the State would avoid State plan disapproval and loss of all IV-D funding. Guidance on the requirements and process for requesting an alternative penalty is provided in OCSE Action Transmittal (AT) 00-03 (see attached). As discussed in AT-00-03, a State requesting this alternative penalty (including a State which is receiving an alternative penalty with respect to the State's failure to comply with systems requirements of the Family Support Act of 1988) must submit to OCSE by April 1, 2000 a corrective compliance plan and a letter from the State's Chief Executive Officer or his/her designee requesting the alternative penalty. The letter and corrective compliance plan must be sent to Commissioner Ross with a copy to the Regional Administrator. If the Secretary approves an alternative penalty for failure to operate a State Disbursement Unit, the penalty will be

imposed without any opportunity for reconsideration or any other administrative appeal procedure. Requests for the alternative penalty cannot be accepted after April 1, 2000.

If you choose to request the alternative penalty, let me know of this intention as soon as possible and submit your request (in accordance with OCSE AT-00-03) no later than April 1, 2000. A State may wish to request a hearing and submit a request for the alternative penalty. In the case of any State which requests a hearing and notifies me of its intention to request an alternative penalty, I will hold the request for a hearing in abeyance until action has been taken on the State's request for an alternative penalty. If the alternative penalty is approved, the hearing request will be dismissed, and if the alternative penalty request is not approved, we will proceed to schedule a hearing. Should you have any questions in regard to this Notice, please contact your ACF Regional Administrator, Linda Lewis at (816) 426-3981 ext. 172.

Sincerely,



for Olivia A. Golden
Assistant Secretary
for Children and Families

Enclosure: OCSE-AT-00-03

cc: Ms Linda Lewis
Regional Administrator
Region VII

By-County Listing of KPC Child Support Cases

NAME	TYPE	COUNT
ALLEN	IVD	652
ALLEN	NIVA	7
ALLEN	NIVD	183
ALLEN	NIVI	5
ANDERSON	IVD	203
ANDERSON	NIVA	6
ANDERSON	NIVD	153
ATCHISON	BLND	1
ATCHISON	IVD	767
ATCHISON	NIVA	59
ATCHISON	NIVD	402
ATCHISON	NIVI	4
BARBER	IVD	155
BARBER	NIVA	1
BARBER	NIVD	94
BARBER	NIVI	2
BARTON	IVD	1273
BARTON	NIVA	15
BARTON	NIVD	529
BARTON	NIVI	1
BOURBON	IVD	750
BOURBON	NIVA	13
BOURBON	NIVD	231
BOURBON	NIVI	8
BROWN	IVD	486
BROWN	NIVA	14
BROWN	NIVD	160
BROWN	NIVI	9
BUTLER	IVD	1057
BUTLER	NIVA	23
BUTLER	NIVD	762
BUTLER	NIVI	36
CHASE	IVD	70
CHASE	NIVA	1
CHASE	NIVD	38
CHAUTAUQUA	IVD	85
CHAUTAUQUA	NIVA	1
CHAUTAUQUA	NIVD	68
CHAUTAUQUA	NIVI	1
CHEROKEE	IVD	899
CHEROKEE	NIVA	35
CHEROKEE	NIVD	351
CHEROKEE	NIVI	8
CHEYENNE	IVD	53
CHEYENNE	NIVD	57
CLARK	IVD	36
CLARK	NIVA	2
CLARK	NIVD	36

CLARK	NIVI	2
CLAY	IVD	285
CLAY	NIVA	2
CLAY	NIVD	120
CLOUD	IVD	326
CLOUD	NIVA	1
CLOUD	NIVD	169
CLOUD	NIVI	9
COFFEY	BLND	1
COFFEY	IVD	229
COFFEY	NIVA	4
COFFEY	NIVD	318
COFFEY	NIVI	2
COMANCHE	IVD	46
COMANCHE	NIVD	37
COMANCHE	NIVI	1
COWLEY	IVD	1021
COWLEY	NIVA	23
COWLEY	NIVD	908
COWLEY	NIVI	15
CRAWFORD	BLND	1
CRAWFORD	IVD	1535
CRAWFORD	NIVA	25
CRAWFORD	NIVD	572
CRAWFORD	NIVI	7
DECATUR	BLND	1
DECATUR	IVD	96
DECATUR	NIVA	1
DECATUR	NIVD	49
DICKINSON	IVD	570
DICKINSON	NIVA	9
DICKINSON	NIVD	523
DICKINSON	NIVI	4
DONIPHAN	IVD	295
DONIPHAN	NIVA	10
DONIPHAN	NIVD	129
DONIPHAN	NIVI	2
DOUGLAS	IVD	2085
DOUGLAS	NIVA	85
DOUGLAS	NIVD	1446
DOUGLAS	NIVI	22
EDWARDS	IVD	67
EDWARDS	NIVA	1
EDWARDS	NIVD	54
ELK	IVD	65
ELK	NIVD	24
ELK	NIVI	1
ELLIS	IVD	704
ELLIS	NIVA	5

ELLIS	NIVD	599
ELLSWORTH	IVD	117
ELLSWORTH	NIVA	2
ELLSWORTH	NIVD	133
FINNEY	BLND	1
FINNEY	IVD	1515
FINNEY	NIVA	18
FINNEY	NIVD	710
FORD	BLND	1
FORD	IVD	987
FORD	NIVA	12
FORD	NIVD	550
FORD	NIVI	4
FRANKLIN	IVD	903
FRANKLIN	NIVA	79
FRANKLIN	NIVD	582
FRANKLIN	NIVI	14
GEARY	BLND	7
GEARY	IVD	2710
GEARY	NIVA	80
GEARY	NIVD	1790
GEARY	NIVI	32
GOVE	IVD	26
GOVE	NIVD	34
GRAHAM	BLND	1
GRAHAM	IVD	123
GRAHAM	NIVA	1
GRAHAM	NIVD	44
GRANT	IVD	184
GRANT	NIVA	1
GRANT	NIVD	136
GRANT	NIVI	3
GRAY	IVD	70
GRAY	NIVA	1
GRAY	NIVD	72
GRAY	NIVI	1
GREELEY	IVD	13
GREELEY	NIVA	1
GREELEY	NIVD	21
GREELEY	NIVI	1
GREENWOOD	IVD	185
GREENWOOD	NIVA	3
GREENWOOD	NIVD	127
GREENWOOD	NIVI	3
HAMILTON	IVD	68
HAMILTON	NIVA	1
HAMILTON	NIVD	49
HAMILTON	NIVI	5
HARPER	IVD	173

HARPER	NIVA	2
HARPER	NIVD	142
HARPER	NIVI	5
HARVEY	BLND	1
HARVEY	IVD	854
HARVEY	NIVA	6
HARVEY	NIVD	568
HARVEY	NIVI	3
HASKELL	IVD	62
HASKELL	NIVA	2
HASKELL	NIVD	50
HASKELL	NIVI	1
HODGEMAN	IVD	19
HODGEMAN	NIVA	3
HODGEMAN	NIVD	16
HODGEMAN	NIVI	2
JACKSON	IVD	395
JACKSON	NIVA	21
JACKSON	NIVD	207
JEFFERSON	IVD	375
JEFFERSON	NIVA	5
JEFFERSON	NIVD	234
JEFFERSON	NIVI	2
JEWELL	IVD	76
JEWELL	NIVD	66
JEWELL	NIVI	1
JOHNSON	BLND	3
JOHNSON	IVD	6833
JOHNSON	NIVA	161
JOHNSON	NIVD	8069
JOHNSON	NIVI	3
KEARNY	IVD	83
KEARNY	NIVA	1
KEARNY	NIVD	71
KINGMAN	IVD	174
KINGMAN	NIVA	6
KINGMAN	NIVD	162
KIOWA	IVD	71
KIOWA	NIVA	2
KIOWA	NIVD	53
KIOWA	NIVI	4
LABETTE	IVD	1310
LABETTE	NIVA	1
LABETTE	NIVD	775
LABETTE	NIVI	29
LANE	IVD	41
LANE	NIVA	2
LANE	NIVD	49
LEAVENWORTH	IVD	2631

LEAVENWORTH	NIVA	86
LEAVENWORTH	NIVD	1248
LEAVENWORTH	NIVI	10
LINCOLN	IVD	65
LINCOLN	NIVD	32
LINCOLN	NIVI	2
LINN	IVD	249
LINN	NIVA	4
LINN	NIVD	130
LINN	NIVI	3
LOGAN	IVD	102
LOGAN	NIVD	38
LOGAN	NIVI	1
LYON	IVD	1024
LYON	NIVA	25
LYON	NIVD	575
LYON	NIVI	7
MARION	IVD	242
MARION	NIVA	5
MARION	NIVD	237
MARSHALL	IVD	284
MARSHALL	NIVA	3
MARSHALL	NIVD	152
MARSHALL	NIVI	2
MCPHERSON	IVD	502
MCPHERSON	NIVA	8
MCPHERSON	NIVD	571
MCPHERSON	NIVI	11
MEADE	IVD	66
MEADE	NIVA	2
MEADE	NIVD	65
MEADE	NIVI	1
MIAMI	IVD	744
MIAMI	NIVA	30
MIAMI	NIVD	615
MIAMI	NIVI	25
MITCHELL	IVD	145
MITCHELL	NIVA	1
MITCHELL	NIVD	112
MITCHELL	NIVI	4
MONTGOMERY	IVD	2206
MONTGOMERY	NIVA	11
MONTGOMERY	NIVD	714
MONTGOMERY	NIVI	17
MORRIS	IVD	221
MORRIS	NIVA	3
MORRIS	NIVD	155
MORRIS	NIVI	4
MORTON	IVD	52

MORTON	NIVD	60
MORTON	NIVI	4
NEMAHA	IVD	131
NEMAHA	NIVA	2
NEMAHA	NIVD	162
NEOSHO	BLND	1
NEOSHO	IVD	657
NEOSHO	NIVA	2
NEOSHO	NIVD	304
NEOSHO	NIVI	8
NESS	IVD	36
NESS	NIVA	1
NESS	NIVD	72
NESS	NIVI	2
NON-KANSAS COURT ORD	IVD	7669
NON-KANSAS COURT ORD	NIVA	46
NON-KANSAS COURT ORD	NIVD	185
NON-KANSAS COURT ORD	NIVI	27
NORTON	BLND	1
NORTON	IVD	172
NORTON	NIVA	1
NORTON	NIVD	75
OSAGE	IVD	425
OSAGE	NIVA	2
OSAGE	NIVD	256
OSAGE	NIVI	10
OSBORNE	BLND	1
OSBORNE	IVD	135
OSBORNE	NIVD	70
OTTAWA	IVD	128
OTTAWA	NIVA	1
OTTAWA	NIVD	73
OTTAWA	NIVI	1
PAWNEE	IVD	199
PAWNEE	NIVD	122
PHILLIPS	IVD	163
PHILLIPS	NIVD	88
POTTAWATOMIE	IVD	358
POTTAWATOMIE	NIVA	2
POTTAWATOMIE	NIVD	266
POTTAWATOMIE	NIVI	13
PRATT	IVD	312
PRATT	NIVA	5
PRATT	NIVD	185
PRATT	NIVI	1
RAWLINS	IVD	59
RAWLINS	NIVA	1
RAWLINS	NIVD	39
RAWLINS	NIVI	1

RENO	IVD	2603
RENO	NIVA	124
RENO	NIVD	1850
RENO	NIVI	51
REPUBLIC	IVD	148
REPUBLIC	NIVD	77
REPUBLIC	NIVI	1
RICE	IVD	344
RICE	NIVA	7
RICE	NIVD	138
RICE	NIVI	1
RILEY	BLND	1
RILEY	IVD	1349
RILEY	NIVA	28
RILEY	NIVD	1213
RILEY	NIVI	34
ROOKS	IVD	134
ROOKS	NIVA	2
ROOKS	NIVD	68
ROOKS	NIVI	3
RUSH	IVD	50
RUSH	NIVA	1
RUSH	NIVD	36
RUSH	NIVI	1
RUSSELL	IVD	221
RUSSELL	NIVA	4
RUSSELL	NIVD	154
RUSSELL	NIVI	3
SALINE	IVD	2417
SALINE	NIVA	20
SALINE	NIVD	1050
SALINE	NIVI	7
SCOTT	IVD	103
SCOTT	NIVA	2
SCOTT	NIVD	89
SCOTT	NIVI	1
SEDGWICK	BLND	53
SEDGWICK	IVD	17155
SEDGWICK	NIVA	206
SEDGWICK	NIVD	13368
SEDGWICK	NIVI	95
SEWARD	IVD	809
SEWARD	NIVA	3
SEWARD	NIVD	410
SEWARD	NIVI	22
SHAWNEE	BLND	67
SHAWNEE	IVD	8548
SHAWNEE	NIVA	289
SHAWNEE	NIVD	3562

SHAWNEE	NIVI	1
SHERIDAN	IVD	20
SHERIDAN	NIVD	39
SHERMAN	BLND	1
SHERMAN	IVD	310
SHERMAN	NIVA	4
SHERMAN	NIVD	145
SHERMAN	NIVI	4
SMITH	BLND	1
SMITH	IVD	101
SMITH	NIVA	1
SMITH	NIVD	62
SMITH	NIVI	1
STAFFORD	IVD	125
STAFFORD	NIVA	3
STAFFORD	NIVD	55
STAFFORD	NIVI	1
STANTON	IVD	47
STANTON	NIVA	2
STANTON	NIVD	46
STANTON	NIVI	4
STEVENS	IVD	98
STEVENS	NIVA	3
STEVENS	NIVD	154
STEVENS	NIVI	4
SUMNER	IVD	659
SUMNER	NIVA	5
SUMNER	NIVD	439
THOMAS	IVD	287
THOMAS	NIVA	3
THOMAS	NIVD	139
THOMAS	NIVI	2
TREGO	IVD	74
TREGO	NIVD	57
TREGO	NIVI	1
WABAUNSEE	IVD	121
WABAUNSEE	NIVA	1
WABAUNSEE	NIVD	86
WABAUNSEE	NIVI	1
WALLACE	IVD	30
WALLACE	NIVA	1
WALLACE	NIVD	18
WASHINGTON	IVD	116
WASHINGTON	NIVA	3
WASHINGTON	NIVD	66
WASHINGTON	NIVI	2
WICHITA	IVD	51
WICHITA	NIVD	46
WICHITA	NIVI	2

WILSON	IVD	366
WILSON	NIVA	2
WILSON	NIVD	151
WILSON	NIVI	3
WOODSON	IVD	89
WOODSON	NIVD	34
WYANDOTTE	BLND	2
WYANDOTTE	IVD	11441
WYANDOTTE	NIVA	253
WYANDOTTE	NIVD	3125
WYANDOTTE	NIVI	68

IVD: A IVD case is full IVD. Meaning, all money is transmitted to SRS for distribution. After distribution, if a payment needs to be paid to a recipient, it is put on the SRS Disbursement File and transmitted back to Tier for actual disbursement (mailing of the payment instrument).

NIVA: In a NIVA case, current support is NIVA (paid out to the family from the KPC) and arrears are IVD thereby flowing through the same process as outlined under "IVD".

NIVD: A NIVD case is full NIVD. Meaning, all money is paid to the family directly from the KPC.

NIVI: A NIVI case is an Interstate case that is not referred to SRS for enforcement. Meaning, monies received are sent directly from the KPC to a State Disbursement Unit in another State for possible disbursement to the recipient.

Blended: A Blended case is one in which, for example, one child is IVD related and another child is NIVD related.

By-County Listing of Known "Unidentified" Payments

<u>COUNTY NAME</u>	<u>TYPE</u>	<u>COUNT</u>	<u>AMOUNT</u>	<u>County Subtotal</u>
ATCHISON	NIVD	2	396.16	
BARBER	NIVD	1	23.08	
BROWN	NIVA	1	46.16	
BROWN	NIVD	1	323.00	\$369.16
BUTLER	NIVD	3	312.72	
CHEROKEE	NIVA	1	137.76	
CLOUD	NIVD	12	1,638.89	
CRAWFORD	NIVA	1	156.00	
DICKINSON	NIVD	2	46.14	
DOUGLAS	NIVA	12	762.17	
DOUGLAS	NIVD	9	563.31	\$1,325.48
EDWARDS	NIVA	1	69.23	
ELLIS	NIVD	4	333.22	
GEARY	BLND	1	85.87	
GEARY	NIVA	1	76.88	
GEARY	NIVD	4	1,196.00	\$1,358.75
GOVE	NIVD	2	522.00	
HARVEY	NIVA	1	100.00	
JACKSON	NIVD	1	200.00	
JOHNSON	IVD	3	177.81	
JOHNSON	NIVA	6	450.49	
JOHNSON	NIVD	35	8,145.90	\$8,774.20
LABETTE	NIVD	2	700.00	
LEAVENWORTH	IVD	1	5.77	
LEAVENWORTH	NIVD	5	1,789.62	\$1,795.39
LYON	IVD	1	40.38	
LYON	NIVD	4	1,125.76	\$1,166.14
MARION	NIVD	1	103.85	
MARSHALL	NIVD	2	325.00	
MCPHERSON	NIVD	1	62.50	
MONTGOMERY	NIVD	5	429.41	
MORRIS	NIVD	1	126.00	
NEMAHA	NIVD	5	376.56	
NON-KANSAS COURT ORD	IVD	1	1,337.89	
NON-KANSAS COURT ORD	NIVA	15	1,097.49	
NON-KANSAS COURT ORD	NIVD	150	13,353.33	
NON-KANSAS COURT ORD	NIVI	17	2,138.02	\$17,926.73
OSAGE	NIVD	2	334.72	
PRATT	NIVA	1	189.95	
RENO	NIVA	2	36.92	
RENO	NIVD	3	5,396.15	\$5,433.07
RUSSELL	NIVD	1	11.82	
SALINE	NIVD	1	35.77	
SEDGWICK	IVD	1	138.46	
SEDGWICK	NIVA	4	805.72	
SEDGWICK	NIVD	52	8,837.18	

SEDGWICK	NIVI	2	200.00	\$9,981.36
SHAWNEE	BLND	2	220.00	
SHAWNEE	IVD	3	504.10	
SHAWNEE	NIVA	34	1,559.07	
SHAWNEE	NIVD	64	7,644.35	\$9,927.52
SUMNER	NIVD	1	23.08	
THOMAS	NIVD	1	324.09	
WASHINGTON	NIVD	1	219.20	
WOODSON	NIVD	1	122.77	
WYANDOTTE	NIVA	5	168.93	
WYANDOTTE	NIVD	7	648.08	\$817.01
Total.....	503	\$66,194.73	

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15th District
Allen, Chautauqua,
SE Coffey, Montgomery,
Wilson and Woodson counties



KANSAS SENATE

Committee Assignments
Chairman: Agriculture
Member: Judiciary
Reapportionment
Natural Resources
Elections and Local
Government
Legislative Post Audit

**Testimony Before Senate Judiciary Committee
In Support of Senate Bill 139
by Senator Derek Schmidt
February 12, 2001**

Mr. Chairman and members of the committee, thank you for conducting this hearing and allowing me to appear in support of Senate Bill 139. I introduced this legislation along with Senators Jordan and Schodorf.

Since 1994, persons participating in domestic animal activities in Kansas have been presumed by law to assume the risk inherent in such activities. The relevant statute is set forth in Article 40 of Chapter 60. In plain English, the law says that folks who – for example – ride horses, show chickens, haul cattle, or board llamas are presumed to have assumed the risk inherent with working with these animals and cannot sue the fair board or the arena owner when the horse bucks, the chicken pecks, the cattle pin a person against the chute, or the llamas...do whatever damaging things llamas may do.

Members of the committee may have seen the warning signs that are currently required by this statute to be posted at arenas, fair barns, and similar sites: "WARNING: Under Kansas law, there is no liability for an injury to or the death of a participant in domestic animal activities resulting from the inherent risks of domestic animal activities, pursuant to K.S.A. 60-4001 through 60-4004. You are assuming the risk of participating in this domestic animal activity."

Under current law, the following are considered "domestic animals" for purposes of this statute: cattle, swine, sheep, goats, domesticated deer, llamas, poultry, rabbits, horses, ponies, mules, jennies, donkeys, and hinnys.

Our proposal, Mr. Chairman, is simply to add bison to the list.

Although perhaps not obvious on its face, this proposal is about economic development. Tourism – particularly prairie tourism – is an industry with enormous potential for Southeast Kansas. Committee members may be familiar with the excitement in the tourism industry about investments being made by our native son Bill Kurtis in Chautauqua County and Montgomery County. In a phrase, Mr. Kurtis is committing his money and his talents to marketing the "prairie experience" to our urban cousins and our friends on the coasts.

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And what is a “prairie experience” without bison? For that reason, Mr. Kurtis has recently acquired a herd of bison, and he intends to integrate them into his broader efforts to bring tourists to our state to experience the prairie.

Mr. Kurtis is making this investment because he believes in Kansas. He is making the investment from his own pocket because he believes that is the right thing to do and because he is convinced it is a smart business move. I am proposing this legislation because we in Southeast Kansas want this tourism initiative to succeed and we want to fully support this and similar efforts.

Let me emphasize, Mr. Chairman, that this is a very modest bill. I recently discussed with a concerned agricultural producer in Chautauqua County what this bill does NOT do – it does not in any way limit the liability of a bison owner for damage that may be caused by his bison to a neighbor’s fences, crops, livestock, or other property. It does not limit the liability of a bison owner for damage caused if his bison escapes and wanders onto a public road.

Rather, this bill simply says that tourists who come to see bison but do not follow the rules set out by their guides – and are injured as a result – will not be able to easily sue the bison’s owners. The key phrase in the statute is found in K.S.A. 60-4001(a): [The activity for which the bison owner’s liability would be limited] does not include being a spectator at an activity involving domestic animals, *except in cases where the spectator places the spectator’s self in an unauthorized area and in immediate proximity to the activity involving domestic animals.*”

Thank you, Mr. Chairman. I urge the committee’s favorable consideration of this legislation, and I would be happy to answer any questions.

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Ron Thornburgh
Secretary of State

STATE OF KANSAS

Senate Judiciary Committee

Testimony on Senate Bill 128

Ron Thornburgh, Secretary of State

February 12, 2001

Mr. Chairman and Members of the Committee:

Thank you for the opportunity to appear before the committee in support of SB 128, which I proposed as an election crimes bill. The bill addresses four types of election problems encountered in recent years: voter registration suppression, vote trading, voter intimidation and electioneering.

1. New Section 1 creates a new crime of voter registration suppression. It requires individuals and groups involved in voter registration to deliver completed applications to the county election officer. It is intended to prevent people from destroying or failing to deliver the applications. This provision of SB 128 addresses a trend that has arisen since the enactment of the National Voter Registration Act. Before NVRA, voter registration was conducted by or under the direction of the county election officer. Registrars were usually deputized and trained by the election officer. Under NVRA, anyone may conduct voter registration drives, but not everyone is careful or diligent in returning the completed applications to the election office. If the applications are not received, the applicants are not registered to vote. As a result, some people go to the polls on election day thinking they are registered and learn they are not. Some of these potential voters remember where they completed their applications, and after inquiring it becomes evident that someone did not deliver the applications, and the voters are disenfranchised. In some cases it is alleged that applications were destroyed purposely.

2. New Section 2 creates the crime of vote trading. It is proposed as a response to a new phenomenon that occurred in the 2000 election, most notably with groups called Nader's Traders and voteswap.com. Voters in one state would contract via the Internet with voters in other states, creating agreements to change the way they voted for President in exchange for the other voters changing their votes.

I opposed this type of transaction when it became public, as did other Secretaries of State. However, research indicated that no existing Kansas law specifically prohibited vote trading. The act of voting is the very basis of representative democratic government, and elections are designed to ascertain the will of the voters. Vote trading obscures the will of the voters and skews the results of the election, and it should be illegal.

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3. Section 3 of SB 128 expands the definition of voter intimidation to include dissemination of false information with the intent to keep voters from voting. This is proposed in response to incidents in the 2000 election when voters received messages falsely informing them that they would not be allowed to vote if they did not take a voter identification card with them to the polling place. This was false information that may have discouraged voter turnout in some localities.

My office and some county election offices received reports from voters and candidates who were angered by these attempts to keep certain groups of voters from exercising their right to vote. We agreed with them, but found that current laws were inadequate to pursue criminal charges. Section 3 of SB 128 seeks to address that inadequacy.

The bill also increases the penalty for voter intimidation from a misdemeanor to a felony to reflect the severity of this crime.

4. Section 4 expands the electioneering statute to cover the advance voting period. Current law prohibits attempts to influence voters at the polling place on election day. We receive occasional reports of these activities occurring at the courthouse during the advance voting period before the election, and they should be just as illegal then as they are on election day.

I encourage the committee to strengthen and enhance Kansas election crime statutes by reporting SB 128 favorably. Thank you for your consideration.