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MEMORANDUM

TO: Senate Judiciary Committee

FROM: Kansas Judicial Council – Nancy Strouse

DATE: March 6, 2013

RE: Testimony on 2013 HB 2013 Relating to Amendment to K.S.A. 21-5903

The purpose of HB 2013 is to delete an incorrect reference contained in the perjury statute, K.S.A. 21-5903.

K.S.A. 21-5903(a)(3) currently provides that the crime of perjury can be committed by intentionally and falsely “subscribing as true and correct under penalty of perjury any **statement as required by K.S.A. 75-5743.**”

K.S.A. 75-5743, a copy of which is attached at page 2, currently contains no reference to a statement subscribed under penalty of perjury. The law used to require employers to ask new employees to sign a statement under penalty of perjury regarding pending child support orders. That requirement was stricken from the statute in 1999, as shown in Sec. 2 of the session laws attached at pages 3-4.

The Judicial Council recommends striking subsection (a)(3) of K.S.A. 21-5903.

2012 Kansas Statutes

75-5743. Same; duty to submit information. (a) All employers and labor organizations doing business in this state shall submit information concerning each new employee to the secretary of labor within 20 business days of the hiring, rehiring or return to work of the newly hired employee or within 20 business days from the date the newly hired employee first receives wages or other compensation from the employer. The information shall include the newly hired employee's name, address, social security number and the date services for remuneration were first performed by the newly hired employee and the employer's name, address, federal tax identification number and any other information as may be required by section 453A of the social security act, 42 U.S.C. § 653a.

(b) For purposes of this section, the term "newly hired employee" means an employee who has not previously been employed by the employer, or was previously employed by the employer, but has been separated from such prior employment for at least 60 consecutive days.

(c) The department of social and rehabilitation services shall have access to such information to match the employee's social security number with title IV-D cases.

History: L. 1997, ch. 182, § 85; L. 1999, ch. 21, § 2; L. 2004, ch. 179, § 140; L. 2012, ch. 134, § 1; July 1.

CHAPTER 21

HOUSE BILL No. 2050

AN ACT concerning employment; relating to reports concerning newly hired employees; amending K.S.A. 1998 Supp. 75-5742 and 75-5743 and repealing the existing sections.

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

Section 1. K.S.A. 1998 Supp. 75-5742 is hereby amended to read as follows: 75-5742. (a) The department of human resources is hereby designated as the agency to collect the new hires information required by the personal responsibility and work opportunity act of 1996. Such information shall be reported on the current employer quarterly report of wages filed pursuant to K.S.A. 44-710, and amendments thereto, which became effective on January 1, 1997. Such information shall include the newly hired employee's address during the quarter such employee was hired. The secretary of human resources shall contract with the secretary of social and rehabilitation services to provide the information needed to be in compliance with the personal responsibility and work opportunity act of 1996.

(b) The state directory of new hires shall receive, retain and, to the extent permitted by federal law, make information reported to the directory available pursuant to subsection (c).

(c) Except as otherwise permitted by federal law, any agency receiving information from the state directory of new hires shall handle the information as confidential information for use in administering the programs for which it was received. The state directory of new hires shall make information available:

(1) Upon implementation of the national directory of new hires, to the national directory; and

(2) to the secretary of social and rehabilitation services for use in administering an eligibility verification system and, not later than May 1, 1998, the title IV-D program.

(d) Any employer who reports electronically or magnetically and is required to report newly hired employees to more than one state may elect to transmit all such reports to one state by complying with the requirements of title IV-D.

(e) Beginning July 1, 1999, the secretary of human resources shall annually delete information about individuals contained in the new hires directory if the information is at least two years old. Nothing in this subsection shall be construed as requiring the secretary of human resources to delete information needed to administer the employment security or workers compensation programs.

Sec. 2. K.S.A. 1998 Supp. 75-5743 is hereby amended to read as follows: 75-5743. (a) All employers and labor organizations doing business in this state who are required by the United States government to have

all new employees fill out an I-9 form shall attach an additional form to such I-9 form asking "Are you currently or have you been ordered to pay child support pursuant to a court order?" All such employers and labor organizations shall require new employees to answer this question, under penalty of perjury, and have such statement signed and notarized.

(b) If the employee answers in the affirmative to such question, the employer or labor organization shall submit such statement information concerning each new employee to the secretary of human resources within 20 days of the hiring, rehiring or return to work of the employee or within 20 days from the date the employee first receives wages or other compensation from the employer to the secretary of human resources. The statement information shall also contain include the employee's name, address and social security number and the employer's name, address and federal tax identification number.

(c) (b) The department of social and rehabilitation services shall have access to such statements information to match the employee's social security number with title IV-D cases.

Sec. 3. K.S.A. 1998 Supp. 75-5742 and 75-5743 are hereby repealed.

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

Approved March 23, 1999.

CHAPTER 22

HOUSE BILL No. 2280

AN ACT concerning change of domicile of mutual holding companies; amending K.S.A. 1998 Supp. 40-2,162 and repealing the existing section; also repealing K.S.A. 1998 Supp. 40-2,162a.

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

Section 1. K.S.A. 1998 Supp. 40-2,162 is hereby amended to read as follows: 40-2,162. (a) An insurer organized under the laws of any other state and admitted to do business in this state for the purpose of writing insurance may become a domestic insurer by complying with all of the requirements of law relative to the organization and licensing of a domestic insurer of the same type and by designating the insurer's principal place of business at a place in this state. The domestic insurer will be entitled to like certificates and licenses to transact business in this state, and shall be subject to the authority and jurisdiction of this state.

(b) A mutual holding company organized under the laws of any other state may become a domestic mutual holding company by complying with all of the requirements of law relative to the organization of a domestic