

## MINUTES OF THE HOUSE JUDICIARY COMMITTEE

The meeting was called to order by Chairperson Michael O'Neal at 3:30 p.m. On February 19, 2001 in Room 313-S of the Capitol.

All members were present.

Committee staff present:

Jerry Ann Donaldson, Legislative Research Department  
Jill Wolters, Revisor of Statutes Office  
Cindy O'Neal, Committee Secretary

Conferees appearing before the committee:

Representative Dale Swenson  
Andy Sanchez, Kansas Association of Public Employees  
Leta Denise Mitchell, Wichita  
Janet Schalansky, Secretary Social & Rehabilitation Services  
Kathy Porter, Office of Judicial Administration  
Representative Jim Garner

Committee minutes from February 5, 6, 7, 8, & 12, were distributed.

Hearings on **HB 2375 - Kansas Payment Center; support payments received & distributed by employees of SRS**, were opened.

Representative Dale Swenson appeared as the sponsor of the bill. He explained that it would bring the payment center under SRS and would help with the efficiency and effectiveness of the payments. He was not sure about how much money this would cost but hopes that it would end up being a savings to the state. (Attachment 1)

Andy Sanchez, Kansas Association of Public Employees, believes that a public service such as child support payments should be handled through SRS and not a private contractor. He has had a number of field representatives who have visited employees at the work site and they have reported back that there is a lot of fear from employees about reporting the problems with the Kansas Payment Center. (Attachment 2)

Leta Denise Mitchell, Wichita, reported that she has continually had problems receiving her payments on time, even though her ex-husband's employer has made the payments to the Center on time. She is concerned about her ability to purchase medication for her daughter if the payments are continually late. (Attachment 3)

Written testimony from Penny Blue regarding her problems with the Kansas Payment Center was provided to the committee. (Attachment 4)

Hearings on **HB 2375** were closed.

Hearings on **HB 2508 - child support enforcement, Kansas Payment Center & income withholding**, were opened.

Janet Schalansky, Secretary Social & Rehabilitation Services, commented that the proposed bill would codify the authority of Kansas Supreme Court to require child support payments to be sent to the Kansas Payment Center. She provided an update as to the steps SRS & Tier has taken to address concerns voiced at the January 22, 2001 meeting. (Attachment 5)

Secretary Schalansky reported that:

- between October - February \$1 million in emergency checks had been cut between SRS & Tier
- SRS has used some of the \$144 thousand fines to offset payments owed from Tier to SRS. This offset helps support the program

Chairman O'Neal made the comment that the SRS should collect all fines due and be placed in the State Treasury so that the state would receive the interest and that Tier should be paying for their own enhancements because that was stated in their contract.

He questioned if overtime was paid to SRS employees who monitored Tier. Secretary Schalansky replied that if they worked overtime they probably received payment. He then questioned who made those overtime payments, SRS or Tier. The Secretary replied that overtime was probably paid by SRS since they insisted that their employees be there to help solve problems. The Chairman stated that Tier should have paid the overtime and been fined since they were not turning around checks within 24 hours.

Kathy Porter, Office of Judicial Administration, reminded the committee that without legislation action the Administrative Order will expire June 30, 2001. (Attachment 6)

Committee members were concerned about the record keeping ability of the Kansas Payment Center and the possibility of litigation because of unpaid child support.

The committee request a copy of the SRS audit as to what types of cases are being held in the suspense file.

Hearings on **HB 2508** were closed.

Hearings on **HB 2402 - SRS responsible to pay late fees assessed to persons who did not receive child support or maintenance payments on time**, were opened.

Representative Jim Garner appeared as the sponsor of the bill. The proposed bill would be an element to provide help to citizens by allowing them to claim losses & damages due to missed or late child support payments. (Attachment 7)

Hearings on **HB 2402** were closed.

Hearings on **HB 2361 - creating the central payment center advisory commission**, were open.

Chairman O'Neal discussed the reason for the advisory commission and suggested that one appointment be added to the list, that being an appointment from the Office of Judicial Administration.

Hearings on **HB 2361** were closed.

It was announced that the bills heard today would be assigned to a sub-committee which would be appointed at a later date.

The committee meeting adjourned at 5:45p.m. The next meeting is scheduled for February 20, 2001.