

## HOUSE BILL No. 2477

By Committee on Federal and State Affairs

2-8

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9 AN ACT concerning family support; relating to setoff; amending K.S.A.  
10 75-6201 and 75-6204 and K.S.A. 2006 Supp. 23-9,607 and repealing  
11 the existing sections.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. K.S.A. 2006 Supp. 23-9,607 is hereby amended to read as  
15 follows: 23-9,607. (a) A party contesting the validity or enforcement of a  
16 registered order or seeking to vacate the registration has the burden of  
17 proving one or more of the following defenses:

- 18 (1) The issuing tribunal lacked personal jurisdiction over the con-  
19 testing party;  
20 (2) the order was obtained by fraud;  
21 (3) the order has been vacated, suspended or modified by a later  
22 order;  
23 (4) the issuing tribunal has stayed the order pending appeal;  
24 (5) there is a defense under the law of this state to the remedy sought;  
25 (6) full or partial payment has been made; or  
26 (7) the statute of limitations under K.S.A. 23-9,604 and amendments  
27 thereto (choice of law) precludes enforcement of some or all of the  
28 arrearages.

29 (b) If a party presents evidence establishing a full or partial defense  
30 under subsection (a), a tribunal may stay enforcement of the registered  
31 order, continue the proceeding to permit production of additional rele-  
32 vant evidence, and issue other appropriate orders. An uncontested por-  
33 tion of the registered order may be enforced by all remedies available  
34 under the law of this state.

35 (c) If the contesting party does not establish a defense under subsec-  
36 tion (a) to the validity or enforcement of the order, the registering tribunal  
37 shall issue an order confirming the order.

38 (d) *Nothing in this act shall be construed to empower any state*  
39 *agency, municipality, court, tribunal or other enforcement entity of this*  
40 *state to enforce any order from any source which order by its terms ex-*  
41 *ceeds the obligations that could be entered in an order of the courts of*  
42 *this state. Any order in an amount exceeding the obligations allowable by*  
43 *the law of this state must be afforded a full due process hearing for de-*

1 *termination as to what portions of such order shall be enforced in this*  
2 *state.*

3 Sec. 2. K.S.A. 75-6201 is hereby amended to read as follows: 75-  
4 6201. The purpose of this act is to establish as policy that state agencies  
5 shall cooperate in identifying debtors who owe money to the state, a  
6 foreign state agency and any municipality and that procedures be estab-  
7 lished for setting off against debtors the sum of any debt owed to the  
8 state, a foreign state agency or any municipality. *Nothing in this act shall*  
9 *be construed to permit any entity acting in a confiscatory manner thus*  
10 *depriving any citizen of this state of property without due process of law.*

11 Sec. 3. K.S.A. 75-6204 is hereby amended to read as follows: 75-  
12 6204. (a) Subject to the limitations provided in this act, if a debtor fails  
13 to pay to the state of Kansas or any state agency, foreign state agency or  
14 a municipality an amount owed, the director may setoff such amount  
15 against any money held for, or any money owed to, such debtor by the  
16 state or any state agency.

17 (b) *Nothing in this act shall be construed to empower any state*  
18 *agency, municipality, court, tribunal or other enforcement entity of this*  
19 *state to enforce any order from any source which order by its terms ex-*  
20 *ceeds the obligations that could be entered in an order of the courts of*  
21 *this state. Any order in an amount exceeding the obligations allowable by*  
22 *the law of this state must be afforded a full due process hearing for de-*  
23 *termination as to what portions of such order shall be enforced in this*  
24 *state.*

25 ~~(b)~~ (c) The director may enter into an agreement with a municipality  
26 for participation in the setoff program for the purpose of assisting in the  
27 collection of a debt as defined by K.S.A. 75-6202, and amendments  
28 thereto. The director shall include in any such agreement a provision  
29 requiring the municipality to certify that the municipality has made at  
30 least three attempts to collect a debt prior to submitting such debt to  
31 setoff pursuant to this act.

32 Sec. 4. K.S.A. 75-6201 and 75-6204 and K.S.A. 2006 Supp. 23-9,607  
33 are hereby repealed.

34 Sec. 5. This act shall take effect and be in force from and after its  
35 publication in the statute book.