

of a farmer that for reasons that we all know about don't have enough income...or doesn't have enough income and that the bank...his bank is already taking that income to put on his notes. Now what happens in that situation if you can't pay the child support?

SENATOR BEUTLER: I am not sure that income withholding would apply because he doesn't have an employer.

SENATOR VICKERS: So, in other words, income withholding...

SENATOR BEUTLER: There would have to be a court action filed to levy on his property and then it would go under the ordinary course of things depending on what the first priority on the property was, what security interests were on the property.

SENATOR VICKERS: In other words, the liens already against the property, and I noticed that that is one of the provisions in here is upon real property and any personal property, and so forth, but the liens already held by other creditors would be first liens? The bank's lien would still be the first lien?

SENATOR BEUTLER: It would depend on the nature of the lien. I think a purchase money kind of lien, that is if you got money from the banker to buy cattle, for example, that that lien would probably come before the child support, although there may be questions about that. In real estate law that lien would come before the child support. I am not sure it would always be that way with personal property. But you will get into some sticky questions about which lien comes first.

SENATOR VICKERS: But the income withholding procedure itself would not be applicable to an individual who was self-employed as a farmer and therefore be given the power to the bank to intercept the checks right there. Is that what you are saying?

SENATOR BEUTLER: No, as I read the present language of the bill, it would not apply to that situation.

PRESIDENT: One minute time, Senator.

SENATOR VICKERS: Okay, I will try to clarify that a little