

As Amended by House Committee

Session of 2014

HOUSE BILL No. 2469

By Representatives DeGraaf, Alford, Anthimides, Bradford, Brunk, Campbell,
Carpenter, Claeys, Couture-Lovelady, Crum, Doll, Dove, Edwards, Estes, Gandhi,
Garber, Hedke, Highland, Hoffman, Houston, Howell, Jones, Kahrs, Kiegerl,
Kinzer, Osterman, Peck, Rubin, Ryckman Jr., Sawyer, Schroeder, Seiwert, Sutton,
Thimesch and Weigel

1-22

1 AN ACT concerning debt setoff; dealing with debt setoff for child support
2 and for debts owed under the state debt setoff program; amending
3 K.S.A. 2013 Supp. 75-6204 and repealing the existing section.
4

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

6 New Section 1. (a) Prior to any lottery gaming facility manager,
7 racetrack gaming facility manager or facility owner licensee paying any
8 prize requiring the completion of an internal revenue service form W-2G,
9 the manager or licensee shall cause the person winning the prize to be
10 matched against the state debtor files maintained by the director of
11 accounts and reports as prescribed under K.S.A. 75-6201 et seq., and
12 amendments thereto. If such person is listed in the state debtor files, the
13 prize shall be withheld by the lottery gaming facility manager, racetrack
14 gaming facility manager or the facility owner licensee to the extent of such
15 person's debt as set forth in the state debtor files.

16 (b) The lottery gaming facility managers, racetrack gaming facility
17 managers and facility owner licensees shall not be subject to any civil,
18 criminal or administrative liability for any actions taken pursuant to this
19 section, provided, such actions are not intentional, malicious or wanton by
20 such lottery gaming facility manager, racetrack gaming facility manager,
21 facility owner licensee or employees or agents thereof. The sole remedy at
22 law for persons who claim prizes were wrongfully withheld pursuant to
23 this section shall be to submit an appeal to the department of
24 administration pursuant to K.S.A. 75-6201 et seq., and amendments
25 thereto.

26 (c) Moneys withheld, based on the state debtor files, shall be remitted
27 to the state treasurer in accordance with K.S.A. 75-4215, and amendments
28 thereto. The state treasurer shall deposit the entire amount in the state
29 treasury and credit it to the department of administration's setoff clearing
30 fund-9107.

31 (d) As used in this section:

32 (1) "Facility owner licensee" shall have the same meaning as that
33 term is defined in K.S.A. 74-8802, and amendments thereto.

1 (2) "Racetrack gaming facility manager" shall have the same meaning
2 as that term is defined in K.S.A. 74-8702, and amendments thereto.

3 (3) "Lottery gaming facility manager" shall have the same meaning as
4 that term is defined in K.S.A. 74-8702, and amendments thereto.

5 (4) "Prize" shall have the same meaning as that term is defined in
6 K.S.A. 74-8702, and amendments thereto, and any winnings from
7 parimutuel wagering as provided by the Kansas parimutuel racing act in
8 K.S.A. 74-8801 et seq., and amendments thereto.

9 **(e) Nothing in this section shall apply to Native American Tribal
10 gaming facilities.**

11 ~~(e)~~ **(f)** This section shall be part of and supplemental to the state debt
12 setoff program.

13 Sec. 2. K.S.A. 2013 Supp. 75-6204 is hereby amended to read as
14 follows: 75-6204. (a) Subject to the limitations provided in this act, if a
15 debtor fails to pay to the state of Kansas or any state agency, foreign state
16 agency, municipality or the federal department of the treasury an amount
17 owed, the director may setoff such amount against any money held for, or
18 any money owed to, such debtor by the state ~~or~~, any state agency, *lottery*
19 *gaming facility manager, racetrack gaming facility manager or facility*
20 *owner licensee*.

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

28 Sec. 3. K.S.A. 2013 Supp. 75-6204 is hereby repealed.

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