

{As Amended by Senate Committee of the Whole}

{As Amended by House Committee of the Whole}

As Amended by House Committee

Session of 2013

HOUSE BILL No. 2139

By Committee on General Government Budget

1-30

1 AN ACT concerning state finance; relating to canceled warrants;
2 amending K.S.A. 10-811, 46-913, 46-924 and 58-3974 and repealing
3 the existing sections; also repealing K.S.A. 10-812, ~~10-815 and 10-816~~
4 and K.S.A. 2012 Supp. 46-921.

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

7 Section 1. K.S.A. 10-811 is hereby amended to read as follows: 10-
8 811. (a) In every case in which the director of accounts and reports shall
9 have drawn a warrant against the state treasurer and a period of one year
10 shall have elapsed since the issuance of such warrant, during which time
11 no person entitled thereto shall have appeared to claim such warrant from
12 the director of accounts and reports, or to claim the money so authorized to
13 be paid from the state treasurer, such warrant, at the discretion of the
14 director of accounts and reports and state treasurer, may be canceled and
15 set aside upon their records.

16 (b) In the event that federal laws or regulations require the state to
17 refund or credit money to the federal government because state warrants
18 which were funded in whole or in part by federal funds remain uncashed
19 or unclaimed after a specified period of time, the director of accounts and
20 reports may cancel any such warrant after such specified period of time
21 has elapsed. Such specified period of time shall be prominently stated on
22 the face of the warrant.

23 (c) Cancellations pursuant to this section shall show the date canceled
24 and the records shall recite that they were unpaid but canceled by reason of
25 this statute of limitation. Canceled warrants shall ~~not~~ be considered
26 unclaimed property under the provisions of K.S.A. 58-3934 through 58-
27 3978, and amendments thereto.

28 (d) *The canceled warrants payment fund is hereby abolished. All*
29 *balances in the canceled warrants payment fund shall be transferred to the*
30 *state general fund ~~unclaimed property claims fund established in~~*
31 *~~K.S.A. 58-3956, and amendments thereto~~ {state general fund}. All*
32 *balances accrued from unpaid canceled warrants shall be transferred*

1 upon the records of the director of accounts and reports and state
2 treasurer and shall be considered unclaimed property under the provisions
3 of K.S.A. 58-3934 through 58-3978, and amendments thereto. **Any**
4 **programming costs, including technical and functional analysis,**
5 **incurred by the department of administration to implement the**
6 **provisions of this subsection shall be ~~performed~~ {performed} and**
7 **expended within the current resources of the department. No**
8 **additional funding shall be requested or appropriated for such**
9 **programming costs.**

10 Sec. 2. K.S.A. 46-913 is hereby amended to read as follows: 46-913.

11 (a) Any person wishing to present a claim shall file the same with the
12 chairperson of the joint committee in writing upon a form to be provided
13 by the joint committee stating the following information:

14 (1) The name and address of the claimant; the name and address of
15 the claimant's principal, if the claimant is acting in a representative
16 capacity; and the name and address of the claimant's attorney, if the
17 claimant is so represented;

18 (2) A concise statement of the basis of the claim—(including the date,
19 time, place and circumstances of the act or event complained of, if
20 applicable);

21 (3) a statement itemizing the amount claimed; and

22 (4) any other pertinent information requested by the joint committee.

23 (b) Upon the filing of a claim, the joint committee shall inform the
24 claimant in writing of any additional information it will require in order to
25 take action upon the claim.

26 ~~(c) No claim based upon a canceled state warrant shall be considered~~
27 ~~by the joint committee if such claim is filed more than five years after the~~
28 ~~date the warrant originally was issued.~~

29 Sec. 3. K.S.A. 46-924 is hereby amended to read as follows: 46-924.

30 The acceptance by the claimant of any payment made pursuant to this act
31 shall be final and conclusive and shall constitute a complete release of any
32 claim against the state. Otherwise, the claimant shall proceed with a claim
33 against the state as provided by K.S.A. 46-913, and amendments thereto.
34 ~~The joint committee shall have no authority to recommend an award for~~
35 ~~payment of a claim based on a canceled state warrant if such claim is filed~~
36 ~~more than five years after the date the warrant originally was issued.~~

37 Sec. 4. K.S.A. 58-3974 is hereby amended to read as follows: 58-

38 3974. (a) The provisions of this act shall not apply to any tangible or
39 intangible personal property which is subject to the provisions of K.S.A. 8-
40 1101, 8-1102, 9-1918, ~~10-815,~~ {10-815,} 17-2206a, 17-5564, 19-320, 47-
41 229, 47-230, 47-232, 47-236 to 47-239, inclusive, 59-514, 59-901 to 59-
42 905, inclusive, 70-101, 70-102, 70-103 and 70-104, and amendments
43 thereto.

1 (b) This act shall not apply to any personal property which is being
2 administered or has been distributed under the provisions of K.S.A. 59-
3 2701 to 59-2707, inclusive, and amendments thereto.

4 (c) This act shall not apply to any patronage dividend or capital credit
5 held or owing by any cooperative association, society or corporation
6 organized under the provisions of K.S.A. 17-1501 et seq., 17-1601 et seq.
7 or 17-4601 et seq., and amendments thereto.

8 (d) This act shall not apply to any patronage dividend or any capital
9 credit held or owing by any public utility which is a member-owned
10 nonprofit corporation organized under the provisions of K.S.A. 17-6001 et
11 seq., and amendments thereto.

12 Sec. 5. K.S.A. 10-811, 10-812, ~~10-815, 10-816~~, 46-913, 46-924 and
13 58-3974 and K.S.A. 2012 Supp. 46-921 are hereby repealed.

14 Sec. 6. This act shall take effect and be in force from and after its
15 publication in the statute book.