

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **Senate Substitute for HB 2055, Corrected**, on page 46, following line 37, by inserting:

"New Sec. 30. (a) Prior to any state-owned casino, lottery gaming facility manager, racetrack gaming facility manager or facility owner licensee paying any prize requiring the completion of an internal revenue service form W-2G, the manager or licensee shall cause the person winning the prize to be matched against the state debtor files maintained by the director of accounts and reports as prescribed under K.S.A. 75-6201 et seq., and amendments thereto. If it is determined that such person is a state debtor, the prize shall be withheld by the state-owned casino, lottery gaming facility manager, racetrack gaming facility manager or the facility owner licensee to the extent of such person's debt as set forth in the state debtor files.

(b) The state-owned casino, lottery gaming facility managers, racetrack gaming facility managers and facility owner licensees shall not be subject to any civil, criminal or administrative liability for any amount of any prize withheld pursuant to this section that was mistakenly withheld by such state-owned casino, lottery gaming facility managers, racetrack gaming facility managers or facility owner licensees, provided, such mistaken withholding was not due to any intentional, malicious or wanton act by such state-owned casino, lottery gaming facility manager, racetrack gaming facility manager, facility owner licensee or employees or agents thereof. The sole remedy at law for persons who claim that prizes were wrongfully withheld pursuant to this section shall be to submit an appeal to the department of administration pursuant to K.S.A. 75-6201 et seq., and amendments thereto.

(c) Moneys withheld, based on the state debtor files, shall be remitted to the state treasurer in

accordance with K.S.A. 75-4215, and amendments thereto. The state treasurer shall deposit the entire amount in the state treasury and credit it to the department of administration's setoff clearing fund 9107.

(d) As used in this section:

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

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

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

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

(e) The department of administration is hereby authorized to work with the state-owned casinos, lottery gaming facility manager or racetrack gaming facility manager or facility owner licensee to accomplish the purposes of the state debt setoff program.

(f) This section shall be part of and supplemental to the state debt setoff program.

Sec. 31. K.S.A. 2012 Supp. 75-6204 is hereby amended to read as follows: 75-6204. (a) Subject to the limitations provided in this act, if a debtor fails to pay to the state of Kansas or any state agency, foreign state agency, municipality or the federal department of the treasury an amount owed, the director may setoff such amount against any money held for, or any money owed to, such debtor by the state ~~or~~, any state agency, any state-owned casino, lottery gaming facility manager or racetrack gaming facility manager or facility owner licensee.

(b) The director may enter into an agreement with a municipality for participation in the setoff

program for the purpose of assisting in the collection of a debt as defined by K.S.A. 75-6202, and amendments thereto. The director shall include in any such agreement a provision requiring the municipality to certify that the municipality has made at least three attempts to collect a debt prior to submitting such debt to setoff pursuant to this act.";

And by renumbering sections accordingly;

Also on page 46, in line 43, by striking "and 74-8772" and inserting ", 74-8772 and 75-6204";

On page 1, in the title, in line 2, after the semicolon by inserting "debt setoff;"; in line 6, by striking "and 74-8772" and inserting ", 74-8772 and 75-6204"

Senator _____