

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS.

The meeting was called to order by Chairperson Kent Glasscock at 9:00 a.m. on January 13, 1998, in Room 521-S of the Capitol.

All members were present except: Rep. Jonathan Wells, Excused

Committee staff present: Mary Galligan, Legislative Research Department  
Mike Heim, Legislative Research Department  
Theresa Kiernan, Revisor of Statutes  
Fulva Seufert, Committee Secretary

Conferees appearing before the committee: Mr. Mike Heim, Legislative Research Department  
Rep. Bob Tomlinson  
Mr. Don Moler, General Counsel, League of Kansas  
Municipalities  
Ms. Willie Martin, Sedgwick County, Kansas

Others attending: See attached list

Chairperson Glasscock welcomed the Committee Members back and announced that the plan would be to continue working the same as 1997 with three subcommittees--Campaign Finance, Elections, and Ethics. He said he expects any bills which come out of the subcommittees to be agreed on a bi-partisan basis. He expressed pleasure in the Committee's passing out two solid bills in the last Session. He also said that one day next week would be set aside for subcommittee meetings in an effort to start reviewing bills.

Chairperson Glasscock opened the Public Hearing on the following repealer bills:

- HB 2545 - Cities of first class; interstate bridges
- HB 2548 - Cities of first class; civil service commission
- HB 2552 - Cities of first class; municipal parking authorities
- HB 2554 - Cities of first class; cemeteries
- HB 2556 - Cities of first class; recreation commissions
- HB 2557 - Cities of first class; parks, parkways, boulevards and playgrounds
- HB 2559 - Cities of first class; appointed officers
- HB 2561 - Cities of first class; revenue
- HB 2562 - Cities of first class; fire departments
- HB 2565 - Cities of first class; changes in form of government
- HB 2566 - Cities of first class; powers and duties of governing body
- HB 2567 - Cities of first class; elections
- HB 2595 - Delivery and baggage wagon permit; license fee, exemption

The Chair asked Mike Heim from the Research Staff to briefly explain the above-listed repealer bills. Mr. Heim presented the conclusions and recommendations of the Special Committee on Governmental Organization which has recommended the above-named bills for passage by the 1998 Legislature. These repeal obsolete sections of Chapter 13 of *Kansas Statutes Annotated* dealing with cities of the first class.(Attachment 1.)

Representative Wilk questioned if anyone had contacted the staff about the repeal of any of these bills, and the answer was that out of an introduction of 23 bills, these were the survivors in addition to **HB 2564**.

Chairperson Glasscock clarified that if anyone uses a statute, then it was not considered for repeal.

Representative Horst asked if all cities had been given an opportunity to review these.

CONTINUATION SHEET

MINUTES OF THE HOUSE COMMITTEE ON GOVERNMENTAL ORGANIZATION & ELECTIONS, Room 521-S Statehouse, at 9:00 a.m. on January 13, 1998.

Chairperson Glasscock recognized Representative Tomlinson who spoke in favor of the repealer bills along with HB 2595 and HB 2564 by saying that the League of Kansas Municipalities had done a thorough job in notifying all 24 cities of the first class about the repeal of these statutes. He made two points, the first was that all the bills that were introduced could have been repealed, and second, that local units of government need to exercise their home rule powers by taking that responsibility. Representative Tomlinson complimented the League for its excellent job in its research, and he praised Theresa Kiernan for a wonderful job, too. He said that the League supplied him a list of every charter ordinance, and that there was one bill in the original batch that was removed. He said that the subcommittee tried to advance the project without causing discomfort for anyone. He stated that these bills all went to a formal Interim Committee which provided an opportunity for each bill to go through the public hearing process. Representative Tomlinson said that HB 2564 should be amended to reflect not only the committee's desire to do no harm to local units, but also to reflect the leadership of the League. He further stated that "HB 2595 is not a part of the original project, but shows how appropriate measures can be adopted when the spirit of "Home Rule" is served by a community." He further stated HB 2564 will require an amendment removing K.S.A. 13-1903 and K.S.A. 13-1904 and will need to go on the House Floor so the process can be explained to clarify those bills on the Consent Calendar. He said that HB 2595 was first introduced by the City of Wichita, and he thought it was going to the Senate side, but was pleased to see it assigned to the House. He stated that the City of Wichita was an excellent example of what happens when outdated statutes are left on the books. (Attachment 2.)

Chairperson Glasscock next recognized Mr. Don Moler, General Counsel, League of Kansas Municipalities, who spoke favorably for repealing the above-listed bills. Mr. Moler reported that the League sent out letters to every city attorney of the 24 first class cities in the state. He said that every city attorney had an opportunity to review all these bills and was offered a second alternative. If there was a concern involving one or more bills, they were invited to be a part of a work force through a conference call. During this process, he said there was a problem with seven bills in which the Interim Committee studied and ultimately withdrew one bill. However, the Interim Committee came up with 14 bills they could support. He said that Overland Park identified a bill after the fact that they had a problem with. This was HB 2550 which was taken off today's Committee Agenda. Mr. Moler's testimony said that the League would not support HB 2550 as a result of the concern recently raised by Overland Park. (Attachment 3.)

The Chair welcomed Ms. Willie Martin, Sedgwick County, Kansas Intergovernmental Relations, who presented written testimony requesting the following two statutes be repealed: K.S.A. 19-319 and K.S.A. 73-207. She said that K.S.A. 19-319 is an archaic statute which was adopted in 1868 and was last amended in 1923 requiring the County Clerk to produce a hand-written spread sheet or report at the close of the term of office of County Treasurer. K.S.A. 73-207 dates back to post-Civil War Reconstruction and provides for a "delivery and baggage wagon permit." She said that while benefits to veterans are usually appropriate, exemption for a license fee where the license itself no longer exists is obviously out of date. (Attachment 4.)

Written testimony was provided by Mr. Robert J. Watson, City Attorney of Overland Park. (Attachment 5.)

Representative Tomlinson moved that **HB 2545, HB 2548, HB 2552, HB 2554, HB 2556, HB 2557, HB 2559, HB 2561, HB 2562, HB 2565, HB 2566, HB 2567, and HB 2595** be marked favorable for passage and being of a non controversial nature, be placed on the Consent Calendar. Representative Gilbert seconded. Motion passed.

Representative Tomlinson moved to amend **HB 2564** by removing K.S.A. 13-1903 and K.S.A. 13-1904. Representative Cox seconded. Motion passed.

Representative Tomlinson moved that **HB 2564** be passed favorably as amended. Representative Sharp seconded. Motion passed.

The Chair recognized Mr. Don Moler who requested a bill be introduced which will allow for a modification of the State Setoff Program as it applies to municipalities. (Attachment 6.)

Representative Wilk made a motion to introduce a bill allowing for a modification of the State Setoff Program as it applies to municipalities. Representative Huff seconded. Motion passed.

The meeting adjourned at 9:55 a.m.

The next meeting is scheduled for January 20, 1998.

GOVERNMENTAL ORGANIZATION & ELECTIONS  
COMMITTEE GUEST LIST

DATE: TUESDAY, JANUARY 13, 1998

NAME	REPRESENTING
Leon Moler	League of KS Mun.
Judy Moler	Rs. Assn of Counties
D. Martin	Sedgewick County
Kelly Kuntala	City of Overland Park
Jim Kamp	City of Topeka
Don Thelmann	KS Audubon

Some questions and concerns raised by conferees related directly to the scope and reliability of computer security systems of state agencies that keep records containing personal information.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concluded that a study of this issue requires considerably more time than the Committee has available during this interim. The Committee also concluded that some degree of additional legislative oversight of agencies that gather and maintain personal information may be necessary.

Based on those conclusions, the Committee recommends enactment of legislation that would expand the responsibilities of the Joint Committee on Computers and Telecommunications to include the following duties:

- examine existing laws regarding public records to determine whether adequate safeguards exist to preserve the integrity of and control access to personal information
- gathered or maintained by state government;
- examine policies, procedures, and rules and regulations of state agencies to determine whether record custodians are adequately implementing safeguards for private information;
- determine and review the justification for the scope and extent of personal information gathered by state government entities;
- examine public records systems of other states to identify best practices that might be used as models in Kansas;
- monitor state agency activities related to gathering and maintaining personal information and request audits of those activities as necessary; and
- recommend legislation and standards for gathering and preserving the integrity of personal information held by state agencies and annually report findings and recommendations to the Legislature, Governor, and Chief Justice.

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## ***Cleanup of Local Government Statutes\****

**SUMMARY:** The Special Committee on Governmental Organization recommends for passage by the 1998 Legislature 14 of 20 bills introduced at the end of the 1997 Session, which repeal obsolete sections of Chapter 13 of *Kansas Statutes Annotated* dealing with cities of the first class. In addition, the Committee recommends the introduction of a bill to repeal K.S.A. 19-319 which requires the county clerk to produce a useless report at the close of the term of office of the treasurer and suspends the collection of taxes for one week. The Committee recom-

mends the introduction of a bill to repeal two obsolete county statutes dealing with delivery and baggage wagon permits which can be waived for veterans. The Committee recommends further study of H.B.'s 2549, 2551, 2555, 2558, and 2560 which would repeal other sections of Chapter 13. Finally, the Committee endorses the idea of the city attorney of Overland Park for the creation of a task force made up of representatives of attorneys from the League of Kansas Municipalities and attorneys from cities of the first class to continue to review Chapter 13 and to look for ways to modernize it.

## BACKGROUND

The idea of repealing statutes made obsolete

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\* S.B. 397, S.B. 398, and H.B. 2595 accompany this report.

for cities by passage of the constitutional Home Rule Amendment by voters in 1960 and the enactment of statutory home rule authority for counties was raised most recently several years ago as a result of a study of state mandates on cities and counties conducted by a professor at the Hugo Wall School of Urban Policy Affairs at Wichita State University. The study was released in December 1994 and identified over 900 mandates. In response to an inquiry from the current Senate Majority Leader, the author of the mandates study, Professor Ed Flentje, identified 259 mandates contained in over 500 statutes which he deemed to be obsolete and no longer needed for various reasons with the most common reason being home rule powers which both cities and counties enjoy. Briefly stated, home rule powers allow cities and counties to exempt themselves from provisions of nonuniform state laws by enactment of charter ordinances in the case of cities or charter resolutions in the case of counties. A large number of those statutes identified as mandates were nonuniform state laws which apply to cities or counties.

## COMMITTEE ACTIVITIES

**Testimony of Conferees.** The Committee heard testimony from Representative Bob Tomlinson who requested introduction of 20 repealer bills dealing with statutes which apply to cities of the first class at the end of the 1997 Session. Representative Tomlinson requested the interim study of the cleanup of local government statutes. The bills are in the House Governmental Organization and Elections Committee. Professor Ed Flentje gave a brief review of the mandates study he conducted several years ago.

The Committee also heard testimony from the League of Kansas Municipalities and city attorneys from Wichita and Overland Park. Conferees noted that a task force of city attorneys from Wichita, Overland Park, Kansas City, Leavenworth, Parsons and Hutchinson had studied the 20 repealer bills and agreed to endorse 14 of those bills. They suggested amending H.B. 2564 to retain statutes dealing

with the regulation of railroads on city streets and recommended further study of H.B.'s 2549, 2551, 2555, 2558, and 2560. Several of these bills would repeal specific authority for cities to exercise extraterritorial powers or deal with statutes which are being utilized by individual cities of the first class e.g., H.B. 2558 repeals statutes which establish the elected Leavenworth Waterworks Board. The city attorney of Overland Park suggested that the League and attorneys representing cities of the first class form an ongoing task force to continue the study of the repeal of obsolete statutes contained in Chapter 13.

Representatives of the Kansas Association of Counties, Riley County, and Sedgwick County suggested the repeal of K.S.A. 19-319 which requires cessation of the collection of taxes for one week upon a change in county treasurer and the preparation of a useless report by the county clerk at this time. The Sedgwick County representative also requested the repeal of statutes (K.S.A.'s 73-207 and 73-208) exempting veterans from the payment of a license fee to operate delivery and baggage wagons.

## CONCLUSIONS AND RECOMMENDATIONS

The Committee concludes that the process of repealing obsolete laws that apply to cities and counties should continue. The Committee encourages the League of Kansas Municipalities and city attorneys from cities of the first class to form a task force to continue studying the repeal of obsolete law.

The Committee recommends favorable action by the 1998 Legislature for the following repealer bills: H.B. 2545 (interstate bridges); H.B. 2548 (civil service commissions); H.B. 2550 (master plan for roads); H.B. 2552 (parking authorities); H.B. 2553 (city hospitals); H.B. 2554 (cemeteries); H.B. 2556 (recreation commissions); H.B. 2557 (parks); H.B. 2559 (city officers); H.B. 2561 (revenues); H.B. 2562 (fire departments); H.B. 2565 (form of government); H.B. 2566 (governing body); and H.B. 2567 (elections).

The Committee recommends that the appropriate standing committees continue studying the suitability of repealing statutes contained in the following bills: H.B. 2549 (public utilities); H.B. 2551 (parks); H.B. 2555 (art museum, other); H.B. 2558 (waterworks board); and H.B. 2560 (public transportation). The Committee recommends that H.B. 2564 be amended to delete statutes dealing with the regulation of railroads by cities of the first class and the re-

mainder of that bill dealing with miscellaneous subjects be passed.

The Committee also recommends legislation which would repeal an obsolete statute that requires cessation of tax collections for a week when there is a change in county treasurers and legislation which would repeal statutes dealing with exempting veterans from license fees for delivery and baggage wagons.

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### ***A Study of Competitive Bidding for Government Services***

**SUMMARY:** The Special Committee on Governmental Organization recommends that the 1998 Legislature study the merits of a quality-based selection process for awarding contracts by state government. The Committee also recommends that the 1998 Legislature consider the need for legislation requiring monitoring of state agencies' contracts.

#### **BACKGROUND**

During the 1997 Session, the Kansas House of Representatives amended S.B. 18 to replace the current negotiated bid system for awarding state and local government contracts for professional services and products and the issuance of bonds with a competitive bid system. The bill, now assigned to a conference committee, is being carried over to the 1998 Session. The interim Special Committee on Governmental Organization was assigned this topic for study.

**Current Law.** Current law authorizes all state agencies (excluding the Legislature and the Supreme Court) to use a negotiated bid system to award contracts to private entities for professional services, financial aid, equipment, products, or issuance of various types of bonds. State agencies may negotiate directly for these

services or request the Secretary of Administration to convene a negotiating committee to negotiate on behalf of the agency. Under this system, negotiating committee members may include representatives of the agency requesting the service, the Department of Administration, and, possibly, other state agencies. Local government bidding practices for services vary under current law.

**Practices Among State Agencies.** Features of the negotiated bid system vary among agencies. However, a typical pattern would be for an agency to begin the negotiating process by distributing a Request for Proposal (RFP) to bidders included on a listing that the agency maintains. Professional vendors are included on this listing at their request. The staff of the agency then screens and selects proposals for the negotiating committee to consider. Factors considered by the negotiating committee often include the following: the quality of work, reputation, previous specialized experience, reliability and competency, ability to complete the contract on time, and costs. The negotiating committee sometimes explores multiple pricing structures prior to selecting a contractor.

In some instances, statutes require a state agency to use a competitive bid system to contract for services and products. Examples of state agencies authorized to negotiate a contract or convene negotiating committees are displayed in Table 1:

BOB TOMLINSON  
 REPRESENTATIVE 24TH DISTRICT  
 STATE CAPITOL  
 TOPEKA, KS 66612-1504  
 913 296-7678  
 5722 BIRCH  
 ROELAND PARK, KS 66205  
 913 831-1905



TOPEKA

HOUSE OF  
 REPRESENTATIVES

COMMITTEE ASSIGNMENTS  
 MEMBER: ECONOMIC DEVELOPMENT  
 GOVERNMENTAL ORGANIZATION & ELECTIONS  
 INSURANCE

TESTIMONY BEFORE  
 GOVERNMENTAL ORGANIZATION AND ELECTIONS  
 JANUARY 13, 1998

HB 2545, 2548, 2552, 2554, 2556, 2557, 2559, 2561, 2562, 2565, 2566, 2567 were introduced into this committee last year. They repeal a large part of chapter 13 of the state code.

Cities of the first class have "Home Rule" power by constitution in this state. The thrust of these bills is twofold. First, to encourage use of homerule power to its fullest extent. Secondly, to work with local units of government to eliminate unnecessary statutes where they can be found.

The League of Municipalities has taken a leadership roll in this project. They should be commended. HB 2564 should be amended to reflect not only this committees desire to do no harm to local units but also to reflect the leadership of the League.

HB 2595 is not a part of the original project but shows how appropriate measures can be adopted when the spirit of "Home Rule" is served by a community.

I urge the adoption of all of these measures.

House Gov. Organ. and Elections  
 1-13-98  
 Attachment 2



League of  
Kansas  
Municipalities

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Topeka, Kansas 66603  
Phone: (785) 354-9565/ Fax: (785) 354-4186

M E M O

**TO:** House Governmental Organization and Elections Committee  
**FROM:** Don Moler, General Counsel  
**DATE:** January 13, 1998  
**RE:** Cleanup of Local Government Statutes

Thank you very much for allowing the League to appear today to discuss the repealer bills introduced at the end of the last legislative session. We are very appreciative to Representative Tomlinson and others on this committee who have been interested in helping to modernize the statutory language found in the local government area. We believe that the passage of these bills is a positive effort to simplify and update antiquated language which has been on the books, and remained largely unused, for many years.

First I should take a minute to discuss the process the League went through to review these pieces of legislation. Shortly after the end of the 1997 legislative session, we determined that League cities should study all of these bills, and their possible ramifications. We therefore undertook to distribute this information to every city attorney of a city of the first class. This was done as the bills in question only implicate laws applying to cities of the first class and therefore they were the only cities which were consulted. We sent out the bills, along with a letter of transmittal indicating that we would like the cities to comment if they had any questions or concerns on the pieces of legislation. We also offered each city attorney the ability to participate on a task force to review those bills on which a concern was raised.

The League followed through on this process and received comments from several cities as well as convened a task force to study those bills on which a concern was raised. The task force consisted of: Bob Beall, City Attorney, Leavenworth; Porter Brown, City Attorney, Hutchinson; Richard Death, City Attorney, Parsons; Joe Lang, Assistant City Attorney, Wichita; Gary Rebenstorf, Director of Law and City Attorney, Wichita; Harold Walker, City Attorney, Kansas City; and Bob Watson, City Attorney, Overland Park. These city representatives, along with the League's legal staff, convened and discussed a total of 11 bills on which concerns had been raised by various city officials. As a result of these discussions and of the comments received from cities prior to this time, the League identified the following bills which we can support as we believe they do not adversely impact any city interest.

House Gov. Organ. and Elections  
1-13-98  
Attachment 3



The League supports the passage of the following repealer bills:

- ▶ HB 2545
- ▶ HB 2548
- ▶ HB 2552
- ▶ HB 2554
- ▶ HB 2556
- ▶ HB 2557
- ▶ HB 2559
- ▶ HB 2561
- ▶ HB 2562
- ▶ HB 2565
- ▶ HB 2566
- ▶ HB 2567
- ▶ HB 2595

One bill that the League would support with an amendment is HB 2564, as we related to the Interim Committee. If K.S.A. 13-1903 and K.S.A. 13-1904 are removed from the bill, the League would wholeheartedly support this repealer bill.

One bill that the League would not support at this time is HB 2550 as a result of concern recently raised by Overland Park.

Thank you very much for allowing the League to participate in this process and for allowing us to come before you today and express our support for these bills. I will be happy to answer any questions the Committee may have. Thank you again.



SEDGWICK COUNTY, KANSAS

*INTERGOVERNMENTAL RELATIONS*

WILLIE MARTIN

COUNTY COURTHOUSE • 525 N. MAIN • SUITE 315 • WICHITA, KANSAS 67203 • TELEPHONE (316)383-7552

To: Committee on Governmental Organization  
From: Willie Martin  
Re: Archaic Statutes  
Date: January 13, 1998

Madam Chair and members of the Committee, thank you for the opportunity to address the committee. There are two statutes which we are requesting be repealed.

The first is K.S.A. 19-319, an archaic statute adopted in 1868 and last amended in 1923. It requires the County Clerk to produce a hand written spread sheet or report at the close of the term of office of an County Treasurer. The required report covers unpaid taxes only and is available in digital format.

In addition it also requires that during compilation of the report . . . “said tax roll shall be delivered to the county clerk for one week, and no taxes shall be received in the meantime.” It is very difficult, if not impossible, to comply with this requirement. If a taxpayer comes in to make payment on a delinquent tax, it seems unacceptable to refuse that payment. It is also in conflict with other statutes requiring elected officials such as the Clerk and the Treasurer to assist in the collection of these very same taxes.

The second is K.S.A. 73-207 which dates back to post-Civil War Reconstruction and provides for a “delivery and baggage wagon permit.” While benefits to veterans are usually appropriate, exemption for a license fee where the license itself no longer exists is obviously not one of them.

The Sedgwick County Clerk’s Office has been petitioned for a “delivery and baggage wagon permit.” The petitioner advised the Clerk’s office the purpose was to avoid motor vehicle registration and, “If this statute doesn’t mean anything, why is it still on the books?”

We respectfully request your support to repeal these dated statutes.

House Gov. Organ. and Elections  
1-13-98  
Attachment 4

Law Department

Robert J. Watson, City Attorney

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E-MAIL [watson@opkansas.org](mailto:watson@opkansas.org)

TO: KENT GLASSCOCK, CHAIR, AND MEMBERS  
HOUSE GOVERNMENTAL ORGANIZATION AND ELECTIONS  
COMMITTEE

FROM: Robert J. Watson, City Attorney of Overland Park *RJW*

RE: Cleanup of local government statutes: HB 2545, 2548, 2552, 2554,  
2556, 2557, 2559, 2561, 2562, 2565, 2566, 2567 and 2595.

DATE: January 12, 1998

I wish to express general support for repealing as much of Chapter 13, as well as Chapters 14 and 15, as possible, in the interest of empowering cities to use their home rule powers to their fullest, but without jeopardizing authorities available only from state legislative grants.

There are twenty-four cities of the first class in Kansas. Chapter 13 applies only to those cities, and then not all of its provisions apply to all of the twenty-four cities. The chapter is a hodgepodge of special legislative provisions, much of it dating from 1903 and 1907 and prescribing forms of government for cities of the first class. Since 1961 cities can tailor-make their own forms of government by charter ordinance and ordinary ordinance. In some cities, there is confusion over whether some of the provisions of Chapter 13 apply to them or not. But it is certain that all of Chapter 13 is subject to charter ordinance by any city to which any of its provisions do apply.

Generally, cities should not need any of the statutory authority now given them in chapter thirteen since in the absence of Chapter 13 cities could exercise the authorities given in Chapter 13 anyway using an ordinary ordinance. However, there is at least one caveat to this generality: for example, extraterritorial powers may require specific statutory authority, as may exemption of certain bond issuances from bonded debt limitations.

All of that having been said, I specifically support passage of the above-referenced bills.

House Gov. Organ. and Elections  
1-13-98  
Attachment 5



# League of Kansas Municipalities

LEGAL DEPARTMENT · 300 S.W. 8TH TOPEKA, KS 66603 · TELEPHONE (785) 354-9565 · FAX (785) 354-4186

## LEGISLATIVE TESTIMONY

**TO:** House Governmental Organization and Elections Committee  
**FROM:** Don Moler, General Counsel  
**RE:** Modification of the State Setoff Program as it Applies to Municipalities  
**DATE:** January 13, 1998

We are asking today for introduction of a bill which will allow for a modification of the State Setoff Program as it applies to municipalities.

Specifically, cities were added to the State Setoff Program in 1993 as a result of legislative action for which we were very appreciative. At that time, debt under K.S.A. 75-6202(b)(1) was defined not to mean fines or penalties assessed by municipal court and we feel that this is unnecessary and it is time to change this policy. We are therefor asking for the introduction of a bill which would delete that language and allow for setoff for municipal court actions as they constitute debts to the municipalities and ultimately the public.

We appreciate any consideration the Committee may give us on this matter and would respectfully ask for introduction of a bill doing this. Attached to this testimony is a balloon of the proposed change as we envision it.

House Gov. Organ. and Elections  
1-13-98  
Attachment 6

## K.S.A. 75-6202. Definitions.

As used in this act:

(a) "Debtor" means any person who:

(1) Owes a debt to the state of Kansas or any state agency or any municipality;

(2) owes support to an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 and amendments thereto or under part D of title IV of the federal social security act (42 U.S.C. S. 651 et seq.), as amended; or

(3) owes a debt to a foreign state agency.

(b) "Debt" means:

(1) Any liquidated sum due and owing to the state of Kansas, or any state agency, municipality or foreign state agency which has accrued through contract, subrogation, tort, operation of law, or any other legal theory regardless of whether there is an outstanding judgment for that sum. A debt shall not include: ~~(A) Special assessments except when the owner of the property assessed petitioned for the improvement and any successor in interest of such owner of property; or (B) fines or penalties assessed by a municipal court, except for cigarette or tobacco infractions and traffic infractions and offenses;~~ or

(2) any amount of support due and owing an individual, or an agency of another state, who is receiving assistance in collecting that support under K.S.A. 39-756 and amendments thereto or under part D of title IV of the federal social security act (42 U.S.C. S. 651 et seq.), as amended, which amount shall be considered a debt due and owing the department of social and rehabilitation services for the purposes of this act.

(c) "Refund" means any amount of Kansas income tax refund due to any person as a result of an overpayment of tax, and for this purpose, a refund due to a husband and wife resulting from a joint return shall be considered to be separately owned by each individual in the proportion of

each such spouse's contribution to income, as the term "contribution to income" is defined by rules and regulations of the secretary of revenue.

(d) "Net proceeds collected" means gross proceeds collected through final setoff against a debtor's earnings, refund or other payment due from the state or any state agency minus any collection assistance fee charged by the director of accounts and reports of the department of administration.

(e) "State agency" means any state office, officer, department, board, commission, institution, bureau, agency or authority or any division or unit thereof and any judicial district of this state or the clerk or clerks thereof.

(f) "Person" means an individual, proprietorship, partnership, limited partnership, association, trust, estate, business trust, corporation, other entity or a governmental agency, unit or subdivision.

(g) "Director" means the director of accounts and reports of the department of administration.

(h) "Municipality" means any municipality as defined by K.S.A. 75-1117, and amendments thereto.

(i) "Payor agency" means any state agency which holds money for, or owes money to, a debtor.

(j) "Foreign state or foreign state agency" means the states of Colorado, Missouri, Nebraska or Oklahoma or any agency of such states which has entered into a reciprocal agreement pursuant to K.S.A. 1996 Supp. 75-6215 and amendments thereto.