

STATE OF KANSAS

SENATE CHAMBER

MADAM PRESIDENT:

I move to amend **Senate Substitute for HB 2074**, on page 12, following line 34, by inserting:

"New Sec. 7. (a) Prior to any 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 such person is listed in the state debtor files, the prize shall be withheld by the 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 lottery gaming facility manager, racetrack gaming facility manager and facility owner licensee shall not be subject to any civil, criminal or administrative liability for any actions taken pursuant to this section, unless such actions are intentional, malicious or wanton by such 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 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.

(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) Nothing in this section shall apply to Native American tribal gaming facilities.

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

Sec. 8. K.S.A. 2014 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, lottery gaming facility manager, 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.";

Also on page 12, in line 36, by striking "and" and inserting a comma; also in line 36, after "74-8751" by inserting "and 75-6204";

And by renumbering sections accordingly;

On page 1, in the title, in line 1, after the semicolon by inserting "relating to debt setoff from gaming winnings;"; in line 2, by striking the first "and" and inserting a comma; also in line 2, after "74-8751" by inserting "and 75-6204"

Senator _____