

HOUSE BILL No. 2394

By Committee on Appropriations

3-15

1 AN ACT concerning special revenue funds; abolishing the judiciary
2 technology fund, access to justice fund, KAN-ED fund and ROTC
3 service scholarship program fund; credits, transfers and liabilities;
4 amending K.S.A. 74-3256 and 74-3260a and K.S.A. 2016 Supp. 66-
5 2010 and repealing the existing sections; also repealing K.S.A. 20-1a12
6 and K.S.A. 2016 Supp. 20-166 and 75-7225.

7
8 *Be it enacted by the Legislature of the State of Kansas:*

9 New Section 1. (a) On the effective date of this act, the director of
10 accounts and reports shall transfer all moneys in the judiciary technology
11 fund to the state general fund. On the effective date of this act, all
12 liabilities of the judiciary technology fund are hereby transferred to and
13 imposed on the state general fund and the judiciary technology fund is
14 hereby abolished.

15 (b) On the effective date of this act, the director of accounts and
16 reports shall transfer all moneys in the access to justice fund to the state
17 general fund. On the effective date of this act, all liabilities of the access to
18 justice fund are hereby transferred to and imposed on the state general
19 fund and the access to justice fund is hereby abolished.

20 (c) On the effective date of this act, the director of accounts and
21 reports shall transfer all moneys in the KAN-ED fund to the state general
22 fund. On the effective date of this act, all liabilities of the KAN-ED fund
23 are hereby transferred to and imposed on the state general fund and the
24 KAN-ED fund is hereby abolished.

25 (d) On the effective date of this act, the director of accounts and
26 reports shall transfer all moneys in the ROTC service scholarship program
27 fund to the state general fund. On the effective date of this act, all
28 liabilities of the ROTC service scholarship program fund are hereby
29 transferred to and imposed on the state general fund and the ROTC service
30 scholarship program fund is hereby abolished.

31 Sec. 2. K.S.A. 2016 Supp. 66-2010 is hereby amended to read as
32 follows: 66-2010. (a) The commission shall utilize a competitive bidding
33 process to select a neutral, competent and bonded third party to administer
34 the KUSF.

35 (b) The administrator shall be responsible for: (1) Collecting and
36 auditing all relevant information from all qualifying telecommunications

1 public utilities, telecommunications carriers or wireless
2 telecommunications service providers receiving funds from or providing
3 funds to the KUSF; (2) verifying, based on the calculations of each
4 qualifying telecommunications carrier, telecommunications public utility
5 or wireless telecommunications service provider, the obligation of each
6 such qualifying carrier, utility or provider to generate the funds required by
7 the KUSF; (3) collecting all moneys due to the KUSF from all
8 telecommunications public utilities, telecommunications carriers and
9 wireless telecommunications service providers in the state; and (4)
10 distributing amounts on a monthly basis due to qualifying
11 telecommunications public utilities, wireless telecommunications service
12 providers and telecommunications carriers receiving KUSF funding.

13 (c) Any information made available or received by the administrator
14 from carriers, utilities or providers receiving funds from or providing
15 funds to the KUSF shall not be subject to any provisions of the Kansas
16 open records act and shall be considered confidential and proprietary.

17 (d) The administrator shall be authorized to maintain an action to
18 collect any funds owed by any telecommunications carrier, public utility or
19 wireless telecommunications provider in the district court in the county of
20 the registered office of such carrier, utility or provider or, if such carrier,
21 utility or provider does not have a registered office in the state, such an
22 action may be maintained in the county where such carrier's, utility's or
23 provider's principal office is located. If such carrier, utility or provider has
24 no principal office in the state, such an action may be maintained in the
25 district court of any county in which such carrier, utility or provider
26 provides service.

27 (e)-(f) The KUSF administrator shall be responsible to ensure that
28 funds do not fall below the level necessary to pay all amounts collectively
29 owed to all qualifying telecommunications public utilities, wireless
30 telecommunications service providers and telecommunications carriers.
31 The administrator shall have the authority to retain and invest in a prudent
32 and reasonable manner any excess funds collected in any period to help
33 ensure that adequate funds are available to cover amounts payable in other
34 periods.

35 ~~(2) Subject to the provisions of appropriations acts, for fiscal year~~
36 ~~2013, the KUSF administrator may transfer moneys from the KUSF to the~~
37 ~~state treasurer. Upon the receipt of any payment, the state treasurer shall~~
38 ~~deposit the entire amount in the state treasury and credit it to the KAN-ED~~
39 ~~fund. Any such payments shall be made after all payments required by~~
40 ~~K.S.A. 66-2008, and amendments thereto, for the month are made from~~
41 ~~the KUSF.~~

42 Sec. 3. K.S.A. 74-3256 is hereby amended to read as follows: 74-
43 3256. (a) The state board of regents shall:

1 (1) Adopt rules and regulations for the administration of this act;

2 (2) provide for the award of ROTC service scholarships to eligible
3 students who qualify therefor, as determined by the selection committee,
4 not to exceed in any academic year a total of 40 eligible students at each
5 ROTC institution. This provision is subject to the provisions of subsection
6 (c);

7 (3) provide information regarding application procedures; *and*

8 (4) require any ROTC institution to promptly furnish upon request
9 any information which relates to the administration or effect of this act.

10 (b) If the ROTC institution at which an eligible student who qualifies
11 for an ROTC service scholarship is enrolled is a state educational
12 institution, the scholarship shall provide to the student an amount not to
13 exceed 70% of the cost of attendance at the institution for an academic
14 year. If the ROTC institution at which an eligible student who qualifies for
15 an ROTC service scholarship is enrolled is a municipal university, the
16 scholarship shall provide to the student an amount not to exceed 70% of
17 the average amount of the cost of attendance at the state educational
18 institutions for an academic year. Payments of ROTC service scholarships
19 shall be made pursuant to vouchers approved by the state board of regents
20 and upon warrants of the director of accounts and reports. Payments may
21 be made by issuance of a single warrant to each ROTC institution at which
22 one or more eligible students are enrolled for the total amount of
23 scholarships for all eligible students enrolled at that institution. The
24 director of accounts and reports shall cause such warrant to be delivered to
25 the ROTC institution at which such eligible student or students are
26 enrolled. If an eligible student discontinues attendance before the end of
27 any academic year, after the ROTC institution has received payment under
28 this subsection, the institution shall pay to the state the entire amount
29 which such eligible student would otherwise qualify to have refunded, not
30 to exceed the amount of the payment made under the ROTC service
31 scholarship for the academic year. All amounts paid to the state by ROTC
32 institutions under this subsection shall be remitted to the state treasurer in
33 accordance with the provisions of K.S.A. 75-4215, and amendments
34 thereto. Upon receipt of each such remittance, the state treasurer shall
35 deposit the entire amount in the state treasury to the credit of the ROTC
36 service scholarship ~~program~~ *repayment fund*.

37 (c) If all ROTC service scholarships authorized to be awarded to
38 eligible students at each ROTC institution have not been awarded by a
39 date established by the state board of regents, the scholarships that have
40 not been awarded by that date may be awarded to eligible students at any
41 ROTC institution if such students are qualified for such scholarships as
42 determined by the appropriate selection committee. The determination to
43 award ROTC service scholarships under this subsection to eligible

1 students who are qualified for such scholarships shall be made by the state
2 board of regents after consultation with the adjutant general.

3 Sec. 4. K.S.A. 74-3260a is hereby amended to read as follows: 74-

4 3260a. ~~(a) There is hereby created in the state treasury the ROTC service
5 scholarship program fund. The state board of regents shall remit all
6 moneys received under the ROTC service scholarship program, which are
7 paid because of nonattendance or discontinuance by scholarship recipients,
8 to the state treasurer at least monthly. Upon receipt of each such remittance
9 the state treasurer shall deposit the entire amount thereof in the state
10 treasury, and such amount shall be credited to the ROTC service
11 scholarship program fund. All expenditures from the ROTC service
12 scholarship program fund shall be for ROTC service scholarships and shall
13 be made in accordance with appropriation acts upon warrants of the
14 director of accounts and reports issued pursuant to vouchers approved by
15 the state board of regents or by a person designated by the state board.~~

16 ~~(b)~~—There is hereby created in the state treasury the ROTC service
17 scholarship repayment fund. The state board of regents shall remit all
18 moneys received under the ROTC service scholarship program, which are
19 for payment of amounts pursuant to K.S.A. 74-3260, and amendments
20 thereto, to the state treasurer at least monthly. Upon receipt of each such
21 remittance the state treasurer shall deposit the entire amount thereof in the
22 state treasury, and such amount shall be credited to the ROTC service
23 scholarship repayment fund. All expenditures from the ROTC service
24 scholarship repayment fund shall be for scholarships awarded under the
25 ROTC service scholarship program and shall be made in accordance with
26 appropriation acts upon warrants of the director of accounts and reports
27 issued pursuant to vouchers approved by the state board of regents or by a
28 person designated by the state board.

29 Sec. 5. K.S.A. 20-1a12, 74-3256 and 74-3260a and K.S.A. 2016
30 Supp. 20-166, 66-2010 and 75-7225 are hereby repealed.

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