

HOUSE BILL No. 2020

By Legislative Educational Planning Committee

1-18

1 AN ACT ~~affording educational institutions the option to utilize the housing~~
2 ~~system suspense fund [concerning postsecondary educational~~
3 ~~institutions; relating to certain funds; authorizing interest earnings~~
4 ~~on Johnson county education research triangle authority funds;~~
5 ~~authorizing certain credits to housing system funds];~~ amending
6 ~~[K.S.A. 19-5003 and]~~ K.S.A. 2010 Supp. 76-762 and repealing the
7 existing ~~section [sections]~~.

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

10 *[Section 1. K.S.A. 19-5003 is hereby amended to read as follows:*
11 *19-5003. (a) If a majority of the electors voting at the election provided*
12 *in K.S.A. 19-5002, and amendments thereto, shall approve such*
13 *proposition to create the Johnson county education research triangle*
14 *authority and to grant authority to impose a retailers' sales or levy an*
15 *annual tax on real property within the county, or combination of both,*
16 *the authority shall be created and the board of county commissioners*
17 *shall provide by resolution for the imposition of the sales tax or levy of*
18 *the annual tax on real property, or combination of both, and pledging*
19 *the revenues received therefrom for such purposes as specified in this*
20 *section. With regard to the retailers' sales tax, Johnson county shall*
21 *utilize the services of the state department of revenue to administer,*
22 *enforce and collect such tax. The sales tax shall be administered,*
23 *enforced and collected in the same manner and by the same procedure*
24 *as other countywide retailers' sales taxes are levied and collected and*
25 *shall be in addition to any other sales tax authorized by law. Upon*
26 *receipt of a certified copy of a resolution authorizing the levy of a*
27 *countywide retailers' sales tax pursuant to this act, the state director of*
28 *taxation shall cause such tax to be collected within and outside the*
29 *boundaries of Johnson county at the same time and in the same manner*
30 *provided for the collection of the state retailers' sales tax and local*
31 *retailers' sales tax. All retailers' sales tax moneys collected by the*
32 *director of taxation under the provisions of this act shall be remitted to*
33 *the state treasurer in accordance with the provisions of K.S.A. 75-4215,*
34 *and amendments thereto. Upon receipt of each such remittance, the state*
35 *treasurer shall deposit the entire amount in the state treasury to the*
36 *credit of the Johnson county education research triangle authority*

1 *retailers' sales tax fund which fund is hereby established in the state*
2 *treasury. Any refund due on any retailers' sales tax collected pursuant to*
3 *this act shall be paid out of the sales tax refund fund and reimbursed by*
4 *the director of taxation from retailers' sales tax revenue collected*
5 *pursuant to this act. All retailers' sales tax revenue collected within any*
6 *county pursuant to this act shall be remitted at least quarterly by the*
7 *state treasurer, on instruction from the director of taxation, to the*
8 *treasurer of Johnson county.*

9 *(b) Any such sales tax imposed or tax levy on real property enacted*
10 *by the voters of Johnson county shall be subject to voter recall upon*
11 *proper petition and submission of the issue to a recall ballot in a general*
12 *election.*

13 *(c) (1) On or before the 10th of each month, the director of accounts*
14 *and reports shall transfer from the state general fund to the Johnson*
15 *county education research triangle fund of the university of Kansas*
16 *interest earnings based on: (A) The average daily balance of moneys in*
17 *the Johnson county education research triangle fund of the university of*
18 *Kansas for the preceding month; and (B) the net earnings rate for the*
19 *pooled money investment portfolio for the preceding month.*

20 *(2) On or before the 10th of each month, the director of accounts and*
21 *reports shall transfer from the state general fund to the Johnson county*
22 *education research triangle fund of Kansas state university interest*
23 *earnings based on: (A) The average daily balance of moneys in the*
24 *Johnson county education research triangle fund of Kansas state*
25 *university for the preceding month; and (B) the net earnings rate for the*
26 *pooled money investment portfolio for the preceding month.*

27 *(3) On or before the 10th of each month, the director of accounts and*
28 *reports shall transfer from the state general fund to the Johnson county*
29 *education research triangle fund of the university of Kansas medical*
30 *center interest earnings based on: (A) The average daily balance of*
31 *moneys in the Johnson county education research triangle fund of the*
32 *university of Kansas medical center for the preceding month; and (B) the*
33 *net earnings rate for the pooled money investment portfolio for the*
34 *preceding month.]*

35 Section 1. **[Sec. 2.]** K.S.A. 2010 Supp. 76-762 is hereby amended to
36 read as follows: 76-762. (a) There is hereby created in the custody of the
37 state treasurer the following funds at each state educational institution
38 from which the housing system shall be operated:

- 39 (1) A housing system suspense fund;
- 40 (2) a housing system operations fund; and
- 41 (3) a housing system repairs, equipment and improvement fund.

42 (b) Payments received for rents and boarding fees and other charges
43 in connection with the operation of the housing system shall be remitted to

1 the state treasurer in accordance with the provisions of K.S.A. 75-4215,
2 and amendments thereto. Upon receipt of each such remittance, the state
3 treasurer shall deposit the entire amount in the state treasury to the credit
4 of the housing system suspense fund *or the housing system operations*
5 *fund as directed by the state educational institution.*

6 (c) On or before the 10th of each month, the director of accounts and
7 reports shall transfer from the state general fund to the housing system
8 suspense fund, *the housing system operations fund and the housing system*
9 *repairs, equipment and improvement fund* of each state educational
10 institution interest earnings based on:

11 (1) The aggregate of (A) the average daily balance of moneys in the
12 housing system suspense fund (B) the average daily balance of moneys in
13 the housing system operations fund, and (C) the average daily balance of
14 moneys in the housing system repairs, equipment and improvement fund
15 of the state educational institution for the preceding month; and

16 (2) the net earnings rate for the pooled money investment portfolio
17 for the preceding month.

18 (d) The housing system operations fund shall be used to pay the
19 expenses of operation of the housing systems and for the operation and
20 maintenance of the system. ~~The state educational institution shall~~
21 ~~transfer~~ *Transfers may be made* from the housing system suspense fund to
22 the *housing system operations fund in* amounts needed for the operation
23 and maintenance of the system *as determined by the state educational*
24 *institution.* Each state educational institution shall establish such accounts
25 within the housing system operations fund as are required for the efficient
26 management of the system.

27 (e) The housing system repairs, improvements and equipment fund
28 shall be used for repairs, equipment, improvements and expansion of the
29 housing system that cannot be financed from the housing system
30 operations fund. Transfers may be made to this fund from the housing
31 system suspense fund or the housing system operations fund as determined
32 by the state educational institution. Expenditures from this fund may be
33 made for projects that have been approved by the state board of regents.

34 Sec. ~~2~~ [3.] [K.S.A. 19-5003 and] K.S.A. 2010 Supp. 76-762 ~~is~~ [are]
35 hereby repealed.

36 Sec. ~~3~~ [4.] This act shall take effect and be in force from and after its
37 publication in the statute book.