

HOUSE BILL No. 2020

AN ACT concerning postsecondary educational institutions; relating to certain funds; authorizing interest earnings on Johnson county education research triangle authority funds; relating to fees imposed under the Kansas private and out-of-state postsecondary educational institution act; relating to certain veterinary practices by students; authorizing certain credits to housing system funds; amending K.S.A. 19-5003 and 47-1731 and K.S.A. 2010 Supp. 74-32,181 and 76-762 and repealing the existing sections; also repealing K.S.A. 2010 Supp. 74-32,181a.

Be it enacted by the Legislature of the State of Kansas:

Section 1. On July 1, 2011, K.S.A. 19-5003 is hereby amended to read as follows: 19-5003. (a) If a majority of the electors voting at the election provided in K.S.A. 19-5002, and amendments thereto, shall approve such proposition to create the Johnson county education research triangle authority and to grant authority to impose a retailers' sales or levy an annual tax on real property within the county, or combination of both, the authority shall be created and the board of county commissioners shall provide by resolution for the imposition of the sales tax or levy of the annual tax on real property, or combination of both, and pledging the revenues received therefrom for such purposes as specified in this section. With regard to the retailers' sales tax, Johnson county shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this act, the state director of taxation shall cause such tax to be collected within and outside the boundaries of Johnson county at the same time and in the same manner provided for the collection of the state retailers' sales tax and local retailers' sales tax. All retailers' sales tax moneys collected by the director of taxation under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Johnson county education research triangle authority retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this act. All retailers' sales tax revenue collected within any county pursuant to this act shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of Johnson county.

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

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

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

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

Sec. 2. K.S.A. 47-1731 is hereby amended to read as follows: 47-1731. (a) No dog or cat may be transferred to the permanent custody of a pro-

spective owner by a pound or animal shelter, as defined by K.S.A. 47-1701, and amendments thereto, or by a humane society, unless:

(1) Such dog or cat has been surgically spayed or neutered before the physical transfer of the animal occurs; or

(2) the prospective owner signs an agreement to have the dog or cat spayed or neutered and deposits with the pound or animal shelter funds not less than the lowest nor more than the highest cost of spaying or neutering in the community. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog or cat has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the animal, the pound or animal shelter shall keep the deposit and may reclaim the unspayed or unneutered animal.

(b) No person shall spay or neuter any dog or cat for or on behalf of a pound or animal shelter unless such person is a licensed veterinarian or a student currently enrolled in the college of veterinary medicine, Kansas state university, who has completed at least two years of study in the veterinary medical curriculum and is participating in a spay or neuter program *and* as part of the curriculum under the direct supervision of a licensed veterinarian ~~who is a faculty member at the Kansas state university veterinary medical center. The spay or neuter program shall only be conducted at the surgery clinic at the Kansas state university medical center in Manhattan, Kansas. Students shall only spay or neuter any dog or cat that belongs to the pound or animal shelter, and shall not spay or neuter any dog or cat that belongs to a member or the public.~~ No pound or animal shelter shall designate the veterinarian which a person must use, or a list from which a person must select a veterinarian, to spay or neuter a dog or cat transferred by such person from such pound or animal shelter. Any premises located in the state of Kansas where the spaying, neutering or any other practice of veterinary medicine occurs shall register such premises with the board of veterinary examiners.

(c) With the written approval of the livestock commissioner, any pound or shelter may use an innovative spay or neuter program not precisely meeting the requirements of subsection (a)(2), if the pound or shelter can prove to the commissioner that it is actively enforcing the spaying and neutering requirements set forth in this statute.

(d) Nothing in this section shall be construed to require sterilization of a dog or cat which is being held by a pound or animal shelter and which may be claimed by its rightful owner within the holding period established in K.S.A. 47-1710, and amendments thereto.

(e) The livestock commissioner shall promulgate rules and regulations as may be necessary to carry out the provisions of this section.

Sec. 3. On July 1, 2011, K.S.A. 2010 Supp. 74-32,181 is hereby amended to read as follows: 74-32,181. ~~(a) This section is subject to the provisions of K.S.A. 2010 Supp. 74-32,181a, and amendments thereto.~~

~~(b)(a)~~ *(a)* The state board shall fix, charge and collect fees for certificates of approval, registration of representatives and providing transcripts to students who attended an institution that has ceased operation *not to exceed the following amounts* by adopting rules and regulations for such purposes; ~~subject to the following limitations:~~

(1) For institutions domiciled or having their principal place of business within the state of Kansas:

Initial issuance of certificate of approval nondegree granting not more than ...	\$1,700
Initial issuance of certificate of approval degree granting not more than	\$2,000
Renewal of certificate of approval nondegree granting not more than	\$1,200
Renewal of certificate of approval degree granting not more than	\$1,600
Initial registration of representative not more than	\$150
Annual renewal of registration of representative not more than	\$100
<i>Initial application fees:</i>	
Non-degree granting institution	\$2,000
Degree granting institution	\$3,000
<i>Initial evaluation fee (in addition to initial application fees):</i>	
Non-degree level	\$750
Associate degree level	\$1,000
Baccalaureate degree level	\$2,000
Master's degree level	\$3,000
Professional or doctoral degree level	\$4,000
<i>Renewal application fees:</i>	
Non-degree granting institution	2% of gross tuition, but not less than \$800, nor more than \$25,000

Degree granting institution	2% of gross tuition, but not less than \$1,600, nor more than \$25,000
<i>New program submission fees, for each new program:</i>	
Non-degree program	\$250
Associate degree program	\$500
Baccalaureate degree program	\$750
Master's degree program	\$1,000
Professional or doctoral degree program	\$2,000
Program modification fee, for each program	\$100
<i>Branch campus site fees, for each branch campus site:</i>	
Initial non-degree granting institution	\$1,500
Initial degree granting institution	\$2,500
<i>Renewal branch campus site fees, for each branch campus site:</i>	
Non-degree granting institution	2% of gross tuition, but not less than \$800, nor more than \$25,000
Degree granting institution	2% of gross tuition, but not less than \$1,600, nor more than \$25,000
Onsite branch campus review fee, for each site	\$250
<i>Representative fees:</i>	
Initial registration	\$200
Renewal of registration	\$150
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50
<i>Changes in institution profile fees:</i>	
Change of institution name	\$100
Change of institution location	\$100
Change of ownership only	\$100

(2) For institutions domiciled or having their principal place of business outside the state of Kansas:

Initial issuance of certificate of approval nondegree granting not more than	\$3,400
Initial issuance of certificate of approval degree granting not more than	\$3,800
Renewal of certificate of approval nondegree granting not more than	\$2,400
Renewal of certificate of approval degree granting not more than	\$2,800
Initial registration of representative not more than	\$300
Annual renewal of registration of representative not more than	\$200
Student transcript from institution that has ceased operation not more than	\$10
<i>Initial application fees:</i>	
Non-degree granting institution	\$4,000
Degree granting institution	\$5,500
<i>Initial evaluation fee (in addition to initial application fees):</i>	
Non-degree level	\$1,500
Associate degree level	\$2,000
Baccalaureate degree level	\$3,000
Master's degree level	\$4,000
Professional or doctoral degree level	\$5,000
<i>Renewal application fees:</i>	
Non-degree granting institution	3% of gross tuition, but not less than \$2,400 nor more than \$25,000
Degree granting institution	3% of gross tuition, but not less than \$3,000 nor more than \$25,000
<i>New program submission fees, for each new program:</i>	
Non-degree program	\$500
Associate degree program	\$750
Baccalaureate degree program	\$1,000
Master's degree program	\$1,500
Professional or doctoral degree program	\$2,500
Program modification fee, for each program	\$100
<i>Branch campus site fees, for each branch campus site:</i>	
Initial non-degree granting institution	\$4,000
Initial degree granting institution	\$5,500
<i>Renewal branch campus site fees, for each branch campus site:</i>	
Non-degree granting institution	3% of gross tuition, but not less than \$2,400 nor more than \$25,000
Degree granting institution	3% of gross tuition, but not less than \$3,000 nor more than \$25,000
Onsite branch campus review fee, for each site	\$500
<i>Representative fees:</i>	
Initial registration	\$350
Renewal of registration	\$250
Late submission of renewal of application fee	\$125
Student transcript copy fee	\$10
Returned check fee	\$50
<i>Changes in institution profile fees:</i>	
Change of institution name	\$100
Change of institution location	\$100
Change of ownership only	\$100

~~(e)~~(b) Fees shall not be refundable.

~~(d)~~(c) If there is a change in the ownership of an institution and, if at the same time, there also are changes in the institution's programs of in-

struction, location, entrance requirements or other changes, the institution shall be required to submit an application for an initial certificate of approval and shall pay all applicable fees associated with an initial application.

~~(e)~~(d) An application for renewal shall be deemed late if the applicant fails to submit a completed application for renewal, or documentation requested by the state board to complete the renewal process, before the expiration date of the current certificate of approval.

~~(f)~~(e) The state board shall determine on or before June 1 of each year the amount of revenue which will be required to properly carry out and enforce the provisions of the Kansas private and out-of-state postsecondary educational institution act for the next ensuing fiscal year and shall fix the fees authorized for such year at the sum deemed necessary for such purposes within the limits of this section. Prior to adoption of any such fees, the state board shall afford the advisory commission an opportunity to make recommendations on the proposed fees.

~~(g)~~(f) Fees may be charged to conduct onsite reviews for degree granting and non-degree granting institutions or to review curriculum in content areas where the state board does not have expertise.

(g) *The provisions of this section shall expire on June 30, 2012.*

Sec. 4. On July 1, 2011, K.S.A. 2010 Supp. 76-762 is hereby amended to read as follows: 76-762. (a) There is hereby created in the custody of the state treasurer the following funds at each state educational institution from which the housing system shall be operated:

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

(b) Payments received for rents and boarding fees and other charges in ~~connection with~~ the operation of the housing system shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the housing system suspense fund *or the housing system operations fund as directed by the state educational institution.*

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

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

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

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

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

Sec. 5. On July 1, 2011, K.S.A. 19-5003 and K.S.A. 2010 Supp. 74-32,181, 74-32,181a and 76-762 are hereby repealed.

Sec. 6. K.S.A. 47-1731 is hereby repealed.

Sec. 7. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.