

## SENATE BILL No. 113

By Senator Adkins

1-24

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AN ACT establishing the Kansas utilicare energy assistance program; providing for the funding thereof; amending K.S.A. 79-4227 and repealing the existing section.

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

New Section 1. (a) The secretary of social and rehabilitation services is hereby directed to establish a program to assist low income Kansans in paying their home energy costs. The program shall be known as the Kansas utilicare energy assistance program.

(b) The Kansas utilicare energy assistance program shall be subject to applicable federal guidelines and regulations of the federal low income energy assistance program, except that such program shall serve Kansans whose gross household income does not exceed 185% of the poverty level established under the most recent poverty guidelines issued by the federal department of health and human resources.

(c) The Kansas utilicare energy assistance program shall be administered in the same manner as the federal low income energy assistance program. Applications for benefits and benefits under the Kansas utilicare energy assistance program shall be made available no later than December 1 of each year.

(d) The Kansas utilicare energy assistance program fund is hereby established in the state treasury which shall be for the purpose of assisting in the payment of home energy costs in accordance with the provisions of this section. The secretary of social and rehabilitation services shall administer the Kansas utilicare energy assistance program fund. All expenditures from the Kansas utilicare energy assistance program fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of social and rehabilitation services or by a person or persons designated by the secretary.

(e) On or before the 10th of each month, the director of accounts and reports shall transfer from the state general fund to the Kansas utilicare energy assistance program fund interest earnings based on:

(1) The average daily balance of moneys in the Kansas utilicare energy assistance program fund for the preceding month; and

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

3 (f) On the effective date of this act, the director of accounts and  
4 reports shall transfer \$5,000,000 from the state general fund to the Kansas  
5 utilicare energy assistance program fund.

6 Sec. 2. On and after July 1, 2001, K.S.A. 79-4227 is hereby amended  
7 to read as follows: 79-4227. (a) All revenue collected or received by the  
8 director from the tax imposed by this act shall be remitted daily to the  
9 state treasurer. Upon receipt of each such remittance, the state treasurer  
10 shall deposit the entire amount thereof in the state treasury. The state  
11 treasurer shall first credit such amount thereof as the director shall order  
12 to the mineral production tax refund fund created under subsection (b)  
13 of this section. The state treasurer shall credit the remainder of such  
14 amounts as follows:

15 (1) Seven percent to the special county mineral production tax fund  
16 created under subsection (c) of this section; ~~and~~

17 (2) the remainder shall be credited to the state general fund, *except*  
18 *as provided in paragraph (3); and*

19 (3) *at such time as when the aggregate moneys received and collected*  
20 *under this act for fiscal year 2002 and each fiscal year thereafter, is equal*  
21 *to the aggregate amount of moneys received and collected under this act*  
22 *in the fiscal year ending June 30, 2000, the moneys received and collected*  
23 *thereafter under this act during such fiscal year shall be credited to the*  
24 *Kansas utilicare energy assistance program fund, until the total amount*  
25 *of moneys credited to such fund is equal to \$5,000,000, and then to the*  
26 *state general fund for the remainder of such fiscal year.*

27 (b) A refund fund designated as "mineral production tax refund fund"  
28 not to exceed \$50,000 is hereby created for the prompt payment of all  
29 tax refunds. The mineral production tax refund fund shall be in such  
30 amount, within the limit set by this section, as the director shall determine  
31 is necessary to meet current refunding requirements under this act.

32 (c) There is hereby created a special county mineral production tax  
33 fund. On December 1, 1983, and quarterly thereafter, the director of  
34 taxation shall distribute all moneys credited to such fund to the county  
35 treasurers of all counties in which taxes were levied under K.S.A. 79-  
36 4217, *and amendments thereto*, for the severing and producing of coal,  
37 oil or gas from property within the county, in the proportion that the taxes  
38 levied upon production in each county bears to the total of all of such  
39 taxes levied in all of such counties. Such distribution shall be based on  
40 returns filed, with any adjustments or corrections thereto made by the  
41 director of taxation.

42 (d) The secretary of revenue shall make provision for the determi-  
43 nation of the counties within which taxes are levied under K.S.A. 79-4217,

1 *and amendments thereto*, for the severance of coal, oil or gas and shall  
2 certify the same to the director of accounts and reports.

3 (e) The director of accounts and reports shall draw warrants on the  
4 state treasurer payable to the county treasurer of each county entitled to  
5 payment from the special county mineral production tax fund upon  
6 vouchers approved by the director of taxation. Upon receipt of such war-  
7 rant, each county treasurer shall credit 50% of the amount thereof to the  
8 county general fund and shall distribute the remaining 50% thereof to  
9 the treasurer of each school district all or any portion of which is located  
10 within the county in the proportion that the assessed value of coal, oil  
11 and gas properties within each district bears to the total of the assessed  
12 value of all coal, oil and gas properties within the county. Such assessed  
13 valuation shall be determined upon the basis of the most recent Novem-  
14 ber 1 tax roll. The treasurer of each school district shall credit the entire  
15 amount of the moneys so received to the general fund of the school  
16 district.

17 Sec. 3. On and after July 1, 2001, K.S.A. 79-4227 is hereby repealed.

18 Sec. 4. This act shall take effect and be in force from and after its  
19 publication in the Kansas register.

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