

**Substitute for SENATE BILL No. 281**

By Committee on Government Efficiency

3-19

1 AN ACT concerning the state treasurer; relating to the low-income family  
2 postsecondary savings accounts incentive program; removing the  
3 treasurer's authority to accept and approve the number of applications  
4 for such program in 2028; reducing the number of grants available and  
5 the number of audits required under such program; providing the audit  
6 process for certain withdrawals; amending K.S.A. 75-650 and repealing  
7 the existing section.

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

10 Section 1. K.S.A. 75-650 is hereby amended to read as follows: 75-  
11 650. (a) As used in this section:

12 (1) "Federal poverty level" means the most recent poverty income  
13 guidelines published in the calendar year by the United States department  
14 of health and human services.

15 (2) "Program" means the low-income family postsecondary savings  
16 accounts incentive program established by this section.

17 (3) "Qualified individual or family" means an individual or family  
18 who resides within the state of Kansas and whose household income is  
19 positive and not more than 200% of the federal poverty level for the tax  
20 year prior to the year in which the application is submitted.

21 (4) "Participant" means a qualified individual or family who has been  
22 approved for a matching grant under the program.

23 (5) "District" means a congressional district of the state of Kansas.

24 (6) "Application" means an application for a matching grant under the  
25 program.

26 (7) "Third-party contributor" means any individual or organization  
27 who contributes ~~money~~ *money's* to a family postsecondary savings account  
28 established pursuant to K.S.A. 75-640 et seq., and amendments thereto,  
29 other than the account owner who established such family postsecondary  
30 savings account for the benefit of the participant.

31 (8) Words and phrases have the meanings provided by K.S.A. 75-643,  
32 and amendments thereto, unless otherwise provided by this section.

33 (b) There is hereby established the low-income family postsecondary  
34 savings accounts incentive program. The purpose of the program is to  
35 encourage the establishment of family postsecondary savings accounts  
36 pursuant to K.S.A. 75-640, and amendments thereto, by qualified

1 individuals and families.

2 (c) The treasurer shall:

3 (1) Implement and administer the program;

4 (2) develop marketing plans and promotional material for the  
5 program;

6 (3) prescribe the procedure for, and requirements relating to, the  
7 submission and approval of applications;

8 (4) do all things necessary and proper to carry out the purposes of this  
9 act; and

10 (5) adopt any rules and regulations and policies deemed necessary for  
11 implementation and administration of the program.

12 (d) Applications shall be submitted to the treasurer in the manner and  
13 form required by the treasurer. Applications shall be accompanied by any  
14 information deemed necessary by the treasurer. Applications ~~must~~ *shall* be  
15 submitted each year using the applicant's household income from the  
16 previous tax year.

17 (e) ~~Beginning in calendar year 2009~~ *In calendar years 2025, 2026*  
18 *and 2027, the treasurer may approve* ~~no~~ *not more than 300* ~~250~~  
19 *applications from a single district. If 300 250 applications from residents*  
20 *of a district are not approved in each such calendar year 2009 or any year*  
21 ~~thereafter~~, *the treasurer may approve additional applications submitted by*  
22 *residents of the remaining districts of up to the program total of 1,200*  
23 *1,000 applications per year. Applications shall be approved on a first*  
24 *come, first served basis. The treasurer shall provide written notice, to an*  
25 *applicant, of the approval or nonapproval of such person's application. For*  
26 *calendar year 2028, and each calendar year thereafter, the treasurer shall*  
27 *not accept nor approve any application for the program.*

28 (f) The amount of contributions made to an account by an account  
29 owner who establishes a family postsecondary savings account for the  
30 benefit of a participant pursuant to K.S.A. 75-640 et seq., and amendments  
31 thereto, shall be matched by the state on a dollar-for-dollar basis if the  
32 account owner contributes at least \$100 to a family postsecondary  
33 education savings account for the benefit of the participant during ~~the~~  
34 ~~calendar year~~ *any of the calendar years 2025, 2026 and 2027* for which  
35 the application has been approved. The aggregate of all matching amounts  
36 for any family postsecondary savings account shall not exceed \$600 ~~in~~ *for*  
37 any calendar year. All contributions by a third-party contributor shall be  
38 deposited in the matching grant account for the participant established by  
39 the treasurer or another similar account for which the withdrawals are  
40 restricted as required by subsection (h).

41 (g) Between January 1 and January 31 of each state fiscal year, the  
42 director of accounts and reports shall transfer from the state general fund  
43 to the Kansas postsecondary education savings program trust fund the

1 amount, as certified by the treasurer, necessary to meet the matching  
2 obligations under subsection (f) for the preceding calendar year, except  
3 that the amount transferred from the state general fund to the Kansas  
4 postsecondary education savings program trust fund shall not exceed the  
5 maximum amount specified by appropriation act for such purpose for that  
6 state fiscal year. On or before January 31 of each year, the treasurer shall  
7 transfer from the Kansas postsecondary education savings program trust  
8 fund to the account of each participant the amount determined by the  
9 treasurer to meet the matching obligation due to such participant under  
10 subsection (f) for the preceding calendar year.

11 (h) (1) ~~The treasurer shall ensure that all withdrawals of matching~~  
12 ~~funds are used for qualified withdrawals under K.S.A. 75-640 et seq., and~~  
13 ~~amendments thereto.~~ *The treasurer shall not be required to prospectively*  
14 *approve any withdrawals under the program. Withdrawals of matching*  
15 *funds under the program shall be subject to audit as provided in this*  
16 *subsection.*

17 (2) *The treasurer shall retrospectively audit at least 10 withdrawals*  
18 *of matching funds under the program made during each of the calendar*  
19 *years 2025, 2026 and 2027 to determine whether each such withdrawal*  
20 *was a qualified withdrawal or a nonqualified withdrawal under K.S.A. 75-*  
21 *640 et seq., and amendments thereto. The treasurer shall notify any*  
22 *participant whose withdrawal was selected for audit and request such*  
23 *participant to provide to the treasurer any documentation and information*  
24 *deemed necessary by the treasurer to facilitate the audit and determine*  
25 *whether the withdrawal was a qualified withdrawal or a nonqualified*  
26 *withdrawal under K.S.A. 75-640 et seq., and amendments thereto. Such*  
27 *documentation and information shall be submitted to the treasurer in the*  
28 *manner and form required by the treasurer on or before a deadline*  
29 *established by the treasurer and specified in the notice. If the participant*  
30 *does not timely respond to the notice of the audit, the audited withdrawal*  
31 *shall be conclusively presumed to be a nonqualified withdrawal. If the*  
32 *participant does not timely respond to the notice of audit or the treasurer*  
33 *otherwise determines that the audited withdrawal was a nonqualified*  
34 *withdrawal, then the treasurer shall provide notice thereof to the Kansas*  
35 *department of revenue or other appropriate taxing authorities as*  
36 *determined by the treasurer and the participant.*

37 (3) *The treasurer's determination that a withdrawal is a nonqualified*  
38 *withdrawal under K.S.A. 75-640 et seq., and amendments thereto, shall be*  
39 *conclusive for the purposes of this act, absent manifest error.*

40 (4) *If the treasurer determines that the audited withdrawal was a*  
41 *nonqualified withdrawal under K.S.A. 75-640 et seq., and amendments*  
42 *thereto, then the participant shall refund the matching portion of the*  
43 *withdrawal by paying such portion to the treasurer, on payment terms*

1 *established by the treasurer. Any such amounts that remain due and*  
2 *unpaid after the date prescribed by the treasurer for the payment thereof*  
3 *shall be subject to interest at the rate of 5% per annum, compounded*  
4 *monthly, from the date prescribed by the treasurer for the payment thereof.*  
5 *To collect such refund and interest from the participant, the treasurer is*  
6 *authorized to certify the amount due for setoff pursuant to K.S.A. 75-6201*  
7 *et seq., and amendments thereto, and to exercise any other enforcement*  
8 *right otherwise available to the treasurer. The refund requirement under*  
9 *this act is in addition to and not in substitution for any other fine, penalty,*  
10 *interest or other consequence otherwise imposed by law in connection*  
11 *with withdrawals from the Kansas postsecondary education savings*  
12 *program.*

13 *(i) The treasurer shall deposit all refunds and interest received under*  
14 *subsection (h) in the state treasury to the credit of the state general fund.*

15 ~~(j)~~ *The treasurer shall prepare and submit to the governor and the*  
16 *legislature a report on the program on or before January 31 of each year*  
17 *2026, 2027 and 2028. Such report shall include the number of accounts*  
18 *opened under the program, the amount of moneys contributed to such*  
19 *accounts by the participants, the amount of matching moneys transferred*  
20 *by the treasurer pursuant to subsection (g), the average income of the*  
21 *participants, an analysis of the success of the program in meeting the*  
22 *purpose of the program the number and results of any audit performed*  
23 *pursuant to subsection (h) and any other information deemed appropriate*  
24 *by the treasurer.*

25 ~~(k)~~ *The provisions of this section shall be a part of and*  
26 *supplemental to the Kansas postsecondary education savings program.*

27 Sec. 2. K.S.A. 75-650 is hereby repealed.

28 Sec. 3. This act shall take effect and be in force from and after its  
29 publication in the Kansas register.