

SENATE BILL No. 239

AN ACT concerning the secretary of state; relating to fees for certain services and publications provided by the secretary of state; amending K.S.A. 2002 Supp. 75-438 and repealing the existing section.

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

Section 1. K.S.A. 2002 Supp. 75-438 is hereby amended to read as follows: 75-438. (a) There is hereby created the information and ~~copy service services~~ fee fund in the state treasury. *The secretary of state shall charge and collect an information and services fee. The secretary of state shall adopt rules and regulations fixing the fees to be charged and collected under this section. If fees or charges for such information-related duties and services otherwise are authorized by law, the information and service fees may be charged in addition to the existing information-related or service fee or charge.* The secretary of state shall remit all moneys received from fees and charges under ~~K.S.A. 75-409 or 75-437 or K.S.A. 2002 Supp. 50-1,101~~ *this section*, and amendments thereto, 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 information and ~~copy service services~~ fee fund.

(b) All expenditures from the information and ~~copy service services~~ fee fund shall be in accordance with appropriations acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of state or by a person or persons designated by the secretary.

~~(c) On the effective date of this act, the secretary of state shall certify to the director of accounts and reports the amount of money in the conversion of materials and equipment fund of the secretary of state which moneys are from fees charged for copies of public documents under K.S.A. 75-409, and amendments thereto. Upon receipt of such certification, the director of accounts and reports shall transfer the amount of money certified from the conversion of materials and equipment fund to the information and copy service fee fund. All liabilities of the conversion of materials and equipment fund of the secretary of state which are attributable to the service of providing copies of public documents under K.S.A. 75-409, and amendments thereto, are hereby transferred to and imposed on the information and copy service fee fund.~~

*(c) On the effective date of this act, the information and copy service fee fund is hereby redesignated as the information and services fee fund. On the effective date of this act, the director of accounts and reports shall transfer all moneys in the information and copy service fee fund to the information and services fee fund. On the effective date of this act, all liabilities of the information and copy service fee fund are hereby transferred to and imposed on the information and services fee fund and the information and copy service fee fund is hereby abolished.*

New Sec. 2. During each month of the fiscal year ending June 30, 2003, and each fiscal year thereafter, the secretary of state shall certify to the director of accounts and reports the amount equal to the product of \$1 multiplied by the number of annual reports received by the secretary of state during the preceding month from professional corporations, domestic or foreign corporations, corporations organized not for profit, domestic or foreign limited liability companies, domestic or foreign limited partnerships or any other entities pursuant to statute, which include the receipt of an annual franchise tax or privilege fee. Upon receipt of each such certification, the director of accounts and reports shall transfer an amount equal to the amount certified from the state general fund to the franchise fee recovery fund of the secretary of state, which is hereby created.

Sec. 3. K.S.A. 2002 Supp. 75-438 is hereby repealed.

Sec. 4. 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 SENATE, and passed that body

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*President of the Senate.*

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*Secretary of the Senate.*

Passed the HOUSE \_\_\_\_\_

\_\_\_\_\_  
*Speaker of the House.*

\_\_\_\_\_  
*Chief Clerk of the House.*

APPROVED \_\_\_\_\_

\_\_\_\_\_  
*Governor.*