Agency 3 - Office of the State Treasurer

July 15, 2023; p. 1 of 5

IDENTIFYING THE RULE AND REGULATION						NECES	SSITY	POTENTIAL FOR	POTENTIAL FOR REVOCATION			TIES TO I	FEDERAL PRO	ADDITIONAL INFORMATION		
Number Article Title  3-1-1 Article 1	Rule and Regulation Title	Type (new, amended)	Effective Date (history)  May 1, 1980	Authorizing KSA(s)	Implementing KSA(s)	Is the rule and regulation necessary for the implementation and administration of state law?	Does the rule and regulation serve an identifiable public purpose in support of state law?	Briefly describe how revocation would affect Kansans.  Iimited # of characters Revocation would create uncertainty	Is the rule and regulation being revoked?  yes/no No	not in active use, would revocation require a change to the	Is the rule and regulation federally required for state participation in a federal program or authority?	Is the rule and regulation necessary for federal	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?  yes/no No	approximate amount received for the most	Additional information necessary to understanding the necessity of this rule and regulation  limited # of characters  This regulation was originally promulgated under the prior
Disposition of Unclaimed Property			,	3927; 1994 Supp. 58-3971	3934 et seq ., as amended			in calculating various timelines under the Disposition of Unclaimed Property Act, increasing the cost of administering and complying with the State of Kansas's unclaimed property laws.								Disposition of Unclaimed Property Act, which was repealed and replaced by L. 1994, ch. 8, § 1, et seq., and subsequent amendments. The regulation remains necessary to implement the state's current unclaimed property laws. However, the State Treasurer's Office intends to issue an amended regulation to update the reference to the authorizing statute (now K.S.A. 58-3971).
3-1-2 Article 1 Disposition of Unclaimed Property	Definitions	Effective	May 1, 1980	1979 Supp. 58- 3927; 1994 Supp. 58-3971	1994 Supp. 58- 3934 <i>et seq</i> ., as amended	Yes	Yes	Revoking these definitions would create uncertainty in interpreting and administering various provisions of the Unclaimed Property Act, increasing the cost of administering and complying with the State of Kansas's unclaimed property laws.	No	In active use	No	No		No		This regulation was originally promulgated under the prior Disposition of Unclaimed Property Act, which was repealed and replaced by L. 1994, ch. 8, § 1, et seq., and subsequent amendments. The regulation remains necessary to implement the state's current unclaimed property laws. However, the State Treasurer's Office intends to issue an amended regulation to update the reference to the authorizing statute (now K.S.A. 58-3971).
3-1-3 Article 1 Disposition of Unclaimed Property	Charges by holder	Effective	May 1, 1980	1979 Supp. 58- 3927; 1994 Supp. 58-3971	3950, as amended [INTERNAL NOTE: references to "K.S.A. 1979 Supp. 58-3912" should be to successor statute, K.S.A. 59 3950]	Yes	Yes	Revocation would remove requirements for holders to report certain information regarding: (1) charges deducted from reported unclaimed property, and (2) discontinuance (if applicable) of payment of interest or dividends on property prior to reporting. This would impair the Treasurer's ability to enforce reporting requirements.	No	In active use	No	No		No		This regulation was originally promulgated under the prior Disposition of Unclaimed Property Act, which was repealed and replaced by L. 1994, ch. 8, § 1, et seq., and subsequent amendments. The regulation originally implemented (and refers to) K.S.A. 1979 Supp. 58-3912, which corresponds to the current K.S.A. 58-3950. The regulation remains necessary to implement the state's current unclaimed property laws. However, the State Treasurer's Office intends to issue an amended regulation to update the reference to the current version of the statute being implemented, and to update the reference to the authorizing statute (now K.S.A. 58-3971).
3-1-4 Article 1 Disposition of Unclaimed Property	Action by holder	Effective	May 1, 1980		1994 Supp. 58- 3936, as amended	Yes	Yes	Revocation would create uncertainty regarding the circumstances under which the act of a holder would delay or terminate the presumption of labandonment, increasing the cost of administering and complying with the State of Kansas's unclaimed property laws and potentially resulting in fewer properties being remitted to the custody of the State Treasurer.	No	In active use	No	No		No		This regulation was originally promulgated under the prior Disposition of Unclaimed Property Act, which was repealed and replaced by L. 1994, ch. 8, § 1, et seq., and subsequent amendments. The regulation remains necessary to implement the state's current unclaimed property laws. However, the State Treasurer's Office intends to issue an amended regulation to update the reference to the authorizing statute (now K.S.A. 58-3971).

Agency 3 - Office of the State Treasurer

IDENTIFYING THE RULE AND REGULATION	NECESSITY	POTENTIAL FOR REVOCATION	TIES TO FEDERAL PROGRAMS	ADDITIONAL INFORMATION
Rule and Regulation (new, Date Authorizing Implem (new, Date Autho	of state law? state law?	required in the result of the	tion is active would federally required for state of the participation in menting program or authority?  The state of the state of the program or authority?  The state of the state of the state of the program or authority?  The state of the program or authority to the State?  The state of t	<u>.</u> <u>.</u>
3-2-2 Article 2 Kansas Postsecondary Education Savings Program  Excess contributions  Amended Dec. 6, 2002 2001 Supp. 75- 644 and 75- 646, as amended by L. 2002, Ch. 104, Sec. 2	nded	This regulation establishes safeguards to prevent excess contributions, as required of qualified tuition programs by 26 U.S.C. § 529.  Revocation would imperil the Kansas Postsecondary Education Savings Program's status as a qualified tuition program under federal law, resulting in a higher federal tax burden to investors in the Kansas program.	Ve use  Yes  No  K.S.A. 75-642 et seq. (Kansas Postsecondary Education Savings Program); 26 USC § 529 (qualified tution programs), U.S. Department of the Treasury	To clarify with respect to columns Q and R: revocation of this regulation would not jeopardize federal funds accruing to the State of Kansas. However, this program's status as a "qualified tuition program" under 26 U.S.C. § 529 results in federal tax benefits accruing to Kansas taxpayers. The agency is unable to estimate the amount of such tax benefits received by Kansas taxpayers. Among the § 529 qualifications are that the Kansas program must provide safeguards to prevent contributions in excess of specified limits; this regulation establishes these safeguards, thus ensuring qualification under the federal program. This regulation also satisfies the express requirements of K.S.A. 75-646(j) that the agency implement rules and regulations regarding excess contributions.
3-2-3 Article 2 Kansas Postsecondary Education Savings Program  Amended  Dec. 6, 2002  2001 Supp. 75- 644 and 75- 646, as amended by L. 2002, Ch. 104, Sec. 2	nded	Revocation would extend the notice required to withdraw all or part of the balance of a Kansas Postsecondary Education Savings account to 60 days (the default period under K.S.A. 75-646(f)(2)) and create uncertainty regarding withdrawal procedures; thus increasing the cost of administering and participating in the Kansas Postsecondary Education Savings Program, inconveniencing account owners, and making the Kansas program relatively unattractive compared to other states' 529 programs.	ve use No No No	

Agency 3 - Office of the State Treasurer

July 15, 2023; p. 3 of 5

IDENTIFYING THE RULE AND REGULATION	NECESSITY	POTENTIAL FOR REVOCATION	TIES TO FEDERAL PROGRAMS	ADDITIONAL INFORMATION
Rule and Regulation (new, Date Authorizing Implementing Mumber Article Title Title amended) (history) KSA(s) KSA(s)  3-3-1 Article 3- Linked Deposit Loan Programs Agricultural production loans Loan Programs	of state law? state law? Yes Yes	Briefly describe how revocation would affect Kansans.  This regulation imposes a Kansasresidency requirement on eligible agricultural borrowers under the last the rule ause, would revocation require a change to the regulation authorizing or implementing revoked? statute?  In active use not in active use, would require a change to the regulation implementing revoked? statute?		<u>e</u> <u>e</u>
		Kansas Agricultural Production Loan Deposit Program (otherwise defined by K.S.A. 75-4269 as "any individual, limited liability agricultural company, limited agricultural partnership or family farm corporation as defined in KSA 17-5903, and amendments thereto, involved in farming."). Revocation would permit state moneys to be invested for the ultimate benefit of non-resident borrowers.		
3-3-2 Article 3 Linked Deposit Loan Programs  Kansas housing loans  Amended Jan. 21, 2011 2009 Supp. 75- 4278  2009 Supp. 75- 4277(e), as amended by L. 2010, ch. 113, sec. 1(e), and K.S.A. 2009 Supp. 75- 4279(g), as amended by L. 2010, ch. 113, sec. 2(g)		Revocation would preclude the issuance of loans for houses under the Kansas Housing Loan Deposit Program, as the appraised value requirements set forth herein are required to be promulgated by regulation pursuant to K.S.A. 75-4277(e), and the appraised values are integral to determining borrower qualifications under the statute.	No No No	This regulation is statutorily required pursuant to K.S.A. 75-4277(e), and remains necessary to implementing the Kansas Housing Loan Deposit Program. In light of current federal regulations and published "safe harbor" values in connection with 26 U.S.C. § 143(e), and in accordance with statutory authority under K.S.A. 75-4277(e) and K.S.A. 75-4278, the State Treasurer's Office intends to issue an amended regulation updating appraised value requirements based on the current safe harbor values. We anticipate that the amended regulation will significantly increase the appraised value caps, with the effect of expanding eligibility for the Kansas Housing Loan Deposit Program.
3-4-1 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Amended Jan. 1, 2010 2008 Supp. 75- 650, as 650, as amended by L. 2009, ch. 113, sec. 1		Revoking these definitions would create uncertainty in interpreting and administering various provisions of K.S.A. 75-650 et seq. (regarding the Low-Income Family Postsecondary Savings Accounts Incentive Program), increasing the cost of administering the Program.	No No No	
3-4-2 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Eligibility requirements Amended Jan. 1, 2010 2008 Supp. 75-650, as amended by 2009 SB 225, sec. 1  2008 Supp. 75-650, as amended by 2009 SB 225, sec. 1		Revocation would create uncertainty No In active use regarding eligibility for participation in the Low-Income Family Postsecondary Savings Account Incentive Program.	No No No	

Agency 3 - Office of the State Treasurer

July 15, 2023; p. 4 of 5

IDENTIFYING THE RULE AND REGULATION	NECESSITY	POTENTIAL FOR REVOCATION	TIES TO FEDERAL PROGRAMS	ADDITIONAL INFORMATION
Number Article Title Regulation (new, medical part (new, medical part))  3-4-3 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Rule and (new, medical part)  Intle amended) (history) (hi	administration of state law?  Yes  Yes  Yes  Yes  Yes  Revocation regarding and product in the production of state law?  Low-Inco Savings Removing requirem likelihood idenied,	Briefly describe how vocation would affect Kansans.  ation would create uncertainty ng application requirements rocessing procedures for the come Family Postsecondary s Account Incentive Program. ring income-documentation ments would increase the od of applications being inconveniencing applicants creasing the cost of program  Is the rule and require a change to the authorizing or implementing revoked?  In active use I	If the rule and regulation is federally required, the state and program or authority?   If the rule and federal program or authority?   If the rule and regulation is federal program or authority?   If the rule and regulation is federal program or authority?   If the rule and regulation is federal program or authority?   If the rule and regulation is federal program or authority to the State?   If the rule and regulation is federal program or authority to authority?   If the rule and regulation is federal program or authority to the federal agency name   If federal moneys be in jeopardy, the jeopardy under current law if the rule and received for and regulation the most recent fiscal repealed?   If the rule and regulation is federal program or authority to authority to authority or authority?   If the rule and required, the moneys be in jeopardy, the jeopardy under current law if the rule and moneys be in jeopardy, the jeopardy approximate under current law if the rule and moneys be in jeopardy, the jeopardy approximate under current law if the rule and required, the jeopardy approximate and regulation of a general program or authority to authority to authority or auth	Additional information necessary to understanding the necessity of this rule and regulation
3-4-4 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Amended Jan. 1, 2010 2008 Supp. 75- 650, as amended by L. 2009, ch. 113, sec. 1	regarding grant a funding. restriction statutory laccount incentive	ation would create uncertainty no In active use in the property of the legishility in the property of the second of the eligibility in the property of the pro	No No No	
3-4-5 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Amended Jan. 1, 2010 2008 Supp. 75-650, as amended by 2009 SB 225, sec. 1  2008 Supp. 75-650, as amended by 2009 SB 225, sec. 1	governing managen of admi Family Account Revocatin Ito appro preclude matching qualified	ation of various provisions ing account ownership and ement would increase the cost ministering the Low-Income Postsecondary Savings at Incentive Program. In active use Incentive Program. In active Incentive Program. In Incentive Incentive Program. In Incentive Use Incentive Incentit	No No No	
3-4-6 Article 4Low-Income Family Postsecondary Savings Accounts Incentive Program  Article 4Low-Ining Family Postsecondary Savings Accounts Incentive Program  Revoked Jan. 1, 2010 2008 Supp. 75-650, as amended by 2009 SB 225, sec. 1				 

Agency 3 - Office of the State Treasurer

July 15, 2023; p. 5 of 5

IDENTIFYING THE RULE AND REGULATION						NECESSITY		POTENTIAL FOR REVOCATION			TIES TO FEDERAL PROGRAMS					ADDITIONAL INFORMATION	
		00	Type (new, amended) Amended	Effective Date (history) Jan. 1, 2010	Authorizing KSA(s)  2008 Supp. 75- 650, as amended by 2009 SB 225, sec. 1	Implementing KSA(s) 2008 Supp. 75- 650, as amended by 2009 SB 225, sec. 1	of state law? Yes	Does the rule and regulation serve an identifiable public purpose in support of state law?  Yes	Briefly describe how revocation would affect Kansans.  Revocation would preclude the Treasurer from ensuring matching grant funds are used for qualified higher education expenses as required by K.S.A. 75-650(h).	9	not in active use, would revocation require a change to the	federally required for state	Is the rule and regulation necessary for federal	If the rule and regulation is federally required, the state and federal program names and the federal agency name	Could federal moneys be in jeopardy under current law if the rule and regulation were repealed?	approximate amount received for the most recent fiscal year	Additional information necessary to understanding the necessity of this rule and regulation  This regulation specifies various circumstances, including rollovers to another qualified tuition plan, that would result in matching grant funds being forfeited. Recent changes to federal law expand opportunities to roll over funds from 529 accounts to other types of investment programs; these rollovers could ultimately result in 529 funds being used for non-qualifying expenses, and therefore would also result in forfeiture of matching grant funds in accordance with K.S.A. 75-650(h). The current regulation remains necessary for implementation of the Low-income Family Postsecondary Savings Accounts Incentive Program; however, the State Treasurer's Office intends to issue an amended regulation to clarify that the forfeiture requirement also pertains to additional categories of rollovers now permitted under federal law.
									[KLRD Note: Because all rule listed as in active use, for print spreadsheet hides the column and regulation is not in active require a change to the author statute, which change(s)?"	ting purpose for the ques use and revo	s only, this stion "If the rule ocation would						