

(Special Session)

[As Amended by Senate Committee of the Whole]

Special Session of 2005

SENATE BILL No. 9

By Committee on Ways and Means

6-25

10 AN ACT making and concerning appropriations for the fiscal years
11 *[year]* ending June 30, 2006, ~~and June 30, 2007~~, for state agencies;
12 authorizing certain transfers, capital improvement projects and fees,
13 imposing certain restrictions and limitations, and directing or author-
14 izing certain receipts, disbursements and acts incidental to the fore-
15 going; amending K.S.A. 2004 Supp. 2-223, as amended by section 177
16 of 2005 Senate Bill No. 225, 76-775, as amended by section 181 of
17 2005 Senate Bill No. 225, 79-3425i, as amended by section 185 of 2005
18 Senate Bill No. 225, and 82a-953a, as amended by section 88 of 2005
19 Senate Substitute for House Bill No. 2482, and repealing the existing
20 sections.

21
22 *Be it enacted by the Legislature of the State of Kansas:*

23 Section 1. (a) For the fiscal years ending June 30, 2006, ~~and June 30,~~
24 ~~2007~~, appropriations are hereby made, restrictions and limitations are
25 hereby imposed, and transfers, capital improvement projects, fees, re-
26 ceipts, disbursements and acts incidental to the foregoing are hereby di-
27 rected or authorized as provided in this act.

28 (b) The agencies named in this act are hereby authorized to initiate
29 and complete the capital improvement projects specified and authorized
30 by this act or for which appropriations are made by this act, subject to
31 the restrictions and limitations imposed by this act.

32 (c) The appropriations made by this act shall not be subject to the
33 provisions of K.S.A. 46-155 and amendments thereto.

34 ~~Sec. 2. Notwithstanding the provisions of K.S.A. 12-1771b or 12-1774~~
35 ~~and amendments thereto or any other statute, on and after the effective~~
36 ~~date of this act, no moneys appropriated from the state general fund or~~
37 ~~any special revenue fund for the fiscal year ending June 30, 2006, or June~~
38 ~~30, 2007, by any appropriation or other act of the legislature during any~~
39 ~~regular or special session of the legislature, shall be expended by the~~
40 ~~department of commerce or any other state agency to approve or oth-~~
41 ~~erwise provide for the approval of any bond project or authorize the~~
42 ~~issuance of bonds financed in whole or in part pursuant to subsection~~
43 ~~(a)(1)(G) of K.S.A. 12-1774, and amendments thereto. *Provided*, That the~~

1 ~~secretary of commerce shall not approve any bond project or authorize~~
2 ~~the issuance of bonds financed in whole or in part pursuant to subsection~~
3 ~~(a)(1)(G) of K.S.A. 12-1774, and amendments thereto.~~

4 Sec. ~~3~~ **[2]**. (a) Except as provided in subsection (c), on July 1, 2005, of
5 the amount of each appropriation or reappropriation from the state gen-
6 eral fund for a state agency for the fiscal year ending June 30, 2006, made
7 by any appropriation or other act of the legislature during any regular or
8 special session of the legislature, the amount certified by the director of
9 the budget and the director of the legislative research department to the
10 director of accounts and reports for such appropriation or reappropriation
11 pursuant to subsection (b) is hereby lapsed.

12 (b) On or before July 1, 2005, the director of the budget and the di-
13 rector of the legislative research department shall jointly determine and
14 certify to the director of accounts and reports the amount to be lapsed
15 from each appropriation or reappropriation from the state general fund
16 for the fiscal year ending June 30, 2006, made by any appropriation or
17 other act of the legislature during any regular or special session of the
18 legislature, in accordance with this section. Except as otherwise provided
19 in this section, each amount to be lapsed shall be determined jointly by
20 the director of the budget and director of the legislative research de-
21 partment to be the equivalent of an ~~8.3%~~ **[2.0%]** reduction in each
22 amount appropriated or reappropriated from the state general fund for
23 the fiscal year ending June 30, 2006, by any appropriation or other act of
24 the legislature during any regular or special session of the legislature,
25 which is subject to subsection (a). Each amount to be lapsed shall be
26 equal to the result obtained by multiplying ~~8.3%~~ **[2.0%]** by the amount
27 appropriated or reappropriated from the state general fund for fiscal year
28 2006, which is subject to subsection (a).

29 (c) The following shall not be subject to the provisions of subsection
30 (a):

31 (1) Any item of appropriation or reappropriation from the state general
32 fund for fiscal year 2006 for debt service for payments pursuant to con-
33 tractual bond obligations;

34 (2) that portion of any item of appropriation or reappropriation from
35 the state general fund for the fiscal year ending June 30, 2006, made by
36 any appropriation or other act of any regular or special session of the
37 legislature for the department on aging, department of social and reha-
38 bilitation services or the department of administration for funding of any
39 expenditures budgeted in accordance with consensus caseload estimates,
40 as determined jointly by the director of the budget and the director of
41 the legislative research department in accordance with the provisions of
42 such appropriation or other acts of the legislature and the approved state
43 budget for the fiscal year ending June 30, 2006;

1 (3) any item of appropriation or reappropriation from the state general
2 fund for fiscal year 2006 for employer contributions for KPERS — school
3 payments for eligible employers as specified in subsection (1), (2) or (3)
4 of K.S.A. 74-4931, and amendments thereto, under the Kansas public
5 employees retirement system in accordance with K.S.A. 74-4939, and
6 amendments thereto, or as otherwise provided by statute; and

7 (4) any item of appropriation or reappropriation from the state general
8 fund for fiscal year 2006 for the department of education for state aid.

9 (d) As used in this section:

10 (1) “State agency” means any state agency named in 2005 Senate Bill
11 No. 225 or 2005 Senate Substitute for House Bill No. 2482 or by this or
12 other appropriation act of the special session of the 2005 legislature; and

13 (2) “state aid” means all aid amounts appropriated or budgeted for
14 fiscal year 2006 to be paid to public school districts.

15 Sec. 4 [3]. (a) On July 1, 2005, or as soon thereafter as moneys are
16 available, notwithstanding the provisions of K.S.A. 68-416 and amend-
17 ments thereto, K.S.A. 2004 Supp. 79-3620 and 79-3710 and amendments
18 thereto or any other statute, the director of accounts and reports shall
19 transfer ~~\$8,016,322~~ [**\$1,930,700**] from the state highway fund of the
20 department of transportation to the state general fund.

21 Sec. 5 [4]. On July 1, 2005, K.S.A. 2004 Supp. 2-223, as amended by
22 section 177 of 2005 Senate Bill No. 225, is hereby amended to read as
23 follows: 2-223. (a) There is hereby established in the state treasury the
24 state fair capital improvements fund. All expenditures of moneys in the
25 state fair capital improvements fund shall be used for the payment of
26 capital improvements and maintenance for the state fairgrounds and the
27 payment of capital improvement obligations that have been financed.
28 Capital improvement projects for the Kansas state fairgrounds are hereby
29 approved for the purposes of subsection (b) of K.S.A. 74-8905 and
30 amendments thereto and the authorization of the issuance of bonds by
31 the Kansas development finance authority in accordance with that statute.

32 (b) On each June 30, the state fair board shall certify to the director of
33 accounts and reports an amount to be transferred from the state fair fee
34 fund to the state fair capital improvements fund, which amount shall be
35 not less than the amount equal to 5% of the total gross receipts during
36 the current fiscal year from state fair activities and non-fair days activities.
37 Upon receipt of such certification, the director of accounts and reports
38 shall transfer moneys from the state fair fee fund to the state fair capital
39 improvements fund in accordance with such certification.

40 (c) On each July 1, the director of accounts and reports shall transfer
41 from the state general fund to the state fair capital improvements fund,
42 an amount equal to the amount certified by the state fair board pursuant
43 to subsection (b), except that (1) no transfer from the state general fund

1 under this subsection shall exceed \$300,000 in any fiscal year; and (2) ~~all~~
2 *the amount transferred during the fiscal year ending June 30, 2006, shall*
3 *not exceed ~~\$275,088~~ [**\$294,000**]. All transfers made in accordance with*
4 *the provisions of this section during the fiscal years ending June 30, 2006*
5 *and June 30, 2007, shall be considered to be revenue transfers from the*
6 *state general fund.*

7 Sec. 6 [5]. On July 1, 2005, K.S.A. 2004 Supp. 76-775, as amended by
8 section 181 of 2005 Senate Bill No. 225, is hereby amended to read as
9 follows: 76-775. (a) Subject to the other provisions of this act, on the first
10 day of the first state fiscal year commencing after receiving a certification
11 of receipt of a qualifying gift under K.S.A. 2004 Supp. 76-774 and amend-
12 ments thereto, the director of accounts and reports shall transfer from
13 the state general fund the amount determined by the director of accounts
14 and reports to be the earnings equivalent award for such qualifying gift
15 for the period of time between the date of certification of the qualifying
16 gift and the first day of the ensuing state fiscal year to either (1) the
17 endowed professorship account of the faculty of distinction matching
18 fund of the eligible educational institution, in the case of a certification
19 of a qualifying gift to an eligible educational institution that is a state
20 educational institution, or (2) the faculty of distinction program fund of
21 the state board of regents, in the case of a certification of a qualifying gift
22 to an eligible institution that is not a state educational institution. Subject
23 to the other provisions of this act, on each July 1 thereafter, the director
24 of accounts and reports shall make such transfer from the state general
25 fund of the earnings equivalent award for such qualifying gift for the
26 period of the preceding state fiscal year. All transfers made in accordance
27 with the provisions of this subsection shall be considered demand trans-
28 fers from the state general fund, except that all such transfers during the
29 fiscal years ending June 30, 2006 and June 30, 2007, shall be considered
30 to be revenue transfers from the state general fund. *The amount of each*
31 *earnings equivalent award determined in accordance with this section to*
32 *be transferred from the state general fund during the fiscal year ending*
33 *June 30, 2006, is hereby reduced by the amount equal to ~~8.3%~~ [**2.0%**] of*
34 *the amount otherwise determined pursuant to this section and the total*
35 *of all amounts transferred from the state general fund pursuant to this*
36 *section shall not exceed ~~\$819,762~~ [**\$876,120**].*

37 (b) There is hereby established in the state treasury the faculty of dis-
38 tinction program fund which shall be administered by the state board of
39 regents. All moneys transferred under this section to the faculty of dis-
40 tinction program fund of the state board of regents shall be paid to eligible
41 educational institutions that are not state educational institutions for earn-
42 ings equivalent awards for qualifying gifts to such eligible educational
43 institutions. The state board of regents shall pay from the faculty of dis-

1 tinction program fund the amount of each such transfer to the eligible
2 educational institution for the earnings equivalent award for which such
3 transfer was made under this section.

4 (c) The earnings equivalent award for an endowed professorship shall
5 be determined by the director of accounts and reports and shall be the
6 amount of interest earnings that the amount of the qualifying gift certified
7 by the state board of regents would have earned at the average net earn-
8 ings rate of the pooled money investment board portfolio for the period
9 for which the determination is being made.

10 (d) The total amount of new qualifying gifts which may be certified to
11 the director of accounts and reports under this act during any state fiscal
12 year for all eligible educational institutions shall not exceed \$30,000,000.
13 The total amount of new qualifying gifts which may be certified to the
14 director of accounts and reports under this act during any state fiscal year
15 for any individual eligible educational institution shall not exceed
16 \$10,000,000. No additional qualifying gifts shall be certified by the state
17 board of regents under this act when the total of all transfers from the
18 state general fund for earnings equivalent awards for qualifying gifts pur-
19 suant to this section and amendments thereto for a fiscal year is equal to
20 or greater than \$5,000,000.

21 Sec. 7 [6]. On July 1, 2005, K.S.A. 2004 Supp. 79-3425i, as amended
22 by section 185 of 2005 Senate Bill No. 225, is hereby amended to read
23 as follows: 79-3425i. On January 15 and July 15 of each year, the director
24 of accounts and reports shall transfer a sum equal to the total taxes col-
25 lected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amend-
26 ments thereto, and credited to the state general fund during the six
27 months next preceding the date of transfer, from the state general fund
28 to the special city and county highway fund, created by K.S.A. 79-3425,
29 and amendments thereto, except that: (1) Such transfers are subject to
30 reduction under K.S.A. 75-6704, and amendments thereto; and (2) the
31 amount of moneys transferred from the state general fund to the special
32 city and county highway fund during state fiscal ~~years~~ *year* 2006 on each
33 *such date shall not exceed ~~\$4,613,986~~ [\$4,931,195]* and during fiscal year
34 2007 on each such date shall not exceed \$5,031,832. All transfers under
35 this section shall be considered to be demand transfers from the state
36 general fund except that all such transfers during the fiscal years ending
37 June 30, 2006, and June 30, 2007, shall be considered to be revenue
38 transfers from the state general fund.

39 Sec. 8 [7]. On July 1, 2005, K.S.A. 2004 Supp. 82a-953a, as amended
40 by section 88 of 2005 Senate Substitute for House Bill No. 2482, is hereby
41 amended to read as follows: 82a-953a. During each fiscal year, the direc-
42 tor of accounts and reports shall transfer \$6,000,000 from the state gen-
43 eral fund to the state water plan fund created by K.S.A. 82a-951, and

1 amendments thereto, one-half of such amount to be transferred on July
2 15 and one-half to be transferred on January 15, except that (1) such
3 transfers during each fiscal year commencing after June 30, 2006, are
4 subject to reduction under K.S.A. 75-6704, and amendments thereto, and
5 (2) *the amount of moneys transferred from the state general fund to the*
6 *state water plan fund during state fiscal year 2006 on each such date shall*
7 *not exceed ~~\$2,750,878.50~~ [\$2,940,000].* All transfers under this section
8 shall be considered to be demand transfers from the state general fund,
9 except that all such transfers during the fiscal years ending June 30, 2006,
10 and June 30, 2007, shall be considered revenue transfers from the state
11 general fund.

12 ***[Sec. 8. (a) On the effective date of this act, of the \$8,422,429***
13 ***appropriated for the above agency for the fiscal year ending June***
14 ***30, 2006, by section 92 (a) of 2005 Senate Bill No. 225, from the***
15 ***state general fund in the operating expenditures account, the sum***
16 ***of \$304,922 is hereby lapsed.]***

17 Sec. 9. On July 1, 2005, K.S.A. 2004 Supp. 2-223, as amended by sec-
18 tion 177 of 2005 Senate Bill No. 225, 76-775, as amended by section 181
19 of 2005 Senate Bill No. 225, 79-3425i, as amended by section 185 of 2005
20 Senate Bill No. 225, and 82a-953a, as amended by section 88 of 2005
21 Senate Substitute for House Bill No. 2482, are hereby repealed.

22 Sec. 10. This act shall take effect and be in force from and after its
23 publication in the Kansas register.