

1 **As Amended by House Committee**

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3 **As Amended by Senate Committee**

4 *Session of 2002*

5  
6 **SENATE BILL No. 619**

7  
8 By Committee on Ways and Means

9  
10 2-18

11  
12 AN ACT concerning ~~the~~ **state finances; relating to biennial budget**  
13 **estimates;** state finance council; voting procedures; amending K.S.A.  
14 **75-3711 and K.S.A. 2001 Supp. 75-3717** and repealing the existing  
15 ~~section~~ **sections.**

16  
17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. K.S.A. 75-3711 is hereby amended to read as follows: 75-  
19 3711. (a) The governor shall:

20 (1) Hear and determine appeals by any state agency from final de-  
21 cisions or final actions of the secretary of administration or the director  
22 of computer services.

23 (2) Approve, modify and approve or reject proposed rules and reg-  
24 ulations submitted by the secretary of administration as provided in K.S.A.  
25 75-3706, and amendments thereto.

26 (3) Make allocations to, and approve expenditures by a state agency,  
27 from any appropriations to the governor for that purpose, of funds for  
28 unanticipated and unbudgeted needs, under guidelines and limitations  
29 prescribed by K.S.A. 75-3711c, *and amendments thereto*, or other legis-  
30 lative enactment enhancing or altering K.S.A. 75-3711c, *and amendments*  
31 *thereto*.

32 (4) Exercise powers and perform functions specified for the state fi-  
33 nance council or governor by the Kansas civil service act.

34 (b) (1) The chairperson and five or more other members of the state  
35 finance council shall constitute a quorum. Approval by the governor and  
36 approval by a majority vote of the legislative members of the state finance  
37 council shall govern, unless a unanimous vote is required by statute in  
38 any particular case.

39 (2) *Whenever a matter is to be acted on by the state finance council*  
40 *and a unanimous vote is required to approve the particular matter by*  
41 *K.S.A. 48-924, 75-3713, 75-3713b or 75-3713c, and amendments thereto,*  
42 *or by any other statute, each member who is unable to attend the meeting*  
43 *at which the matter was voted on, may vote on the motion by written*

1 *absentee vote in the manner prescribed by this subsection. In any such*  
2 *case, an absent member may vote on the motion by (A) writing the mem-*  
3 *ber's signature on a copy of the resolution setting forth the matter that is*  
4 *the subject of the motion, writing the date and indicating the member's*  
5 *vote for or against adoption of the resolution, and (B) submitting the copy*  
6 *of the resolution bearing the absentee vote to the secretary of the state*  
7 *finance council either before or not more than ~~30~~ 10 days after the date*  
8 *of the meeting at which the motion was voted on. The secretary of the*  
9 *state finance council shall maintain each copy of a resolution bearing an*  
10 *absentee vote as part of the minutes and records of the meeting at which*  
11 *the motion on the resolution was voted on. The secretary shall indicate in*  
12 *the minutes of the meeting the name of each member voting in writing by*  
13 *absentee vote and the date on which the absentee vote was submitted to*  
14 *the secretary. If a particular matter requiring a unanimous vote receives*  
15 *the affirmative vote of each member of the state finance council attending*  
16 *the meeting and the affirmative absentee vote pursuant to this subsection*  
17 *of each member not attending the meeting, then the matter shall be*  
18 *deemed to have received the unanimous vote of all members of the state*  
19 *finance council.*

20 (c) Whenever statutes provide for any matter to receive state finance  
21 council action, the same shall be made a matter of business before said  
22 council, if and only if the matter is characterized as a legislative delega-  
23 tion, and in other such cases the governor shall exercise the function  
24 specified for the state finance council by applying the guidelines and  
25 limitations of K.S.A. 75-3711c, *and amendments thereto*, or other legis-  
26 lative enactment enhancing or altering the same.

27 **Sec. 2. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby**  
28 **amended to read as follows: 75-3717. (a) As provided in this sec-**  
29 **tion, each state agency, not later than October 1 of each year, shall**  
30 **file with the division of the budget its budget estimates for the next**  
31 **fiscal year, and all amendments and revisions thereof, except that,**  
32 **in lieu of such annual filing, each agency listed in subsection (f),**  
33 **not later than October 1, ~~2000~~ 2003, and every two years thereafter,**  
34 **shall file budget estimates for the next fiscal year and for the en-**  
35 **suing fiscal year thereafter. Each agency listed in subsection (f)**  
36 **may file adjustments to such agency's budget that was approved**  
37 **by the legislature during a prior fiscal year. All such budget esti-**  
38 **mates shall be in the form provided by the director of the budget.**  
39 **Each agency's budget estimates shall include:**

40 (1) A full explanation of the agency's request for any appro-  
41 priations for the expansion of present services or the addition of  
42 new activities, including an estimate of the anticipated expendi-  
43 tures for the next fiscal year and for each of the three ensuing fiscal

1 years which would be required to support each expansion of pres-  
2 ent services or addition of new services as requested by the state  
3 agency; and

4 (2) a listing of all programs of the agency that provide services  
5 for children and their families and the following information re-  
6 garding each such program: Of the amount of the agency's request  
7 for appropriations to fund the program, that amount which will be  
8 spent on services for children or families with children and the  
9 number of children or families with children who are served by  
10 the program.

11 (b) At the same time as each state agency submits to the divi-  
12 sion of the budget a copy of its budget estimate, and all amend-  
13 ments and revisions thereof, each such state agency shall submit a  
14 copy of such estimate, and all amendments and revisions thereof,  
15 directly to the legislative research department for legislative use.

16 (c) The director of the budget shall require the agencies to  
17 submit a sufficient number of copies of their budget estimates, and  
18 all amendments and revisions thereof, to the director's office to  
19 satisfy the requirements of such office and one additional copy for  
20 legislative use which shall be retained in the division of the budget  
21 until the budget of the governor is submitted to the legislature.  
22 On or before the day that such budget is submitted to the legis-  
23 lature such legislative use copy, posted to reflect the governor's  
24 budget recommendations, shall be submitted to the legislative re-  
25 search department for use by the ways and means committee of  
26 the senate and the committee on appropriations of the house of  
27 representatives. Following presentation of the governor's budget  
28 report to the legislature, the legislative research department may  
29 request and shall receive detailed information from the division of  
30 the budget on the governor's budget recommendations.

31 (d) The director of the budget may prepare budget estimates  
32 for any state agency failing to file a request.

33 (e) As used in this section, "services for children and their fam-  
34 ilies" includes but is not limited to any of the following services,  
35 whether provided directly or made accessible through subsidies or  
36 other payments:

37 (1) Financial support for children and families with children or  
38 enforcement of the obligation to support a child or a family with  
39 one or more children;

40 (2) prenatal care, health care for children or immunizations for  
41 children;

42 (3) mental health or retardation services for children;

43 (4) nutrition for children or families with children or nutri-

1 tional counseling or supplements for pregnant or nursing women;  
2 (5) child care, early childhood education or parenting  
3 education;

4 (6) licensure or regulation of child care or early childhood ed-  
5 ucation programs;

6 (7) treatment, counseling or other services to preserve  
7 families;

8 (8) care, treatment, placement or adoption of children without  
9 functioning families;

10 (9) services to prevent child abuse and to treat and protect  
11 child abuse victims;

12 (10) services for children who are pregnant, substance abusers  
13 or otherwise involved in high risk behavior;

14 (11) services related to court proceedings involving children;  
15 and

16 (12) youth employment services.

17 (f) On a biennial basis, the following state agencies shall file  
18 budget estimates under the provisions of subsection (a): Abstract-  
19 ers' board of examiners, behavioral sciences regulatory board,  
20 board of accountancy, board of examiners in optometry, board of  
21 nursing, ~~consumer credit commissioner~~, Kansas board of barbering,  
22 Kansas board of examiners in fitting and dispensing of hearing  
23 aids, Kansas dental board, Kansas real estate commission, Kansas  
24 state board of cosmetology, office of the securities commissioner  
25 of Kansas, real estate appraisal board, state bank commissioner,  
26 state board of healing arts, state board of mortuary arts, state  
27 board of pharmacy, state board of technical professions, state  
28 board of veterinary examiners, governmental ethics commission  
29 ~~and~~, state department of credit unions, *state department of human*  
30 *resources and health care stabilization fund board of governors.*

31 Sec. ~~2~~ 3. K.S.A. 75-3711 is hereby repealed.

32 Sec. 4. On July 1, 2003, K.S.A. 2001 Supp. 75-3717 is hereby  
33 repealed.

34 Sec. ~~2~~ 5. This act shall take effect and be in force from and after its  
35 publication in the Kansas register.

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