

Substitute for SENATE BILL No. 30

By Committee on Ways and Means

1-28

AN ACT making and concerning appropriations for the fiscal year ending June 30, 2003, for the insurance department, state board of indigents' defense services, Kansas public employees retirement system, department of health and environment, department on aging, department of social and rehabilitation services, department of education and department of transportation; authorizing certain transfers and capital improvement projects, imposing certain restrictions and limitations, and directing or authorizing certain receipts and disbursements and acts incidental to the foregoing; amending K.S.A. 2002 Supp. 79-2959, 79-2964 and 79-3425i and repealing the existing sections.

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

Section 1. (a) For the fiscal year ending June 30, 2003, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

(b) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

Sec. 2.

INSURANCE DEPARTMENT

(a) On the effective date of this act, the director of accounts and reports shall transfer \$4,000,000 from the workers compensation fund of the insurance department to the state general fund: *Provided*, That the amount transferred from the workers compensation fund of the insurance department to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 3.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2003, the following:

1	Operating expenditures	\$702,934
2	Capital defense operations	\$550,000

3 Sec. 4.

4 **KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM**

5 (a) On the effective date of this act, the director of accounts and reports
6 shall transfer any unencumbered balance in the senior services trust fund
7 of the Kansas public employees retirement system to the state general
8 fund.

9 (b) On or before June 30, 2003, on a date certified by the director of
10 the budget, the director of accounts and reports shall transfer any unen-
11 cumbered balance in the Kansas endowment for youth fund of the Kansas
12 public employees retirement system to the state general fund: *Provided*,
13 That, at the same time that such certification is made by the director of
14 the budget to the director of accounts and reports under this subsection,
15 the director of the budget shall deliver a copy of such certification to the
16 director of the legislative research department.

17 (c) On the effective date of this act, the amount in each account of the
18 state general fund of each state agency that is appropriated for the fiscal
19 year ending June 30, 2003, by chapter 204 or 205 of the 2002 Session
20 Laws of Kansas or by this or other appropriation act of the 2003 regular
21 session of the legislature and that is budgeted for payment of the cost of
22 the plan of death and long-term disability benefits under K.S.A. 74-4927
23 and amendments thereto, as certified by the director of the budget to the
24 director of accounts and reports, for the period commencing on April 1,
25 2003, and ending on June 30, 2003, is hereby lapsed: *Provided*, That, at
26 the same time that each certification is made by the director of the budget
27 to the director of accounts and reports under this subsection, the director
28 of the budget shall deliver a copy of such certification to the director of
29 the legislative research department.

30 (d) On the effective date of this act, the director of accounts and reports
31 shall transfer the amount in each account of each special revenue fund
32 of each state agency that is appropriated for the fiscal year ending June
33 30, 2003, by chapter 204 or 205 of the 2002 Session Laws of Kansas or
34 by this or other appropriation act of the 2003 regular session of the leg-
35 islature and that is budgeted for payment of the cost of the plan of death
36 and long-term disability benefits under K.S.A. 74-4927 and amendments
37 thereto, as certified by the director of the budget to the director of ac-
38 counts and reports, for the period commencing on April 1, 2003, and
39 ending on June 30, 2003, from such special revenue fund, or account
40 thereof, to the state general fund: *Provided*, That the aggregate amount
41 transferred from all such special revenue funds and accounts to the state
42 general fund during fiscal year 2003 pursuant to this subsection shall not
43 exceed \$858,000: *Provided further*, That, at the same time that each cer-

1 tification is made by the director of the budget to the director of accounts
 2 and reports under this subsection, the director of the budget shall deliver
 3 a copy of such certification to the director of the legislative research de-
 4 partment: *And provided further*, That the amount transferred from each
 5 such special revenue fund or account to the state general fund pursuant
 6 to this subsection is to reimburse the state general fund for accounting,
 7 auditing, budgeting, legal, payroll, personnel and purchasing services and
 8 any other governmental services which are performed on behalf of the
 9 state agency involved by other state agencies which receive appropriations
 10 from the state general fund to provide such services.

11 (e) Notwithstanding the provisions of K.S.A. 74-4927 and 74-4927f, and
 12 amendments thereto, no participating employer under the Kansas public
 13 employees retirement system shall pay any amount to the system for the
 14 cost of the plan and death and long-term disability benefits under K.S.A.
 15 74-4927 and amendments thereto for the period commencing on April
 16 1, 2003, through June 30, 2003.

17 Sec. 5.

18 DEPARTMENT OF HEALTH AND ENVIRONMENT

19 (a) On the effective date of this act, the director of accounts and reports
 20 shall transfer \$1,000,000 from the waste tire management fund of the
 21 department of health and environment to the state general fund: *Pro-*
 22 *vided*, That the amount transferred from the waste tire management fund
 23 of the department of health and environment to the state general fund
 24 pursuant to this subsection is to reimburse the state general fund for
 25 accounting, auditing, budgeting, legal, payroll, personnel and purchasing
 26 services and any other governmental services which are performed on
 27 behalf of the state agency involved by other state agencies which receive
 28 appropriations from the state general fund to provide such services.

29 Sec. 6.

30 DEPARTMENT ON AGING

31 (a) On the effective date of this act, the director of accounts and reports
 32 shall transfer \$7,416,587 from the long-term care loan and grant fund of
 33 the department on aging to the state general fund.

34 Sec. 7.

35 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

36 (a) There is appropriated for the above agency from the state general
 37 fund for the fiscal year ending June 30, 2003, the following:

38 State operations	\$4,226,514
39 Other medical assistance	\$19,602,092
40 Cash assistance	\$323,920
41 Vocational rehabilitation aid and assistance	\$332

42 (b) On the effective date of this act, the director of accounts and reports
 43 shall transfer \$1,033,222 from the SRS — IGT fund of the department

1 of social and rehabilitation services to the state medicaid match fund —
2 SRS of the department of social and rehabilitation services.

3 (c) On the effective date of this act, the director of accounts and reports
4 shall transfer \$691,037 from the long-term care loan and grant fund of
5 the department on aging to the state medicaid match fund — SRS of the
6 department of social and rehabilitation services.

7 (d) On the effective date of this act, the expenditure limitation estab-
8 lished by section 95(b) of chapter 204 of the 2002 Session Laws of Kansas
9 on the SRS — IGT fund is hereby increased from \$62,529,094 to
10 \$66,529,094.

11 (e) On the effective date of this act, of the \$89,151,475 appropriated
12 for the above agency for the fiscal year ending June 30, 2003, by section
13 95(a) of chapter 204 of the 2002 Session Laws of Kansas from the state
14 general fund in the mental health and retardation services aid and assis-
15 tance account, the sum of \$2,500,000 is hereby lapsed.

16 (f) On the effective date of this act, of the \$20,217,984 appropriated
17 for the above agency for the fiscal year ending June 30, 2003, by section
18 95(a) of chapter 204 of the 2002 Session Laws of Kansas from the state
19 general fund in the community based services account, the sum of
20 \$1,500,000 is hereby lapsed.

21 Sec. 8.

22 DEPARTMENT OF EDUCATION

23 (a) There is appropriated for the above agency from the state general
24 fund for the fiscal year ending June 30, 2003, the following:

25 General state aid	\$4,637,027
26 Supplemental general state aid	\$21,999,043

27 Sec. 9.

28 DEPARTMENT OF CORRECTIONS

29 (a) There is appropriated for the above agency from the state general
30 fund for the fiscal year ending June 30, 2003, the following:

31 Treatment and programs	\$2,692,595
32 Facilities operations	\$1,305,259

33 Sec. 10.

34 DEPARTMENT OF TRANSPORTATION

35 (a) The director of accounts and reports shall not make the transfer of
36 \$94,608,648 from the state general fund to the state highway fund, which
37 was directed to be made on or before June 30, 2003, by section 40(b) of
38 chapter 205 of the 2002 Session Laws of Kansas.

39 Sec. 11. (a) On or after the effective date of this act, during the fiscal
40 year ending June 30, 2003, the director of accounts and reports shall not
41 make any transfer directed to be made by either subsection (f)(2) of
42 K.S.A. 2002 Supp. 75-4265 and amendments thereto or by section 56 of
43 chapter 204 of the 2002 Session Laws of Kansas from the intergovern-

1 mental transfer fund of the department on aging to the senior services
2 trust fund established by K.S.A. 2002 Supp. 75-4266 and amendments
3 thereto.

4 (b) On or after the effective date of this act, during the fiscal year
5 ending June 30, 2003, the director of accounts and reports shall not make
6 any transfer directed to be made by either subsection (f)(2) of K.S.A.
7 2002 Supp. 75-4265 and amendments thereto or by section 56 of chapter
8 204 of the 2002 Session Laws of Kansas from the intergovernmental trans-
9 fer fund of the department on aging to the long-term care loan and grant
10 fund of the department on aging established by K.S.A. 2002 Supp. 75-
11 4265 and amendments thereto.

12 (c) On or after the effective date of this act, during the fiscal year ending
13 June 30, 2003, the director of accounts and reports shall not make any
14 transfer directed to be made by either subsection (f)(2) of K.S.A. 2002
15 Supp. 75-4265 and amendments thereto or by section 56 of chapter 204
16 of the 2002 Session Laws of Kansas from the intergovernmental transfer
17 fund of the department on aging to the state medicaid match fund —
18 department on aging established by K.S.A. 2002 Supp. 75-4265 and
19 amendments thereto.

20 (d) On or after the effective date of this act, during the fiscal year
21 ending June 30, 2003, the director of accounts and reports shall not make
22 any transfer directed to be made by either subsection (f)(2) of K.S.A.
23 2002 Supp. 75-4265 and amendments thereto or by section 56 of chapter
24 204 of the 2002 Session Laws of Kansas from the intergovernmental trans-
25 fer fund of the department on aging to the state medicaid match fund —
26 SRS established by K.S.A. 2002 Supp. 75-4265 and amendments thereto.

27 (e) On or after the effective date of this act, during the fiscal year
28 ending June 30, 2003, the director of accounts and reports shall not make
29 any transfer directed to be made by either subsection (f)(2) of K.S.A.
30 2002 Supp. 75-4265 and amendments thereto or by section 56 of chapter
31 204 of the 2002 Session Laws of Kansas from the intergovernmental trans-
32 fer fund of the department on aging to the aging — IGT fund of the
33 department on aging.

34 (f) Commencing on the effective date of this act, or as soon as moneys
35 are available therefor, during the fiscal year ending June 30, 2003, the
36 director of accounts and reports shall transfer to the SRS — IGT fund of
37 the department of social and rehabilitation services, on the dates when
38 the following transfers would have been made under the statutes speci-
39 fied, the following: (1) All amounts of money that would have been di-
40 rected by subsection (f)(2) of K.S.A. 2002 Supp. 75-4265 and amend-
41 ments thereto or by section 56(b) of chapter 204 of the 2002 Session
42 Laws of Kansas to be transferred from the intergovernmental transfer
43 fund of the department on aging to the senior services trust fund, the

1 long-term care loan and grant fund, the state medicaid match fund —
2 department on aging, and the state medicaid match fund — SRS; and (2)
3 all amounts of money that would have been directed by section 56(b) of
4 chapter 204 of the 2002 Session Laws of Kansas to be transferred from
5 the intergovernmental transfer fund of the department on aging to the
6 aging — IGT fund of the department on aging.

7 Sec. 12. On the effective date of this act, K.S.A. 2002 Supp. 79-2959
8 is hereby amended to read as follows: 79-2959. (a) There is hereby created
9 the local ad valorem tax reduction fund. All moneys transferred or cred-
10 ited to such fund under the provisions of this act or any other law shall
11 be apportioned and distributed in the manner provided herein.

12 (b) On January 15 and on July 15 of each year, the director of accounts
13 and reports shall make transfers in equal amounts which in the aggregate
14 equal ~~4.5%~~ 3.63% of the total retail sales and compensating taxes credited
15 to the state general fund pursuant to articles 36 and 37 of chapter 79 of
16 Kansas Statutes Annotated and acts amendatory thereof and supplement-
17 tal thereto during the preceding calendar year from the state general fund
18 to the local ad valorem tax reduction fund, except that: ~~(1) The transfers~~
19 ~~on January 15 and July 15 of each year shall be in equal amounts which~~
20 ~~in the aggregate equal 3.630% of such taxes credited to the state general~~
21 ~~fund during the preceding calendar year, and (2) the amount of the trans-~~
22 ~~fer on each such date during state fiscal year 2003 shall be \$26,246,722~~
23 *no moneys shall be transferred from the state general fund to the local ad*
24 *valorem tax reduction fund on or after November 26, 2002, during state*
25 *fiscal year 2003. All such transfers are subject to reduction under K.S.A.*
26 *75-6704 and amendments thereto. All transfers made in accordance with*
27 *the provisions of this section shall be considered to be demand transfers*
28 *from the state general fund, except that all such transfers during the fiscal*
29 *year ending June 30, 2003, shall be considered revenue transfers from*
30 *the state general fund.*

31 (c) The state treasurer shall apportion and pay the amounts transferred
32 under subsection (b) to the several county treasurers on January 15 and
33 on July 15 in each year as follows: (1) Sixty-five percent of the amount to
34 be distributed shall be apportioned on the basis of the population figures
35 of the counties certified to the secretary of state pursuant to K.S.A. 11-
36 201 and amendments thereto on July 1 of the preceding year; and (2)
37 thirty-five percent of such amount shall be apportioned on the basis of
38 the equalized assessed tangible valuations on the tax rolls of the counties
39 on November 1 of the preceding year as certified by the director of prop-
40 erty valuation.

41 Sec. 13. On the effective date of this act, K.S.A. 2002 Supp. 79-2964
42 is hereby amended to read as follows: 79-2964. There is hereby created
43 the county and city revenue sharing fund. All moneys transferred or cred-

1 ited to such fund under the provisions of this act or any other law shall
2 be allocated and distributed in the manner provided herein. The director
3 of accounts and reports in each year on July 15 and December 10, shall
4 make transfers in equal amounts which in the aggregate equal ~~3.5%~~
5 ~~2.823%~~ of the total retail sales and compensating taxes credited to the
6 state general fund pursuant to articles 36 and 37 of chapter 79 of the
7 Kansas Statutes Annotated and acts amendatory thereof and supplement-
8 tal thereto during the preceding calendar year from the state general fund
9 to the county and city revenue sharing fund, except that: ~~(a) The transfers~~
10 ~~on July 15 and December 10 of each year shall be in equal amounts which~~
11 ~~in the aggregate equal 2.823% of such taxes credited to the state general~~
12 ~~fund during the preceding calendar year, and (b) the amount of the trans-~~
13 ~~fer on each such date during state fiscal year 2003 shall be \$16,740,646~~
14 *no moneys shall be transferred from the state general fund to the county*
15 *and city revenue sharing fund on or after November 26, 2002, during*
16 *state fiscal year 2003. All such transfers are subject to reduction under*
17 *K.S.A. 75-6704 and amendments thereto. All transfers made in accord-*
18 *ance with the provisions of this section shall be considered to be demand*
19 *transfers from the state general fund, except that all such transfers during*
20 *the fiscal year ending June 30, 2003, shall be considered revenue transfers*
21 *from the state general fund.*

22 Sec. 14. K.S.A. 2002 Supp. 79-3425i is hereby amended to read as
23 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 the transfer on each such date during state fiscal year 2003~~
32 ~~shall not exceed \$5,031,822~~ *no moneys shall be transferred from the state*
33 *general fund to the special city and county highway fund on or after*
34 *November 26, 2002, during state fiscal year 2003. All transfers under this*
35 *section shall be considered to be demand transfers from the state general*
36 *fund, except that all such transfers during the fiscal year ending June 30,*
37 *2003, shall be considered revenue transfers from the state general fund.*

38 Sec. 15. *Appeals to exceed position limitations.* (a) The limitations im-
39 posed by this act on the number of full-time and regular part-time posi-
40 tions equated to full-time, excluding seasonal and temporary positions,
41 paid from appropriations for the fiscal year ending June 30, 2003, made
42 in this act or in any appropriation act of the 2002 regular session of the
43 legislature or in any other appropriation act of the 2003 regular session

1 of the legislature may be exceeded upon approval of the state finance
2 council.

3 Sec. 16. *Appeals to exceed limitations.* Upon written application to the
4 governor and approval of the state finance council, expenditures from
5 special revenue funds may exceed the amounts specified in this act.

6 Sec. 17. On the effective date of this act, K.S.A. 2002 Supp. 79-2959,
7 79-2964 and 79-3425i are hereby repealed.

8 Sec. 18. This act shall take effect and be in force from and after its
9 publication in the Kansas register.

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