

CHAPTER 5

HOUSE Substitute for SENATE BILL No. 359*

TO SEC.
Transportation, department of;2

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, for the department of transportation; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing.

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

Section 1. (a) For the fiscal years ending June 30, 2009, June 30, 2010, and June 30, 2011, 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) The agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

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

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

Sec. 2.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

North central Kansas air passenger service support fund
For the fiscal year ending June 30, 2009..... No limit

Provided, That all expenditures from the north central Kansas air passenger service support fund during fiscal year 2009 shall be made to participate in air passenger service support agreements with the Manhattan area chamber of commerce, inc., and airlines providing air passenger service at Manhattan regional airport, related to any quarter during fiscal year 2009 when flights provided by an airline that is a party to an air passenger service support agreement are filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the Manhattan area chamber of commerce, inc., in such support agreements: *Provided however*, That no expenditures shall be made from the north central Kansas air passenger service support fund unless the Manhattan area chamber of commerce, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2009: *Provided further*, That expenditures from the north central Kansas air passenger service support fund to such airlines for such purpose for fiscal year 2009 shall not exceed \$1,000,000: *And provided further*, That the secretary of transportation shall prepare and submit a report on air passenger service and support agreements at Manhattan regional airport and any expenditures from the north central Kansas air passenger service support fund during the first two quarters of fiscal year 2009 to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of the 2009 regular session of the legislature.

For the fiscal year ending June 30, 2010..... No limit

Provided, That all expenditures from the north central Kansas air passenger service support fund during fiscal year 2010 shall be made to participate in air passenger service support agreements with Manhattan, Kansas, and airlines providing air passenger service at Manhattan regional airport, related to any quarter during fiscal year 2010 when flights provided by an airline that is a party to an air passenger service support agreement are filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the Manhattan area chamber of commerce, inc., in such support agreements : *Provided however*, That no expenditures shall be made from the north central Kansas air passenger

service support fund unless the Manhattan area chamber of commerce, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2010: *Provided further*, That expenditures from the north central Kansas air passenger service support fund to such airlines for such purpose for fiscal year 2010 shall not exceed \$1,000,000.

(b) During the fiscal year ending June 30, 2009, the secretary of transportation shall certify to the director of accounts and reports pursuant to this subsection whenever an amount is required to be transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund to fund one or more payments to airlines pursuant to the participation by the department of transportation in air passenger service support agreements with Manhattan area chamber of commerce, inc., and the airlines providing air passenger service at Manhattan regional airport, related to any quarter during fiscal year 2009 when flights provided by an airline that is a party to an air passenger service support agreement were filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the Manhattan area chamber of commerce, inc., in such support agreements, and the Manhattan area chamber of commerce, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2009. Each such certification shall specify the amount to be transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund for such purpose. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the public use general aviation airport development fund to the north central Kansas air passenger service support fund: *Provided*, That the aggregate of such transfers from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during fiscal year 2009 shall not exceed \$1,000,000. The secretary of transportation shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2010, the secretary of transportation shall certify to the director of accounts and reports pursuant to this subsection whenever an amount is required to be transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund to fund one or more payments to airlines pursuant to the participation by the department of transportation in air passenger service support agreements with Manhattan area chamber of commerce, inc., and the airlines providing air passenger service at Manhattan regional airport, related to any quarter during fiscal year 2010 when flights provided by an airline that is a party to an air passenger service support agreement were filled to less than 70% of capacity, or as determined under a formula finalized and agreed upon by the Manhattan area chamber of commerce, inc., in such support agreements, and the Manhattan area chamber of commerce, inc., has made payments to such airlines for such purpose of \$250,000 or more for fiscal year 2010. Each such certification shall specify the amount to be transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund for such purpose. Upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the public use general aviation airport development fund to the north central Kansas air passenger service support fund: *Provided*, That the aggregate of such transfers from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during fiscal year 2010 shall not exceed \$1,000,000. The secretary of transportation shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(d) (1) On July 1, 2009, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state economic development initiatives fund to the public use general aviation airport development fund the amount equal to the aggregate of all amounts transferred during the fiscal year ending June 30, 2009, from the public use general aviation airport development fund to the north central Kansas air passenger service support fund pursuant to subsection (b): *Provided*, That, if no moneys are transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during the fiscal year ending June 30,

2009, pursuant to subsection (b), then the director of accounts and reports shall not transfer any moneys from the state economic development initiatives fund to the public use general aviation airport development fund during the fiscal year ending June 30, 2010, pursuant to this subsection (d)(1).

(2) On July 1, 2010, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer from the state economic development initiatives fund to the public use general aviation airport development fund the amount equal to the aggregate of all amounts transferred during the fiscal year ending June 30, 2010, from the public use general aviation airport development fund to the north central Kansas air passenger service support fund pursuant to subsection (c): *Provided*, That, if no moneys are transferred from the public use general aviation airport development fund to the north central Kansas air passenger service support fund during the fiscal year ending June 30, 2010, pursuant to subsection (c), then the director of accounts and reports shall not transfer any moneys from the state economic development initiatives fund to the public use general aviation airport development fund during the fiscal year ending June 30, 2011, pursuant to this subsection (d)(2).

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 6, 2008.

Published in the *Kansas Register* March 13, 2008.
