

CHAPTER 6

SENATE Substitute for HOUSE BILL No. 2222°
(Amended by Chapter 165)

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AN ACT making and concerning appropriations for the fiscal years ending June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, 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, 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.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Legislative reserve \$550,000

Provided, That the legislative coordinating council is hereby authorized to transfer moneys from the legislative reserve account of the legislative coordinating council to the legislative coordinating council — operations account, office of revisor of statutes — operations account, legislative research department — operations account, operations (including legislative post audit committee) account of the division of post audit, and operations (including official hospitality) account of the legislature: *Provided further*, That, the legislative coordinating council shall certify to the director of accounts and reports the amount of each such transfer of moneys from the legislative reserve account: *And provided further*, That, at the same time as each such certification, the legislative coordinating council shall transmit a copy of each such certification to the director of the budget.

(b) On the effective date of this act, of the \$613,625 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 31(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the legislative coordinating council — operations account, the sum of \$86,885 is hereby lapsed.

(c) On the effective date of this act, of the \$3,643,401 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 31(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the legislative research department — operations account, the sum of \$426,615 is hereby lapsed.

(d) On the effective date of this act, of the \$3,324,250 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 31(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the office of revisor of statutes — operations account, the sum of \$649,379 is hereby lapsed.

Sec. 3.

LEGISLATURE

(a) During the fiscal years ending June 30, 2010, and June 30, 2011, the aggregate amount of expenditures by the legislature from the state general fund and any special revenue fund or funds for the postage allotment for each member of the legislature, including the postage allot-

ment provided for each committee chairperson, during calendar year 2010 as prescribed by the policy adopted by the legislative coordinating council, shall not exceed the amount equal to 50% of the postage allotment prescribed by such policy for such member of the legislature or chairperson: *Provided*, That, on and after the effective date of this act, if the aggregate amount of expenditures by the legislature from the state general fund and any special revenue fund or funds for the postage allotment for any member of the legislature or any committee chairperson during calendar year 2010 as prescribed by the policy adopted by the legislative coordinating council exceeds the amount equal to 50% of the postage allotment prescribed by such policy for such member of the legislature or chairperson, then no further expenditures shall be made by the legislature from the state general fund or any special revenue fund or funds for the postage allotment for such member of the legislature or chairperson during calendar year 2010: *Provided further*, That during the fiscal years ending June 30, 2010, and June 30, 2011, the aggregate amount of expenditures by the legislature from the state general fund and any special revenue fund or funds for the additional postage allotment for the president of the senate, the speaker of the house of representatives, the speaker pro tem of the house of representatives, the vice president of the senate, the majority and minority leaders of the senate and the house of representatives, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives, during calendar year 2010, shall not exceed \$2,500 for each such officer of the legislature.

(b) On the effective date of this act, of the \$17,031,301 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 32(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operations (including official hospitality) account, the sum of \$1,366,648 is hereby lapsed.

Sec. 4.

DIVISION OF POST AUDIT

(a) On the effective date of this act, of the \$2,732,354 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 33(a) of chapter 124 of the 2009 Session Laws of Kansas from the state general fund in the operations (including legislative post audit committee) account, the sum of \$225,457 is hereby lapsed.

Sec. 5.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2010, the following:

Judiciary operations \$5,000,000

Sec. 6.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$40,000,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2010 and notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2010: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

(b) On May 1, 2010, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$40,000,000 from the state highway fund of the department of transportation to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state highway fund of the department of transportation to the state general fund as prescribed by law: *Provided further*, That, in addition to other purposes for which transfers and expenditures may be made from the state highway fund during fiscal year 2010 and notwithstanding the provisions of K.S.A. 68-416, and amend-

ments thereto, or any other statute, transfers may be made from the state highway fund to the state general fund under this subsection during fiscal year 2010: *And provided further*, That all moneys transferred from the state highway fund to the state general fund under this subsection shall be moneys credited to the state highway fund pursuant to K.S.A. 79-3620 or 79-3710, and amendments thereto.

Sec. 7.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-12a601, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,000,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the investor education fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the investor education fund 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 office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 8.

DEPARTMENT OF COMMERCE

(a) On the effective date of this act, of the \$291,630 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the older Kansans employment program account, the sum of \$3,021 is hereby lapsed.

(b) On the effective date of this act, of the \$1,856,859 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the rural opportunity program account, the sum of \$118,575 is hereby lapsed.

(c) On the effective date of this act, of the \$211,737 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the Kansas commission on disability concerns account, the sum of \$15,396 is hereby lapsed.

(d) On the effective date of this act, of the \$330,710 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the strong military bases program account, the sum of \$7,500 is hereby lapsed.

(e) On the effective date of this act, of the \$14,019,902 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 54(b) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the operating grant (including official hospitality) account, the sum of \$655,508 is hereby lapsed.

Sec. 9.

KANSAS, INC.

(a) On the effective date of this act, of the \$358,874 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 55(a) of chapter 124 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the operations (including official hospitality) account, the sum of \$10,000 is hereby lapsed.

Sec. 10.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$7,000,000 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 37(a) of chapter 144 of the 2009 Session Laws of Kansas from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$390,000 is hereby lapsed.

Sec. 11. On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 79-4804, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$5,800,000 from the state economic development

initiatives fund to the state general fund.

Sec. 12. On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, K.S.A. 2009 Supp. 12-5256, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,000,000 from the state housing trust fund of the Kansas housing resources corporation to the state general fund.

Sec. 13.

KANSAS HEALTH POLICY AUTHORITY

(a) During the fiscal year ending June 30, 2010, in addition to the other purposes for which expenditures may be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 for the Kansas health policy authority as authorized by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas, or by this or other appropriation act of the 2010 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2010 to evaluate and describe short-term and intermediate-term options, adjustments and improvements to the state medicaid plan and to the policies, contracts, waivers, procedures and other administrative actions to attain economies and efficiencies in the provision of aid and services under the state medicaid plan: *Provided*, That, in the development of plans for such short-term and intermediate-term adjustments and improvements, the Kansas health policy authority shall consult with the governor, the secretary of aging, the secretary of social and rehabilitation services, the legislature, and, to the extent practicable and appropriate within the time available to develop such adjustments and improvements, representatives of persons and entities receiving or providing aid or assistance under the state medicaid plan: *Provided further*, That, in addition, during the regular session of the legislature in 2010, the Kansas health policy authority also shall consult with and report short-term and intermediate-term options, adjustments and improvements to the state medicaid plan to the senate committee on public health and welfare, the appropriate subcommittees of the senate committee on ways and means, the house of representatives committee on health and human services, the house of representatives committee on aging and long-term care, and the house of representatives social services budget committee, on or before March 1, 2010.

Sec. 14. (a) On the effective date of this act, of the amount appropriated or reappropriated for the fiscal year ending June 30, 2010, in each account of the state general fund of each state agency, as authorized and provided by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by this or other appropriation act of the 2010 regular session of the legislature, that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010, as determined by the director of the budget after consultation with the director of legislative research and upon certification to the director of accounts and reports, the amount equal to 5% of the amount so determined is hereby lapsed.

(b) On the effective date of this act, notwithstanding the provisions of K.S.A. 2-1904, 17-2233, 20-155, 20-318, 20-3122, 20-3124, 25-4119a, 32-801, 40-102, 40-110, 44-1003, 46-137a, 46-137b, 46-1102, 46-1210, 46-1211, 46-1212a, 48-203, 72-7602, 74-560, 74-601, 74-630, 74-2434, 74-2613, 74-3203a, 74-4908, 74-5002a, 74-8005, 74-8105, 74-8703, 75-412, 75-622, 75-711, 75-2535, 75-2701, 75-2935b, 75-3101, 75-3102, 75-3103, 75-3104, 75-3108, 75-3110, 75-3111, 75-3120f, 75-3120g, 75-3120h, 75-3120j, 75-3122, 75-3123, 75-3124, 75-3125, 75-3126, 75-3135, 75-3136, 75-3137, 75-3141, 75-3148, 75-3149, 75-3150, 75-3212, 75-3223, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5702, 75-5708, 75-5903, 75-6301 and 75-7001 and K.S.A. 2009 Supp. 75-3135a, 75-7206, 75-7207, 75-7402 and 75-7427, and amendments thereto, or any other statute, the rate of compensation for each state officer is hereby reduced by 5% for the period commencing on the first day of the first payroll period commencing after the effective date of this act and for

each payroll period thereafter chargeable to fiscal year 2010: *Provided*, That such reduction shall not apply to payroll periods commencing on or after June 13, 2010.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2010, by chapter 2, chapter 124 or chapter 144 of the 2009 Session Laws of Kansas or by the state finance council on each special revenue fund in the state treasury is hereby decreased for fiscal year 2010 by the amount equal to 5% of the amount that is budgeted for salaries and wages, including per diem compensation, and any associated employer contributions other than employer payments for participants under the state health care benefits program pursuant to K.S.A. 75-6508, and amendments thereto, for state officers, as defined by this section, for the first payroll period commencing on or after the effective date of this act and each payroll period thereafter chargeable to fiscal year 2010 for such special revenue fund, as determined by the director of the budget, after consultation with the director of legislative research, and certified to the director of accounts and reports.

(d) As used in this section, (1) "state agency" has the meaning ascribed thereto by K.S.A. 75-3701, and amendments thereto, and includes the governor's department, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each agency of the executive branch, the legislature and each agency of the legislative branch, the judicial branch and each agency of the judicial branch;

(2) "state officer" means (A) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, commissioner of insurance, each secretary of a department or other chief executive officer of a department of the executive branch, each member of a board, commission, council or authority of the executive branch, (B) each member of the legislature, each legislative officer specified in K.S.A. 46-137b, and amendments thereto, each member of the staff of each legislative officer specified in K.S.A. 46-137b, and amendments thereto, (C) each justice of the supreme court, each judge of the court of appeals, each district judge, each district magistrate judge, and (D) each other state officer in the executive branch, legislative branch or judicial branch of state government whose position is specified by statute or is otherwise determined to be a salaried officer of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas, and in any case "state officer" includes all salaried officers of the state as that phrase is used in section 15 of article 1 or section 13 of article 3 of the Constitution of the State of Kansas; and

(3) "compensation" means any salary or per diem compensation provided by law for a state officer.

Sec. 15.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) (1) During the fiscal year ending June 30, 2010, notwithstanding the provisions of K.S.A. 65-4413, and amendments thereto, any other provisions of the Kansas community mental retardation facilities assistance act, or any other statute, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated or reappropriated from the state general fund for fiscal year 2010 in the mental health and retardation services aid and assistance account for services provided to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the unreduced provider service payment rates for all such services provided during the period from January 1, 2010, through June 30, 2010: *Provided*, That all such expenditures from the mental health and retardation services aid and assistance account for fiscal year 2010 for the purpose of providing services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities shall be expended from the amount budgeted in such account for state grants or aid payments pursuant to the Kansas community mental retardation facilities assistance act for fiscal year 2010: *Provided further*, That the aggregate amount of such expenditures from the amount budgeted in such account for state grants or aid payments pursuant to the Kansas community mental retardation facilities assistance act for fiscal year 2010 for the purpose of providing services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the unreduced provider service payment rates during the period of January 1, 2010, through June 30, 2010, shall not exceed \$2,399,462: *And provided*

further, That the above agency shall make any supplemental or additional payments as may be required to pay for services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities at the full amount payable at the unreduced provider service payment rates for such services during the period of January 1, 2010, through June 30, 2010, for which payments were made prior to the effective date of this act.

(2) As used in this subsection, “unreduced provider service payment rates” means the medicaid service provider rates in effect prior to January 1, 2010, for services to individuals utilizing the home and community based services waiver for individuals with developmental disabilities.

Sec. 16. *Severability*. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 17. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved March 5, 2010.

Published in the *Kansas Register* March 11, 2010.
