

MEMORANDUM

To: Chairperson Rhoades and members of the Committee on Appropriations  
From: Jim Wilson, First Assistant Revisor  
Date: January 24, 2012  
Subject: HB 2298 – Relating to the Kansas Commission on Veterans Affairs

HB 2298 would amend the general law to authorize the Executive Director of the Kansas Commission on Veterans Affairs, with the approval of the Director of the Budget, to transfer any part of any item of appropriation from the State General Fund for a fiscal year for the Kansas Commission on Veterans Affairs to another item of appropriation from the State General Fund for the same fiscal year for the Kansas Commission on Veterans Affairs. The agency would certify each transfer to the Director of Accounts and Reports and send a copy of the certification to the Director of Legislative Research Department.

The grant of authority was included in 2011 Senate Substitute for House Bill No. 2014 [Chapter 118 of the 2011 Session Laws of Kansas] regarding transfer items of appropriation from the State General Fund for FY 2012 in substantially identical form for several state agencies, also subject to approval by the Director of the Budget. This was included for the Kansas Commission on Veterans Affairs for FY 2011 in section 106(e) and for FY 2012 in section 106(f) of the 2011 appropriation act.

Since 1975, similar authority has existed in K.S.A. 75-3726a for any state agency to transfer all or any part of one of its items of appropriation to another of its items of appropriation with, by its terms, approval of the State Finance Council. This authority to approve such transfers was transferred to the Governor in 1976 pursuant to subsection (c) of K.S.A. 75-3711, enacted in response to a legal challenge to the State Finance Council as then constituted. This statute applies to the State General Fund.

In 2003, similar general authority was enacted in K.S.A. 2011 Supp. 75-3726b for the Attorney General to transfer all or any part of one of the attorney general's items of appropriation for the fiscal year from the state general fund to another of the attorney general's items of appropriation for the fiscal year from the state general fund for operating expenditures regarding interstate water rights. Items of appropriation for the Attorney General for the Kansas Bureau of Investigation were excluded. Each such transfer is to be certified to the Director of Accounts and Reports with copies to the Director of the Budget and the Director of Legislative Research.

The act would take effect upon publication in the statute book.