

{As Amended by House on Final Action}

Special Session of 2016

Substitute for HOUSE BILL No. 2001

By Committee on Appropriations

6-24

1 AN ACT making and concerning appropriations for the fiscal years ending
2 June 30, 2017, and June 30, 2018, for certain agencies; authorizing
3 certain transfers, imposing certain restrictions and limitations, and
4 directing or authorizing certain receipts, disbursements, procedures and
5 acts incidental to the foregoing.
6

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

8 Section 1. (a) For the fiscal years ending June 30, 2017, and June 30,
9 2018, appropriations are hereby made, restrictions and limitations are
10 hereby imposed, and transfers, capital improvement projects, fees,
11 receipts, disbursements and acts incidental to the foregoing are hereby
12 directed or authorized as provided in this act.

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

15 Sec. 2.

DEPARTMENT OF EDUCATION

16 (a) There is appropriated for the above agency from the state general
17 fund for the fiscal year ending June 30, 2017, the following:

18 Supplemental general state aid.....\$99,408,027

19 *Provided*, That notwithstanding the provisions of section 3 of 2016 Senate
20 Substitute for House Bill No. 2655, and amendments thereto, expenditures
21 shall be made by the above agency from the supplemental general state aid
22 account of the department of education for fiscal year 2017, for the
23 purpose of providing supplemental general state aid to each school district
24 that has adopted a local option budget in accordance with K.S.A. 2015
25 Supp. 72-6471, and amendments thereto, as follows: *Provided further*,
26 That for each school district, the state board of education shall: (1)
27 Determine the amount of the assessed valuation per pupil in the preceding
28 school year of each school district in the state; (2) rank the districts from
29 low to high on the basis of the amounts of assessed valuation per pupil
30 determined under (1); (3) identify the amount of the assessed valuation per
31 pupil located at the 81.2 percentile of the amounts ranked under (2); (4)
32 divide the assessed valuation per pupil of the district in the preceding
33 school year by the amount identified under (3); and (5) if the quotient
34 obtained under (4) is less than one, subtract the quotient obtained under (4)
35 from one, and multiply such difference by the amount of the local option
36

1 budget of the school district: *And provided further*, That the resulting
2 product is the amount of supplemental general state aid the above agency
3 shall distribute to such school district: *And provided further*, That if the
4 quotient obtained under (4) equals or exceeds one, the above agency shall
5 not distribute supplemental general state aid in any amount to such school
6 district: *And provided further*, That payments of supplemental general state
7 aid shall be distributed to school districts on the dates prescribed by the
8 state board of education: *And provided further*, That the state board of
9 education shall certify to the director of accounts and reports the amount
10 of supplemental general state aid that is to be distributed to each school
11 district, and the director of accounts and reports shall draw a warrant on
12 the state treasurer payable to the treasurer of the school district, and upon
13 receipt of the warrant, the treasurer of the school district shall credit the
14 amount thereof to the supplemental general fund of the school district to
15 be used for the purposes of such fund: *And provided further*, That if any
16 amount of supplemental general state aid that is due to be paid during the
17 month of June of fiscal year 2017 is not paid on or before June 30 of fiscal
18 year 2017, then such payment shall be paid on or after the ensuing July 1,
19 as soon as moneys are available therefor, and any payment of
20 supplemental general state aid that is due to be paid during the month of
21 June of fiscal year 2017 and that is paid to school districts on or after the
22 ensuing July 1 shall be recorded and accounted for by school districts as a
23 receipt for the school year ending on the preceding June 30.

24 (b) On July 1, 2016, of the \$2,759,751,285 appropriated for the above
25 agency for the fiscal year ending June 30, 2017, by section 54(c) of 2016
26 House Substitute for Senate Bill No. 161 from the state general fund in the
27 block grants to USDs account (652-00-1000-0500), the sum of \$2,800,000
28 is hereby lapsed.

29 (c) Notwithstanding the provisions of K.S.A. 2015 Supp. 72-3715,
30 and amendments thereto, in addition to the other purposes for which
31 expenditures may be made by the above agency from the block grants to
32 USDs account of the department of education for fiscal year 2017, by
33 section 54(c) of 2016 House Substitute for Senate Bill No. 161,
34 expenditures from the block grants to USDs account of the department of
35 education that are directly attributable to virtual school state aid shall be
36 distributed as follows: *Provided*, That for each school district, the state
37 board of education shall: (1) Determine the number of pupils enrolled in
38 virtual school on a full-time basis, excluding those pupils who are over 18
39 years of age, and multiply the total number of such pupils by \$5,000; (2)
40 determine the full-time equivalent enrollment of pupils enrolled in virtual
41 school on a part-time basis, excluding those pupils who are over 18 years
42 of age, and multiply the total full-time equivalent enrollment of such
43 pupils by \$1,700; (3) for pupils enrolled in a virtual school who are over

1 18 years of age, determine the number of one-hour credit courses such
2 pupils have passed and multiply the total number of such courses by \$933;
3 and (4) add the amounts calculated under (1) through (3): *Provided*
4 *further*, That the resulting sum is the total amount of virtual school state
5 aid for such school district for fiscal year 2017.

6 (d) On July 1, 2016, the \$61,792,947 appropriated for the above
7 agency for the fiscal year ending June 30, 2017, by section 1(a) of 2016
8 Senate Substitute for House Bill No. 2655 from the state general fund in
9 the school district equalization state aid account, is hereby lapsed:
10 *Provided*, That the state board of education shall not make any
11 disbursements of school district equalization state aid to any school district
12 pursuant to section 5 of 2016 Senate Substitute for House Bill No. 2655
13 during fiscal year 2017.

14 (e) The provisions of section 1(d), (e) and (f) of 2016 Senate
15 Substitute for House Bill No. 2655 are hereby declared to be null and void
16 and shall have no force and effect.

17 (f) On July 1, 2016, the expenditure limitation established for the
18 fiscal year ending June 30, 2017, by section 3(b) of chapter 4 of the 2015
19 Session Laws of Kansas on the school district extraordinary need fund of
20 the department of education is hereby decreased from \$17,521,425 to
21 \$13,000,000: *Provided, however*, That if, during the fiscal year ending
22 June 30, 2017, any transfer of moneys by the director of accounts and
23 reports from the school district extraordinary need fund of the department
24 of education is made pursuant to subsection (g), then the expenditure
25 limitation established by section 3(b) of chapter 4 of the 2015 Session
26 Laws of Kansas on the school district extraordinary need fund of the
27 department of education is hereby decreased from \$13,000,000 to
28 \$13,000,000 minus the amount of moneys certified by the state board of
29 education to be transferred pursuant to subsection (g).

30 (g) On July 1, 2016, or as soon thereafter as moneys are available, the
31 director of accounts and reports shall transfer ~~\$13,000,000~~ **{\$8,000,000}**
32 from the state general fund to the school district extraordinary need fund
33 of the department of education: *Provided, however*, That if sufficient
34 moneys are not available in the supplemental general state aid account of
35 the state general fund to fully fund the provisions of subsection (a), then
36 the state board of education shall certify the amount of moneys of such
37 insufficient funds to the director of accounts and reports: *And provided*,
38 That upon receipt of any such certification, the director of accounts and
39 reports shall transfer the amount of such insufficient funds certified from
40 the school district extraordinary need fund of the department of education
41 to the supplemental general state aid account of the state general fund: *And*
42 *provided however*, That if the amount of the demand transfer from the state
43 general fund to the school district capital outlay state aid fund of the

1 department of education pursuant to section 4(c) of 2016 Senate Substitute
2 for House Bill No. 2655, and amendments thereto, exceeds \$50,780,296,
3 then the state board of education shall certify the amount of moneys equal
4 to the difference between \$50,780,296 and the amount of such demand
5 transfer to the director of accounts and reports: *And provided*, That upon
6 receipt of any such certification, the director of accounts and reports shall
7 transfer the amount of such difference certified from the school district
8 extraordinary need fund of the department of education to the school
9 district capital outlay state aid fund of the department of education: *And*
10 *provided, however*, That if the proceeds of the sale or merger of the Kansas
11 bioscience authority pursuant to section 4 of this act are less than
12 \$38,000,000, then the director of the budget shall certify the amount of
13 moneys equal to the difference between the amount of the proceeds and
14 \$38,000,000 to the state board of education: *And provided*, That the state
15 board of education shall send such certification to the director of accounts
16 and reports: *And provided further*, That upon receipt of any such
17 certification, the director of accounts and reports shall transfer the amount
18 of such difference certified from the school district extraordinary need
19 fund of the department of education to the state general fund: *And*
20 *provided further*, That, at the same time as the state board of education
21 transmits each such certification to the director of accounts and reports, the
22 state board of education shall transmit a copy of such certification to the
23 director of legislative research.

24 (h) During the fiscal year ending June 30, 2017, the total amount of
25 transfers from the school district extraordinary need fund of the
26 department of education pursuant to this section shall not exceed
27 \$13,000,000.

28 Sec. 3.

29

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

30

31 (a) In addition to the other purposes for which expenditures may be
32 made by the above agency from the temporary assistance to needy families
33 federal fund for fiscal year 2017 by section 111(b) of chapter 104 of the
34 2015 Session Laws of Kansas, section 50(e) of 2016 House Substitute for
35 Senate Bill No. 161, this act of the 2016 special session or appropriation
36 act of the 2016 or 2017 regular session of the legislature, expenditures
37 shall be made by the above agency from the temporary assistance to needy
38 families federal fund for fiscal year 2017, in an amount not less than
39 \$4,100,000, for the purpose of providing additional funding for programs
40 provided by the department of education: *Provided, however*, That any
41 such programs shall: (1) Comply with requirements of the temporary
42 assistance to needy families block grant; and (2) meet any other
43 programmatic requirements of the federal guidelines for temporary

1 assistance to needy families program.

2 (b) On July 1, 2016, or as soon thereafter as moneys are available, the
3 director of accounts and reports shall transfer \$4,100,000 from the
4 children's initiatives fund to the state general fund.

5 (c) On July 1, 2016, of the \$42,000,000 appropriated for the above
6 agency for the fiscal year ending June 30, 2017, by section 50(d) of 2016
7 House Substitute for Senate Bill No. 161 from the children's initiatives
8 fund, the sum of \$4,100,000 is hereby lapsed.

9 (d) When the Kansas department for children and families authorizes
10 an expenditure of moneys from the temporary assistance for needy
11 families federal fund in fiscal year 2017 for additional funding for
12 programs provided by the department of education pursuant to subsection
13 (a), the director of the budget shall direct the director of accounts and
14 reports to create a temporary assistance for needy families federal fund
15 with no limit expenditure authority in the department of education, if such
16 fund does not already exist.

17 Sec. 4. During fiscal year 2017, if pursuant to K.S.A. 2015 Supp. 74-
18 99b15, as amended by section 6 of 2016 House Bill No. 2632, and
19 amendments thereto, the legislature or the state finance council authorizes
20 the Kansas bioscience authority board to sell the authority or substantially
21 all of the assets of the authority, or to merge the authority with another
22 institution, any proceeds of such sale or merger which are in excess of
23 \$25,000,000, but less than \$38,000,000, shall be deposited in the state
24 treasury to the credit of the state general fund.

25 Sec. 5. During fiscal year 2017, pursuant to K.S.A. 2015 Supp. 72-
26 6476, as amended by section 9 of 2016 Senate Substitute for House Bill
27 No. 2655, the state board of education shall accept extraordinary need state
28 aid applications and may approve any such applications subject to the
29 provisions of this section: *Provided, however*; That no moneys shall be
30 expended from the school district extraordinary need fund during fiscal
31 year 2017 for any approved application for extraordinary need state aid
32 until the sale or merger of the Kansas bioscience authority is complete
33 pursuant to K.S.A. 2015 Supp. 74-99b15, as amended by section 6 of 2016
34 House Bill No. 2632, and amendments thereto, as certified by the director
35 of the budget: *And provided further*; That if the proceeds of such sale or
36 merger are not less than \$38,000,000, the state board of education shall
37 authorize the distribution of the approved extraordinary need state aid
38 applications: *And provided, however*; That if the proceeds of such sale or
39 merger are less than \$38,000,000, the state board of education shall adjust
40 the amount of the previously approved extraordinary need state aid
41 applications and authorize the distribution of such adjusted amount: *And*
42 *provided, however*; That the provisions of this section shall be subject to
43 the requirements of section 2(g) of this act and the limitations imposed in

1 section 2(h) of this act.

2 Sec. 6.

3 DEPARTMENT OF TRANSPORTATION

4 (a) On July 1, 2016, or as soon thereafter as moneys are available,
5 notwithstanding the provisions of K.S.A. 68-416, and amendments thereto,
6 the director of accounts and reports shall transfer \$5,000,000 from the state
7 highway fund of the department of transportation (276-00-4100-0403) to
8 the school district extraordinary need fund of the department of education.

9 Sec. 7. The provisions of this act are hereby declared to be severable.
10 If any of the provisions of this act, or any application of any of the
11 provisions of this act to any person or circumstance, is held to be invalid or
12 unconstitutional by court order, such invalid provisions shall not affect any
13 other provisions or applications of this act, and such other provisions or
14 applications of this act shall be valid and in force and effect as if enacted
15 without the invalid provisions.

16 Sec. 8. This act shall take effect and be in force from and after its
17 publication in the statute book.