

## HOUSE BILL No. 2361

By Committee on Appropriations

3-3

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9 AN ACT concerning state finance; establishing a process to evaluate and  
10 implement federal funding available for state agencies under the fed-  
11 eral American economic recovery and reinvestment act of 2009.  
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13 *Be it enacted by the Legislature of the State of Kansas:*

14 Section 1. (a) Within 10 days after the effective date of this act, each  
15 state agency anticipating receipt of federal funds under the federal Amer-  
16 ican economic recovery and reinvestment act of 2009, hereinafter re-  
17 ferred to in this section as the “federal act,” shall report the following  
18 information to the director of the budget and the director of legislative  
19 research:

20 (1) The amount of federal funding the state agency anticipates re-  
21 ceiving under the federal act;

22 (2) the date or dates when the state agency anticipates receipt of  
23 moneys under the federal act;

24 (3) whether the anticipated federal funding is allocated through an  
25 existing or new federal program;

26 (4) current levels of state funding for the state agency that is appro-  
27 priated, requested or credited to and available in any fund or account  
28 appropriated for the state agency that would be impacted positively or  
29 negatively by the receipt of moneys under the federal act;

30 (5) whether additional appropriation authority would be necessary to  
31 expend moneys received under the federal act;

32 (6) whether any additional state employees are necessary to oversee  
33 or administer the moneys received under the federal act and, if so, how  
34 many full-time equivalent positions would be required;

35 (7) any requirements under the federal act associated with spending  
36 any moneys received under the federal act, including, but not limited to,  
37 state matching or cost sharing requirements, percentage limitations and  
38 any time requirements regarding expenditure of such moneys;

39 (8) the time or other conditions under which all or part of the funding  
40 ends under the federal act; and

41 (9) a plan detailing how the moneys received under the federal act  
42 will be expended and how the state agency will address the absence of  
43 such funding after it ends.

- 1 (b) Each state agency shall review and evaluate whether the state  
2 agency is eligible for and would request funding under any provision of  
3 the federal act. If any state agency determines it is eligible and desires to  
4 receive funding under any provision of the federal act, such state agency  
5 shall notify the director of the budget and the director of legislative re-  
6 search, within 10 days after the effective date of this act, of such deter-  
7 mination and shall provide the following information in conjunction with  
8 such notification:
- 9 (1) The amount of moneys the state agency desires to receive under  
10 the federal act;
  - 11 (2) each of the titles and sections of the federal act under which the  
12 desired moneys are provided;
  - 13 (3) the requirements and deadline for applying for the desired fund-  
14 ing under the federal act;
  - 15 (4) the requirements associated with the desired funding, including,  
16 but not limited to, spending limitations, state matching or cost sharing  
17 requirements, percentage limitations and any time requirements regard-  
18 ing expenditure of such funding;
  - 19 (5) when the funding provided under the federal act would end;
  - 20 (6) whether additional appropriation authority would be necessary to  
21 expend moneys received under the federal act;
  - 22 (7) whether any additional state employees are necessary to oversee  
23 or administer the moneys received under the federal act and, if so, how  
24 many full-time equivalent positions would be required;
  - 25 (8) the number of potential jobs created by the use of any moneys  
26 received under the federal act, including all rationales and supporting  
27 data justifying the state agency's estimate of the number of jobs to be  
28 created; and
  - 29 (9) a plan detailing how the funds received under the federal act will  
30 be expended and how the state agency will address the absence of funding  
31 after the funding provided under the federal act ends.
- 32 (c) On and after the effective date of this act, neither the governor  
33 nor any other state agency shall apply for any funding under the federal  
34 act without prior approval by the state finance council acting on this mat-  
35 ter which is hereby characterized as a matter of legislative delegation and  
36 subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c,  
37 and amendments thereto, except that such approval also may be given  
38 while the legislature is in session.
- 39 (d) Each state agency that applies for and receives or is approved to  
40 receive moneys under the federal act shall notify the director of the  
41 budget and the director of legislative research immediately of such receipt  
42 or approval and shall include such related information with such notifi-  
43 cation as may be requested by the director of the budget. Each such state

- 1 agency expending moneys received under the federal act shall make such  
2 expenditures in accordance with the provisions of appropriation acts in  
3 compliance with the provisions of applicable state statutes.
- 4 (e) Any individual employed by a state agency in connection with or  
5 as a result of funding received under the federal act shall be a temporary  
6 employee and such employment shall not continue beyond the expendi-  
7 ture of the moneys received under the federal act.
- 8 (f) No expenditures shall be made by any state agency of any moneys  
9 received under the federal act and no state agency shall enter into any  
10 contract or other obligation to expend any amount in excess of the actual  
11 amount of moneys received by or allocated to the state agency under the  
12 federal act.
- 13 (g) The American recovery and reinvestment act advisory group that  
14 was established by the governor, hereinafter referred to in this section as  
15 the advisory group, shall review all state agency information submitted to  
16 the director of the budget under this section and shall submit a written  
17 report of its findings and non-binding recommendations to the governor,  
18 president of the senate, speaker of the house of representatives, vice-  
19 president of the senate, speaker pro tem of the house of representatives,  
20 majority leader of the senate, majority leader of the house of represen-  
21 tatives, minority leader of the senate, minority leader of the house of  
22 representatives, chairperson of the committee on ways and means of the  
23 senate, chairperson of the committee on appropriations of the house of  
24 representatives, director of the budget, and director of legislative research  
25 within 30 days after the effective date of the federal act. The findings and  
26 recommendations of the advisory group shall include:
- 27 (1) Which funds under the federal act the governor should request or  
28 approve state agency requests for, with priority given to funds that are  
29 allocated under the federal act for one-time projects or reducing the need  
30 for expenditures from the state general fund dollars in the fiscal years  
31 ending June 30, 2009, June 30, 2010, or June 30, 2011, without the need  
32 for future, ongoing state expenditures;
- 33 (2) potential impacts or savings to the state general fund which may  
34 result from the receipt of the recommended funds under the federal act;
- 35 (3) positive and negative impacts to state agency budgets for the fiscal  
36 years ending June 30, 2009, June 30, 2010, June 30, 2011, and June 30,  
37 2012, if the recommended funding is requested and received under the  
38 federal act;
- 39 (4) whether state agencies have adequate appropriation authority for  
40 expenditure of the funds recommended to be requested and received  
41 under the federal act; and
- 42 (5) any other recommendations or information as the governor may  
43 request.

1 (h) Records containing information submitted by state agencies to the  
2 director of the budget and the recommendations and findings of the ad-  
3 visory group are public records and subject to the provisions of the open  
4 records act.

5 (i) Nothing in this section shall prohibit local governments, local ed-  
6 ucational agencies as defined in the federal act, or any eligible entity as  
7 determined under the federal act from seeking federal funding under the  
8 federal act.

9 (j) As used in this section, “state agency” means any state department,  
10 office, board, commission, division or subunit thereof within the executive  
11 branch of state government.

12 Sec. 2. This act shall take effect and be in force from and after its  
13 publication in the Kansas register.