

Substitute for HOUSE BILL NO. 2001

By Committee on Appropriations

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2017, and June 30, 2018, for certain agencies; authorizing certain transfers, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements, procedures 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, 2017, and June 30, 2018, 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 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 EDUCATION

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

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

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

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

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

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

enrolled in virtual school on a part-time basis, excluding those pupils who are over 18 years of age, and multiply the total full-time equivalent enrollment of such pupils by \$1,700; (3) for pupils enrolled in a virtual school who are over 18 years of age, determine the number of one-hour credit courses such pupils have passed and multiply the total number of such courses by \$933; and (4) add the amounts calculated under (1) through (3): *Provided further*, That the resulting sum is the total amount of virtual school state aid for such school district for fiscal year 2017.

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

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

(f) On July 1, 2016, the expenditure limitation established for the fiscal year ending June 30, 2017, by section 3(b) of chapter 4 of the 2015 Session Laws of Kansas on the school district extraordinary need fund of the department of education is hereby decreased from \$17,521,425 to \$8,000,000: *Provided, however*, That if, during the fiscal year ending June 30, 2017, any transfer of moneys by the director of accounts and reports from the school district extraordinary need fund of the department of education is made pursuant to subsection (g), then the expenditure limitation established by section 3(b) of chapter 4 of the 2015 Session Laws of

Kansas on the school district extraordinary need fund of the department of education is hereby decreased from \$8,000,000 to \$8,000,000 minus the amount of moneys certified by the state board of education to be transferred pursuant to subsection (g).

(g) On July 1, 2016, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$8,000,000 from the state general fund to the school district extraordinary need fund of the department of education: *Provided, however,* That if sufficient moneys are not available in the supplemental general state aid account of the state general fund to fully fund the provisions of subsection (a), then the state board of education shall certify the amount of moneys of such insufficient funds to the director of accounts and reports: *And provided,* That upon receipt of any such certification, the director of accounts and reports shall transfer the amount of such insufficient funds certified from the school district extraordinary need fund of the department of education to the supplemental general state aid account of the state general fund: *And provided however,* That if the amount of the demand transfer from the state general fund to the school district capital outlay state aid fund of the department of education pursuant to section 4(c) of 2016 Senate Substitute for House Bill No. 2655, and amendments thereto, exceeds \$50,780,296, then the state board of education shall certify the amount of moneys equal to the difference between \$50,780,296 and the amount of such demand transfer to the director of accounts and reports: *And provided,* That upon receipt of any such certification, the director of accounts and reports shall transfer the amount of such difference certified from the school district extraordinary need fund of the department of education to the school district capital outlay state aid fund of the department of education: *And provided, however,* That if the proceeds of the sale or merger of the Kansas bioscience authority pursuant to

section 4 are less than \$38,000,000, then the director of the budget shall certify the amount of moneys equal to the difference between the amount of the proceeds and \$38,000,000 to the state board of education: *And provided*, That the state board of education shall send such certification to the director of accounts and reports: *And provided further*, That upon receipt of any such certification, the director of accounts and reports shall transfer the amount of such difference certified from the school district extraordinary need fund of the department of education to the state general fund: *And provided further*, That, at the same time as the state board of education transmits each such certification to the director of accounts and reports, the state board of education shall transmit a copy of such certification to the director of legislative research.

(h) During the fiscal year ending June 30, 2017, the total amount of transfers from the school district extraordinary need fund of the department of education pursuant to this section shall not exceed \$8,000,000.

Sec. 3.

KANSAS DEPARTMENT FOR
CHILDREN AND FAMILIES

(a) In addition to the other purposes for which expenditures may be made by the above agency from the temporary assistance to needy families federal fund for fiscal year 2017 by section 111(b) of chapter 104 of the 2015 Session Laws of Kansas, section 50(e) of 2016 House Substitute for Senate Bill No. 161, this act of the 2016 special session or appropriation act of the 2016 or 2017 regular session of the legislature, expenditures shall be made by the above agency from the temporary assistance to needy families federal fund for fiscal year 2017, in an amount not less than \$4,100,000, for the purpose of providing additional funding for programs provided by the department of education: *Provided, however*, That any such programs shall: (1) Comply

with requirements of the temporary assistance to needy families block grant; and (2) meet any other programmatic requirements of the federal guidelines for temporary assistance to needy families program.

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

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

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

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

Sec. 5. The provisions of this act are hereby declared to be severable. If any of the

provisions of this act, or any application of any of the provisions of this act to any person or circumstance, is held to be invalid or unconstitutional by court order, such invalid provisions shall not affect any other provisions or applications of this act, and such other provisions or applications of this act shall be valid and in force and effect as if enacted without the invalid provisions.

Sec. 6. This act shall take effect and be in force from and after its publication in the statute book.

