

**Senate Substitute for
Substitute for HOUSE BILL No. 2359**

By Committee on Ways and Means

4-27

1 AN ACT making and concerning appropriations for the fiscal years ending
2 June 30, 2018, June 30, 2019, and June 30, 2020, for state agencies;
3 authorizing certain transfers, capital improvement projects and fees,
4 imposing certain restrictions and limitations, and directing or
5 authorizing certain receipts, disbursements, procedures and acts
6 incidental to the foregoing.
7

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

9 Section 1. (a) For the fiscal years ending June 30, 2018, June 30,
10 2019, and June 30, 2020, appropriations are hereby made, restrictions and
11 limitations are hereby imposed, and transfers, capital improvement
12 projects, fees, receipts, disbursements, procedures and acts incidental to
13 the foregoing are hereby directed or authorized as provided in this act.

14 (b) The agencies named in this act are hereby authorized to initiate
15 and complete the capital improvement projects specified and authorized by
16 this act or for which appropriations are made by this act, subject to the
17 restrictions and limitations imposed by this act.

18 (c) This act shall be known and may be cited as the omnibus
19 appropriation act of 2018 and shall constitute the omnibus reconciliation
20 spending limit bill for the 2018 regular session of the legislature for
21 purposes of K.S.A. 75-6702(a), and amendments thereto.

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

24 Sec. 2.

25 **BOARD OF NURSING**

26 (a) On July 1, 2018, the expenditure limitation established for the
27 fiscal year ending June 30, 2019, by section 8(a) of 2018 Substitute for
28 Senate Bill No. 269, as amended by senate committee of the whole, on the
29 board of nursing fee fund (482-00-2716-0200) of the board of nursing is
30 hereby increased from \$2,630,173 to \$2,722,173.

31 Sec. 3.

32 **STATE BOARD OF PHARMACY**

33 (a) There is appropriated for the above agency from the state general
34 fund for the fiscal year ending June 30, 2019, the following:

35 Software updates KTRACS.....\$60,000

1 (b) During the fiscal year ending June 30, 2019, in addition to the
 2 other purposes for which expenditures may be made by the above agency
 3 from moneys appropriated from the state general fund or in any special
 4 revenue fund or funds for fiscal year 2019 as authorized by chapter 104 of
 5 the 2017 Session Laws of Kansas, this or any other appropriation act of the
 6 2018 regular session of the legislature, expenditures shall be made by such
 7 agency from such moneys, notwithstanding the provisions of the
 8 prescription monitoring program act, or any other statute, to require
 9 information to be submitted to the prescription monitoring program by
 10 licensed veterinarians in the state of Kansas and to allow licensed
 11 veterinarians to receive data from the prescription monitoring program,
 12 subject to the requirements of the prescription monitoring program act.

13 Sec. 4.

14 ATTORNEY GENERAL

15 (a) There is hereby appropriated for the above agency from the
 16 following special revenue fund or funds for the fiscal year ending June 30,
 17 2019, all moneys now or hereafter lawfully credited to and available in
 18 such fund or funds, except that expenditures other than refunds authorized
 19 by law shall not exceed the following:

20 State medicaid fraud forfeiture fund.....No limit

21 Sec. 5.

22 INSURANCE DEPARTMENT

23 (a) There is appropriated for the above agency from the following
 24 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 25 moneys now or hereafter lawfully credited to and available in such fund or
 26 funds, except that expenditures other than refunds authorized by law shall
 27 not exceed the following:

28 Captive insurance regulatory and
 29 supervision fund.....No limit

30 Sec. 6.

31 KANSAS HUMAN RIGHTS COMMISSION

32 (a) There is appropriated for the above agency from the following
 33 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 34 moneys now or hereafter lawfully credited to and available in such fund or
 35 funds, except that expenditures other than refunds authorized by law shall
 36 not exceed the following:

37 Database conversion fund.....No limit

38 Sec. 7.

39 DEPARTMENT OF ADMINISTRATION

40 (a) There is appropriated for the above agency from the following
 41 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 42 moneys now or hereafter lawfully credited to and available in such fund or
 43 funds, except that expenditures other than refunds authorized by law shall

1 not exceed the following:
 2 Dwight D. Eisenhower statue fund.....No limit
 3 Sec. 8.

4 DEPARTMENT OF REVENUE

5 (a) On the effective date of this act, the expenditure limitation
 6 established for the fiscal year ending June 30, 2018, by section 46(b) of
 7 2018 Substitute for Senate Bill No. 269, as amended by senate committee
 8 of the whole, for the division of vehicles operating fund (565-00-2089-
 9 2020) of the department of revenue is hereby increased from \$46,685,210
 10 to \$48,685,210.

11 (b) On the effective date of this act, or as soon thereafter as moneys
 12 are available, the director of accounts and reports shall transfer \$2,000,000
 13 from the state highway fund (276-00-4100-4100) of the department of
 14 transportation to the division of vehicles operating fund (565-00-2089-
 15 2020) of the department of revenue.
 16 Sec. 9.

17 DEPARTMENT OF REVENUE

18 (a) On July 1, 2018, the expenditure limitation established for the
 19 fiscal year ending June 30, 2019, by section 47(b) of 2018 Substitute for
 20 Senate Bill No. 269, as amended by senate committee of the whole, for the
 21 division of vehicles operating fund (565-00-2089-2020) of the department
 22 of revenue is hereby increased from \$46,268,528 to \$48,268,528.

23 (b) On July 1, 2018, or as soon thereafter as moneys are available, the
 24 director of accounts and reports shall transfer \$2,000,000 from the state
 25 highway fund (276-00-4100-4100) of the department of transportation to
 26 the division of vehicles operating fund (565-00-2089-2020) of the
 27 department of revenue.

28 (c) There is appropriated for the above agency from the following
 29 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 30 moneys now or hereafter lawfully credited to and available in such fund or
 31 funds, except that expenditures other than refunds authorized by law shall
 32 not exceed the following:

33 Alcoholic beverage control modernization fund.....No limit
 34 Native American veterans' income tax refund fund.....No limit
 35 Sec. 10.

36 DEPARTMENT OF HEALTH AND ENVIRONMENT —
 37 DIVISION OF PUBLIC HEALTH

38 (a) There is appropriated for the above agency from the state general
 39 fund for the fiscal year ending June 30, 2018, the following:

40 Operating expenditures (including official
 41 hospitality) - health (264-00-1000-0270).....\$6,900

42 (b) There is appropriated for the above agency from the following
 43 special revenue fund

1 or funds for the fiscal year ending June 30, 2018, all moneys now or
2 hereafter lawfully credited to and available in such fund or funds, except
3 that expenditures other than refunds authorized by law shall not exceed the
4 following:

5 Campus sexual assault prevention
6 grant – federal fund.....No limit
7 Sec. 11.

8 DEPARTMENT OF HEALTH AND ENVIRONMENT —
9 DIVISION OF PUBLIC HEALTH

10 (a) There is appropriated for the above agency from the state general
11 fund for the fiscal year ending June 30, 2019, the following:

12 Operating expenditures (including official
13 hospitality) - health (264-00-1000-0270).....\$264,532

14 (b) There is appropriated for the above agency from the following
15 special revenue fund or funds for the fiscal year ending June 30, 2019, all
16 moneys now or hereafter lawfully credited to and available in such fund or
17 funds, except that expenditures other than refunds authorized by law shall
18 not exceed the following:

19 Campus sexual assault prevention
20 grant – federal fund.....No limit
21 Child care criminal background and fingerprint fund.....No limit
22 Sec. 12.

23 DEPARTMENT OF HEALTH AND ENVIRONMENT —
24 DIVISION OF HEALTH CARE FINANCE

25 (a) There is appropriated for the above agency from the state general
26 fund for the fiscal year ending June 30, 2018, the following:

27 Other medical assistance (264-00-1000-3026).....\$22,800,000
28 Sec. 13.

29 DEPARTMENT OF HEALTH AND ENVIRONMENT –
30 DIVISION OF HEALTH CARE FINANCE

31 (a) There is appropriated for the above agency from the state general
32 fund for the fiscal year ending June 30, 2019, the following:

33 Other medical assistance (264-00-1000-3026).....\$35,434,000

34 *Provided, however,* That during fiscal years 2018 and 2019, if any new
35 eligibility requirements or limitations are imposed by any state agency to
36 receive state medicaid services under the Kansas medical assistance
37 program, then on the effective date of such imposition, the amounts
38 appropriated for the department of health and environment – division of
39 health care for the fiscal year ending June 30, 2019, by section 95(a)
40 chapter 104 of the 2017 Session Laws of Kansas and section 58(a) of
41 Substitute for Senate Bill No. 269, as amended by senate committee of the
42 whole, from the state general fund in the other medical assistance account
43 are hereby lapsed.

1 (b) During the fiscal year ending June 30, 2019, in addition to the
 2 other purposes for which expenditures may be made by the department of
 3 health and environment – division of health care finance from moneys
 4 appropriated from the state general fund or in any special revenue fund or
 5 funds by chapter 104 of the 2017 Session Laws of Kansas, this or any
 6 other appropriation act of the 2018 regular session of the legislature,
 7 expenditures shall be made by the above agency from such moneys in an
 8 amount not to exceed \$350,000 of state moneys, plus any associated
 9 federal matching moneys, to provide coverage and reimburse any
 10 participating healthcare provider under the Kansas medical assistance
 11 program for tobacco cessation treatments for any state medicaid recipient,
 12 including: Any United States food and drug administration-approved
 13 medication prescribed as a tobacco cessation treatment; and individual,
 14 group or telephone counseling for tobacco cessation, as defined by the
 15 United States centers for medicare and medicaid services for purposes of
 16 medicaid reimbursement: *Provided*, That the above agency and any
 17 managed care organization administering state medicaid services shall not
 18 impose any prior authorization requirements upon any treatments
 19 prescribed or ordered for tobacco cessation purposes by a participating
 20 healthcare provider: *Provided, however*, That a recipient of state medicaid
 21 services shall not be limited in the number of covered tobacco cessation
 22 attempts for counseling treatments, whether on an annual, lifetime or other
 23 basis, but shall be limited to four covered tobacco cessation attempts per
 24 year for medication treatment: *And provided, however*, That the above
 25 agency shall implement and administer this subsection in accordance with
 26 federal law and requirements imposed by the United States centers for
 27 medicare and medicaid services: *Provided further*, That the above agency
 28 shall submit to the United States centers for medicare and medicaid
 29 services any approval request necessary to implement this subsection.

30 Sec. 14.

31 DEPARTMENT OF HEALTH AND ENVIRONMENT —
 32 DIVISION OF ENVIRONMENT

33 (a) There is appropriated for the above agency from the following
 34 special revenue fund or funds for the fiscal year ending June 30, 2018, all
 35 moneys now and hereafter lawfully credited to and available in such fund
 36 or funds, except that expenditures other than refunds authorized by law
 37 shall not exceed the following:

38 EPA multi-purpose grant
 39 fund (264-00-3103-3630).....No limit

40 Sec. 15.

41 DEPARTMENT OF HEALTH AND ENVIRONMENT —
 42 DIVISION OF ENVIRONMENT

43 (a) There is appropriated for the above agency from the state general

1 fund for the fiscal year ending June 30, 2019, the following:
 2 Operating expenditures (including official
 3 hospitality) (264-00-1000-0300).....\$235,000
 4 (b) There is appropriated for the above agency from the following
 5 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 6 moneys now and hereafter lawfully credited to and available in such fund
 7 or funds, except that expenditures other than refunds authorized by law
 8 shall not exceed the following:
 9 EPA multi-purpose grant
 10 fund (264-00-3103-3630).....No limit
 11 Sec. 16.

12 KANSAS DEPARTMENT FOR AGING
 13 AND DISABILITY SERVICES

14 (a) There is appropriated for the above agency from the state general
 15 fund for the fiscal year ending June 30, 2018, the following:
 16 LTC – medicaid assistance –
 17 NF (039-00-1000-0520).....\$11,800,000
 18 (b) On the effective date of this act, the expenditure limitation
 19 established for the fiscal year ending June 30, 2018, by section 59(f) of
 20 2018 Substitute for Senate Bill No. 269, as amended by senate committee
 21 of the whole, on the problem gambling and addictions grant fund (039-00-
 22 2371-2371) of the Kansas department for aging and disability services is
 23 hereby increased from \$5,822,437 to \$6,822,437.
 24 Sec. 17.

25 KANSAS DEPARTMENT FOR AGING
 26 AND DISABILITY SERVICES

27 (a) There is appropriated for the above agency from the state general
 28 fund for the fiscal year ending June 30, 2019, the following:
 29 LTC – medicaid assistance –
 30 NF (039-00-1000-0520).....\$21,350,000
 31 Nursing facilities regulation (039-00-1000-0710)..... \$2,000
 32 Nursing facilities regulation - title XIX (039-00-1000-0712)..... \$8,000
 33 (b) On July 1, 2018, the \$673,756 appropriated for the above agency
 34 for the fiscal year ending June 30, 2019, by section 100(a) of chapter 104
 35 of the 2017 Session Laws of Kansas from the state general fund in the
 36 health occupational credentialing account (039-00-1000-0800) is hereby
 37 lapsed.
 38 (c) There is appropriated for the above agency from the following
 39 special revenue fund or funds for the fiscal year ending June 30, 2019, all
 40 moneys now or hereafter lawfully credited to and available in such fund or
 41 funds, except that expenditures other than refunds authorized by law shall
 42 not exceed the following:
 43 Health occupations credentialing fee fund.....No limit

1 (d) During the fiscal year ending June 30, 2019, in addition to the
 2 other purposes for which expenditures may be made by the above agency
 3 from moneys appropriated from the state general fund or from any special
 4 revenue fund or funds for fiscal year 2019 by chapter 104 of the 2017
 5 Session Laws of Kansas, this or any other appropriation act of the 2018
 6 regular session of the legislature, expenditures shall be made by the above
 7 agency from such moneys, not to exceed \$50,000, to continue the mental
 8 health task force established by section 99(r) of chapter 104 of the 2017
 9 Session Laws of Kansas: *Provided*, That in addition to the members
 10 appointed to the task force pursuant to section 99(r) of chapter 104 of the
 11 2017 Session Laws of Kansas, the task force shall consist of two additional
 12 members, one to be appointed by the Kansas hospital association and one
 13 to be appointed by the Kansas association for the medically underserved:
 14 *Provided further*, That such task force shall study the following topics: The
 15 Kansas mental health delivery system, including a prioritization of, or the
 16 creation of, a strategic plan addressing the recommendations of the report
 17 filed on January 8, 2018; ascertaining the total number of psychiatric beds
 18 needed to most effectively deliver mental health services and the location
 19 where such services would be best provided in Kansas, working in
 20 conjunction with the entity that facilitated the task force's activities in
 21 fiscal year 2018; and any other matters relating to mental health services
 22 as such task force deems appropriate: *And provided further*, That such task
 23 force shall submit a report on the task force's findings to the senate
 24 standing committees on ways and means and public health and welfare and
 25 the house of representatives standing committees on appropriations and
 26 health and human services on or before January 14, 2019.

27 (e) On July 1, 2018, the expenditure limitation established for the
 28 fiscal year ending June 30, 2019, by section 60(f) of 2018 Substitute for
 29 Senate Bill No. 269, as amended by senate committee of the whole, on the
 30 problem gambling and addictions grant fund (039-00-2371-2371) of the
 31 Kansas department for aging and disability services is hereby increased
 32 from \$5,825,996 to \$6,825,996.

33 Sec. 18.

34 KANSAS DEPARTMENT FOR
 35 CHILDREN AND FAMILIES

36 (a) There is appropriated for the above agency from the state general
 37 fund for the fiscal year ending June 30, 2018, the following:
 38 Youth services aid and assistance (629-00-1000-7020).....\$5,930,153

39 Sec. 19.

40 KANSAS DEPARTMENT FOR
 41 CHILDREN AND FAMILIES

42 (a) There is appropriated for the above agency from the state general
 43 fund for the fiscal year ending June 30, 2019, the following:

1 Youth services aid and assistance (629-00-1000-7020).....\$12,155,270
2 Sec. 20.

3 DEPARTMENT OF EDUCATION

4 (a) There is appropriated for the above agency from the state general
5 fund for the fiscal year ending June 30, 2018, the following:

6 State foundation aid (652-00-1000-0820).....\$645,889

7 (b) On the effective date of this act, of the \$15,257,000 appropriated
8 for the above agency for the fiscal year ending June 30, 2018, by section
9 63(a) of 2018 Substitute for Senate Bill No. 269, as amended by senate
10 committee of the whole, from the state general fund in the KPERS –
11 employer contributions – USDs account (652-00-1000-0110), the sum of
12 \$5,444,000 is hereby lapsed.

13 (c) On the effective date of this act, of the \$2,804,000 appropriated
14 for the above agency for the fiscal year ending June 30, 2018, by section
15 63(a) of 2018 Substitute for Senate Bill No. 269, as amended by senate
16 committee of the whole, from the state general fund in the KPERS –
17 employer contributions account (652-00-1000-0100), the sum of \$664,000
18 is hereby lapsed.

19 Sec. 21.

20 DEPARTMENT OF EDUCATION

21 (a) There is appropriated for the above agency from the state general
22 fund for the fiscal year ending June 30, 2019, the following:

23 KPERS – employer contributions (652-00-1000-0100).....\$1,000,000

24 KPERS – employer contributions –
25 USDs (652-00-1000-0110).....\$88,000,000

26 State foundation aid (652-00-1000-0820).....\$1,397,804

27 Teach for America pilot program.....\$520,000

28 School technology infrastructure.....\$300,000

29 (b) There is appropriated for the above agency from the children's
30 initiatives fund for the fiscal year ending June 30, 2019, the following:

31 Pre-K pilot (652-00-2000-2535).....\$4,200,000

32 Parent education program (652-00-2000-2510).....\$1,000,000

33 Sec. 22.

34 FORT HAYS STATE UNIVERSITY

35 (a) There is appropriated for the above agency from the state general
36 fund for the fiscal year ending June 30, 2019, the following:

37 Operating expenditures (including
38 official hospitality) (246-00-1000-0013).....\$739,924

39 Master's-level nursing capacity (246-00-1000-0100).....\$92

40 Kansas wetlands education center at
41 Cheyenne bottoms (246-00-1000-0200).....\$5,892

42 Kansas academy of math and
43 science (246-00-1000-0300).....\$16,442

1	hospitality) (385-00-1000-0063).....	\$728,909
2	School of construction (385-00-1000-0200).....	\$15,714
3	Polymer science program (385-00-1000-0300).....	\$20,989

4 Sec. 28.

5 UNIVERSITY OF KANSAS

6	(a) There is appropriated for the above agency from the state general	
7	fund for the fiscal year ending June 30, 2019, the following:	
8	Operating expenditures (including official	
9	hospitality) (682-00-1000-0023).....	\$2,927,256
10	Umbilical cord matrix project (682-00-1000-0370).....	\$2,945
11	Geological survey (682-00-1000-0170).....	\$144,524

12 Sec. 29.

13 UNIVERSITY OF KANSAS MEDICAL CENTER

14	(a) There is appropriated for the above agency from the state general	
15	fund for the fiscal year ending June 30, 2019, the following:	
16	Operating expenditures (including official	
17	hospitality) (683-00-1000-0503).....	\$2,402,693
18	Medical scholarships and	
19	loans (683-00-1000-0600).....	\$101,182
20	Midwest stem cell therapy	
21	center (683-00-1000-0800).....	\$17,317
22	Rural health bridging (683-00-1000-1010).....	\$3,156

23 Sec. 30.

24 WICHITA STATE UNIVERSITY

25	(a) There is appropriated for the above agency from the state general	
26	fund for the fiscal year ending June 30, 2019, the following:	
27	Operating expenditures (including	
28	official hospitality) (715-00-1000-0003).....	\$1,442,194
29	Technology transfer facility (715-00-1000-0005).....	\$26,250
30	Aviation infrastructure (715-00-1000-0010).....	\$1,787,750
31	Aviation research (715-00-1000-0015).....	\$5,121,500

32 Sec. 31.

33 STATE BOARD OF REGENTS

34	(a) There is appropriated for the above agency from the state general	
35	fund for the fiscal year ending June 30, 2019, the following:	
36	Operating expenditures (including	
37	official hospitality) (561-00-1000-0103).....	\$134,003
38	Midwest higher education	
39	commission (561-00-1000-0250).....	\$2,850
40	State scholarship program (561-00-1000-4300).....	\$64,249
41	Kansas work-study program (561-00-1000-2000).....	\$37,500
42	ROTC service scholarships (561-00-1000-4600).....	\$7,500
43	Military service scholarships (561-00-1000-1310).....	\$30,000

1	Teachers scholarship	
2	program (561-00-1000-0800).....	\$300,000
3	Nursing student scholarship	
4	program (561-00-1000-4100).....	\$150,000
5	Municipal university operating	
6	grant (561-00-1000-1010).....	\$267,778
7	Adult basic education (561-00-1000-0900).....	\$43,711
8	Postsecondary tiered technical education	
9	state aid (561-00-1000-0760).....	\$1,587,779
10	Non-tiered course credit	
11	hour grant (561-00-1000-0550).....	\$2,081,140
12	Technology equipment at community colleges	
13	and Washburn university (561-00-1000-0500).....	\$11,954
14	Vocational education capital	
15	outlay aid (561-00-1000-0310).....	\$2,147
16	Tuition waivers (561-00-1000-1650).....	\$15,000
17	Nurse educator grant	
18	program (561-00-1000-4120).....	\$52,500
19	Nursing faculty and supplies grant	
20	program (561-00-1000-4130).....	\$53,616
21	Postsecondary technical education	
22	authority (561-00-1000-0750).....	\$596
23	Tuition for technical education (561-00-1000-0120).....	\$8,300,000
24	National guard education assistance (561-00-1000-1300).....	\$2,129,131
25	Sec. 32.	

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2018, the following:

29	Disaster relief (034-00-1000-0200).....	\$3,481,206
30	Sec. 33.	

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2019, the following:

34	Disaster relief (034-00-1000-0200).....	\$1,446,318
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(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2019, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

40	Kansas national guard counter drug state forfeiture fund.....	No limit
41	Sec. 34.	

ATTORNEY GENERAL – KANSAS
BUREAU OF INVESTIGATION

1 (a) There is appropriated for the above agency from the state general
2 fund for the fiscal year ending June 30, 2019, the following:

3 Operating expenditures (083-00-1000-0083).....\$345,188

4 Sec. 35.

5 DEPARTMENT OF AGRICULTURE

6 (a) There is hereby appropriated for the above agency from the
7 following special revenue fund or funds for the fiscal year ending June 30,
8 2018, all moneys now or hereafter lawfully credited to and available in
9 such fund or funds, except that expenditures other than refunds authorized
10 by law shall not exceed the following:

11 Alternative crop research act licensing

12 fee fund.....No limit

13 Sec. 36.

14 DEPARTMENT OF AGRICULTURE

15 (a) There is appropriated for the above agency from the state general
16 fund for the fiscal year ending June 30, 2019, the following:

17 Operating expenditures (046-00-1000-0053).....\$177,429

18 Animal traceability pilot study.....\$250,000

19 (b) There is hereby appropriated for the above agency from the
20 following special revenue fund or funds for the fiscal year ending June 30,
21 2019, all moneys now or hereafter lawfully credited to and available in
22 such fund or funds, except that expenditures other than refunds authorized
23 by law shall not exceed the following:

24 Alternative crop research act licensing fee fund.....No limit

25 Sec. 37. During the fiscal years ending June 30, 2018, June 30, 2019,

26 and June 30, 2020, in addition to the other purposes for which
27 expenditures may be made by the Kansas department for aging and
28 disability services and the department of health and environment –
29 division of health care finance from moneys appropriated from the state
30 general fund or in any special revenue fund or funds by chapter 104 of the
31 2017 Session Laws of Kansas, this or any other appropriation act of the
32 2018 regular session of the legislature, expenditures shall be made by the
33 Kansas department for aging and disability services and the department of
34 health and environment – division of health care finance from such
35 moneys to include the following individuals as eligible for services under
36 the traumatic brain injury home and community-based services waiver
37 under the Kansas medical assistance program: (1) Individuals with a
38 documented brain injury acquired from a cause not already covered under
39 the traumatic brain injury waiver, including, but not limited to, stroke,
40 brain trauma, infection of the brain, brain tumor, anoxia or other cause;
41 and (2) individuals of any age who would otherwise qualify for services
42 under the traumatic brain injury waiver but for the individual's age:
43 *Provided*, That financial eligibility requirements for children under the age

1 of 18 years to receive such waiver services shall be the same as financial
2 eligibility requirements for children under the age of 18 years to receive
3 services under the serious emotional disturbance waiver: *Provided,*
4 *however,* That the Kansas department for aging and disability services and
5 the department of health and environment – division of health care finance
6 shall implement and administer this section in accordance with federal law
7 and requirements imposed by the United States centers for medicare and
8 medicaid services: *Provided further;* That the Kansas department for aging
9 and disability services and the department of health and environment –
10 division of health care finance shall submit to the United States centers for
11 medicare and medicaid services any approval request necessary to
12 implement this section.

13 Sec. 38. (a) On the effective date of this act, the provisions of section
14 99 of Substitute for Senate Bill No. 269, as amended by senate committee
15 of the whole, are null and void and shall have no force and effect.

16 (b) During the fiscal years ending June 30, 2018, and June 30, 2019,
17 notwithstanding any other provision of law to the contrary, no state agency
18 shall expend any moneys appropriated from the state general fund or from
19 any special revenue fund or funds for fiscal year 2018 or 2019 by chapter
20 104 of the 2017 Session Laws of Kansas, this or any other appropriation
21 act of the 2018 regular session of the legislature to submit or maintain to
22 the United States centers for medicare and medicaid services any request
23 to administer or provide state medicaid services under the Kansas medical
24 assistance program using a capitated managed care delivery system in any
25 manner that is substantially different than the manner in which state
26 medicaid services under the Kansas medical assistance program were
27 provided on January 1, 2018, including, but not limited to, imposing any
28 new eligibility requirements or limitations to receive such services,
29 without express prior authorization by an act or appropriation act of the
30 legislature: *Provided,* That any state agency that has submitted such a
31 request to the United States centers for medicare and medicaid services
32 that is not in accordance with this section shall immediately terminate such
33 request: *Provided further;* That no state agency shall enter into any contract
34 for the administration and provision of state medicaid services using a
35 capitated managed care delivery system in violation of this section without
36 express prior authorization by an act or appropriation act of the legislature:
37 *And provided further;* That the department of health and environment, the
38 Kansas department for aging and disability services and the department of
39 administration shall negotiate for contracts to administer state medicaid
40 services using a capitated managed care delivery system that comply with
41 this section, including altering the request for proposal identified by the
42 department of administration as bid event 0005464, opened on October 27,
43 2017, and closed on January 5, 2018, limited to persons who have

1 submitted a bid in response to bid event 0005464: *And provided further,*
2 That any such contract shall be for a term of three years commencing on
3 the termination date of contracts for the administration and provision of
4 state medicaid services under the Kansas medical assistance program using
5 a capitated managed care delivery system that were in effect on January 1,
6 2018, and shall not impose any new eligibility requirements or limitations
7 to receive such services that were not in effect on January 1, 2018, and if
8 any such new eligibility requirements or limitations are imposed, then on
9 the effective date of such imposition, the amounts appropriated for the
10 department of health and environment – division of health care finance for
11 the fiscal year ending June 30, 2019, by section 95(a) of chapter 104 of the
12 2017 Session Laws of Kansas and section 58(a) of Substitute for Senate
13 Bill No. 269, as amended by senate committee of the whole, from the state
14 general fund in the other medical assistance account (264-00-1000-3026)
15 of the department of health and environment – division of health care
16 finance are hereby lapsed: *And provided further,* That the department of
17 health and environment and the Kansas department for aging and disability
18 services shall submit to the United States centers for medicare and
19 medicaid services a request to extend for three years any waiver that was
20 in effect on January 1, 2018, authorizing the state of Kansas to administer
21 state medicaid services under the Kansas medical assistance program using
22 a capitated managed care delivery system in accordance with this section:
23 *Provided, however,* That the department of health and environment and the
24 Kansas department for aging and disability services may modify the
25 manner in which state medicaid services were provided on January 1,
26 2018, by implementing: Any provision of K.S.A. 2017 Supp. 39-709h and
27 39-709i, and amendments thereto; any policy that expands access to
28 behavioral health services or services delivered through telehealth
29 technology services, if such policy does not impose any new eligibility
30 requirements or limitations to receive state medicaid services that were not
31 in effect on January 1, 2018; and any other action approved by express
32 prior authorization by an act or appropriation act of the legislature.

33 Sec. 39. *Severability.* If any provision or clause of this act or
34 application thereof to any person or circumstance is held invalid, such
35 invalidity shall not affect other provisions or applications of the act that
36 can be given effect without the invalid provision or application, and to this
37 end the provisions of this act are declared to be severable.

38 Sec. 40. *Appeals to exceed expenditure limitations.* (a) Upon written
39 application to the governor and approval of the state finance council,
40 expenditures from special revenue funds may exceed the amounts
41 specified in this act.

42 (b) This section shall not apply to the expanded lottery act revenues
43 fund, the state economic development initiatives fund, the children's

1 initiatives fund, the state water plan fund or the Kansas endowment for
2 youth fund, or to any account of any of such funds.

3 Sec. 41. If any fund or account name described by words and the
4 numerical accounting code that follows such fund or account name does
5 not match, it shall be conclusively presumed that the legislature intended
6 that the fund or account name described by words is the correct fund or
7 account name, and such fund or account name described by words shall
8 control over a contradictory or incorrect numerical accounting code.

9 Sec. 42. This act shall take effect and be in force from and after its
10 publication in the Kansas register.