

Message to the House of the State of Kansas:

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I hereby return House Bill No. 2946 with my signature approving the bill, except for the items enumerated below.

**Department of Administration
Expanded Lottery Act Revenues Fund**

Sections 19 (e), (f), (g), (h) and (i) have been line-item vetoed in their entirety.

As I stated in my previous message, current law already defines how new receipts from gaming activity will be administered and how they can be spent. Creating additional funds and further stipulations would limit the flexibility of future Legislatures to target gaming receipts toward the most important and pressing needs of the state. For this reason, I again find it necessary to veto this portion of the bill.

**Homeland Security Funds
Use of Federal Funds**

Section 47 has been line-item vetoed in its entirety.

This section places unnecessary limits on how the state budgets for homeland security. Restricting how state funds can be used in this area may not serve the best interests of our future security.

**Adjutant General
Unmanned Aerial Vehicles**

Section 14 (b) has been line-item vetoed in its entirety.

This \$500,000 expenditure was added very late in the appropriations process with little review, and it was financed from the Economic Development Initiatives Fund, which the Legislature has overspent by over \$1 million. The procurement of unmanned aerial vehicles may be a worthy project for future consideration, but should not be done without an adequate source of financing. Eliminating this expenditure in FY 2009 does not completely balance the Economic Development Initiatives Fund. I will work with the economic development agencies and the Division of the Budget to recommend a revised budget for this fund to present to the 2009 Legislature.

**Department of Wildlife and Parks
Cabin Program**

Section 21 (g) has been line-item vetoed in its entirety.

This provision unnecessarily restricts the authority of the Kansas Department of Wildlife and Parks to provide public services and manage agency resources in the most efficient manner.

KATHLEEN SEBELIUS, *Governor*
Dated: May 22, 2008

SENATE Substitute for HOUSE BILL No. 2946

AN ACT making and concerning appropriations for the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 2007 Supp. 74-99b16 and section 86 of 2008 Senate Bill No. 534 and repealing the existing sections.

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

Section 1. (a) For the fiscal years ending June 30, 2008, June 30, 2009, June 30, 2010, and June 30, 2011, 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 agencies named in this act are hereby authorized to initiate and complete the capital improvement projects specified and authorized by this act or for which appropriations are made by this act, subject to the restrictions and limitations imposed by this act.

(c) This act shall be known and may be cited as the omnibus appropriation act of 2008 and shall constitute the omnibus reconciliation spending limit bill for the 2008 regular session of the legislature for purposes of subsection (a) of K.S.A. 75-6702, and amendments thereto.

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

Sec. 2.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures

For the fiscal year ending June 30, 2009..... \$184,962

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Food service inspection reimbursement fund

For the fiscal year ending June 30, 2009..... No limit

Food inspection fee fund

For the fiscal year ending June 30, 2009..... No limit

Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the food inspection fee fund: *And provided further*, That, on October 1, 2008, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.

(c) On July 1, 2008, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the Kansas department of agriculture is hereby increased from 316.49 to 354.49.

Sec. 3.

KANSAS WATER OFFICE

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 131(b) of 2008 Senate Bill No. 534 on the water conservation projects fund is hereby decreased from \$3,300,000 to \$0.

(b) During the fiscal year ending June 30, 2009, notwithstanding the provisions of section 131(b) of 2008 Senate Bill No. 534 authorizing, directing, limiting or placing conditions on expenditures from the water conservation projects fund of the Kansas water office, as set forth in the

provisos to the appropriation of the moneys in such fund, the specific authorization to make expenditures from such fund for the following projects is hereby rescinded: Alternate delivery system for Lake McKinney; capacity storage and control structures at Lake McKinney; lining of the southside ditch; alternate delivery system for the farmers ditch; recharge projects; and check dam and structures: *Provided, however*, That the Kansas water office may make expenditures from the water conservation projects fund for water conservation projects authorized by K.S.A. 82a-1803, and amendments thereto, that are determined feasible by studies and recommended by the director of the Kansas water office in consultation with the chief engineer of the division of water resources of the Kansas department of agriculture: *Provided further*, That all expenditures from this fund for all such water conservation projects shall be within any expenditure limitation imposed on the water conservation projects fund for fiscal year 2009: *And provided further*, That, on July 1, 2008, the provisions of the provisos to the appropriation of the moneys in the water conservation projects fund in section 131(b) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

(c) On July 1, 2008, or as soon thereafter as moneys are available, notwithstanding the provisions of subsection (g) of K.S.A. 79-4804, and amendments thereto, the director of accounts and reports shall transfer \$1,043,985 from the state economic development initiatives fund to the state water plan fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state economic development initiatives fund to the state water plan fund as prescribed by law.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Reservoir storage beneficial use fund

For the fiscal year ending June 30, 2009..... No limit

Provided, That expenditures may be made by the above agency from the reservoir storage beneficial use fund to call water into service for beneficial uses, subject to the availability of moneys credited to the reservoir storage beneficial use fund.

(e) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Reservoir storage beneficial use fund

For the fiscal year ending June 30, 2009..... \$534,000

Sec. 4.

STATE CONSERVATION COMMISSION

(a) Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for the above agency for fiscal year 2009: Conservation reserve enhancement program.

(b) On and after the effective date of this act, during fiscal year 2008 and fiscal year 2009, all expenditures made by the state conservation commission from the moneys appropriated in the conservation reserve enhancement program account from the state water plan fund for fiscal year 2007, fiscal year 2008 or fiscal year 2009 as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate Bill No. 534, or by this or other appropriation act of the 2008 regular session of the legislature, shall be made by the state conservation commission in accordance with the following: *Provided*, That all expenditures under the conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria:

(1) The total number of acres enrolled in Kansas in CREP for the three fiscal years 2007, 2008 and 2009 shall not exceed 40,000 acres;

(2) the number of acres eligible for enrollment in CREP in Kansas shall be limited to one-half of the number of acres represented by contracts in the federal conservation reserve program that have expired in the prior year in counties within the CREP area, except that if federal law permits the land enrolled in the CREP program to be used for agricultural purposes such as planting of agricultural commodities, including, but not limited to: Grains, cellulosic or biomass materials, alfalfa, grasses, legumes or other cover crops, then the number of acres eligible for enrollment shall be limited to the number of acres represented by contracts in the

federal conservation reserve program that have expired in the prior year in counties within the CREP area;

(3) lands enrolled in the conservation reserve program as of January 1, 2007, shall not be eligible for enrollment in CREP;

(4) no more than 25% of the acreage in CREP may be in any one county;

(5) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and

(6) only water rights in good standing are eligible for inclusion under CREP: *And provided further*, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years: *And provided further*, That the state conservation commission shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2009 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2008 and fiscal year 2009 to date, (ii) the acreage enrolled in CREP during fiscal year 2008 and in fiscal year 2009 to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2008 and in fiscal year 2009 to date, (iv) the economic impact of the CREP program, (v) the change in groundwater levels in the CREP area during fiscal year 2008 and fiscal year 2009 to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2008 and fiscal year 2009 to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the state conservation commission shall specify.

Sec. 5.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Domestic violence prevention grants

For the fiscal year ending June 30, 2009..... \$500,000

Sec. 6.

DEPARTMENT OF EDUCATION

(a) Any unencumbered balance in excess of \$100 as of June 30, 2008, in the Kansas career pipeline account of the state general fund is hereby reappropriated for fiscal year 2009.

(b) On the effective date of this act, of the \$7,184,835 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 123(a) of chapter 167 of the 2007 session laws of Kansas, from the state general fund in the school district juvenile detention facilities and Flint Hills job corps center grants account, the sum of \$193,722 is hereby lapsed.

(c) On the effective date of this act, notwithstanding the provisions of the proviso to the appropriation for the above agency to the Kansas career pipeline grant account of the state general fund in section 34(a) of chapter 201 of the 2007 session laws of Kansas, the requirement of a \$1 for \$1 match shall not be limited to business and industry as sources of the matching funds during fiscal year 2008.

(d) On July 1, 2008, notwithstanding the provisions of the proviso to the appropriation for the above agency to the Kansas career pipeline grant account of the state general fund in section 34(a) of chapter 201 of the 2007 session laws of Kansas, the requirement of a \$1 for \$1 match shall not be limited to business and industry as sources of the matching funds during fiscal year 2009.

Sec. 7.

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Lodging establishment inspections
For the fiscal year ending June 30, 2009..... \$61,654
Aid to local units — primary health projects
For the fiscal year ending June 30, 2009..... \$2,500,000

Provided, That the secretary of health and environment shall prepare and submit a report to the senate committee on ways and means and the house of representatives committee on appropriations prior to the beginning of the 2009 regular session of the legislature on the allocation of funding among primary care safety net clinics.

Coordinated school health program
For the fiscal year ending June 30, 2009..... \$550,000

(b) On July 1, 2008, of the \$4,588,103 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 95(a) of 2008 Senate Bill No. 534 from the state general fund in the operating expenditures (including official hospitality) — health account, the sum of \$74,949 is hereby lapsed.

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified, the following:

Infants and toddlers program
For the fiscal year ending June 30, 2009..... \$4,500,000

(d) On July 1, 2008, of the \$3,771,305 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 95(a) of 2008 Senate Bill No. 534 from the state general fund in the infant and toddler program account, the sum of \$3,500,000 is hereby lapsed.

(e) On July 1, 2008, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the department of health and environment — division of health is hereby increased from 374.90 to 407.90.

Sec. 8.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Tobacco master settlement agreement compliance fund
For the fiscal year ending June 30, 2008..... No limit
For the fiscal year ending June 30, 2009..... No limit
Sexually violent predator expense fund
For the fiscal year ending June 30, 2009..... No limit

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 32(e) of 2008 Senate Bill No. 534 on the crime victims compensation fund for state operations is hereby increased from \$351,278 to \$392,354.

(c) In addition to the other purposes for which expenditures may be made by the attorney general from the interstate water litigation fund for the fiscal year ending June 30, 2009, as authorized by section 73(b) of 2008 Senate Bill No. 534, expenditures may be made by the above agency from the interstate water litigation fund for fiscal year 2009 for internal operating expenditures: *Provided*, That expenditures for internal operating expenses from the interstate water litigation fund for fiscal year 2009 shall not exceed \$188,790.

(d) On July 1, 2008, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the attorney general is hereby increased from 102.00 to 104.00.

Sec. 9.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures
For the fiscal year ending June 30, 2009..... \$6,000

Provided, That, if 2008 House Bill No. 2727 is not passed by the legis-

lature during the 2008 regular session and enacted into law, then, on July 1, 2008, the \$6,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, by this subsection in the operating expenditures account is hereby lapsed.

Sec. 10.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures

For the fiscal year ending June 30, 2009..... \$252,066

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 49(e) of 2008 Senate Bill No. 534 on the juvenile detention facilities fund is hereby increased from \$3,993,635 to \$4,300,000.

(c) On July 1, 2008, the \$2,793,099 appropriated for the above agency for fiscal year ending June 30, 2009, by section 157(a), of the 2008 Senate Bill No. 534 from the state institutions building fund in the renovate Kansas juvenile correctional complex administration building account is hereby lapsed.

Sec. 11.

DEPARTMENT OF CORRECTIONS

(a) On the effective date of this act, of the \$51,700,791 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 139(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the treatment and programs account, the sum of \$74,819 is hereby lapsed.

(b) On July 1, 2008, of the \$54,717,573 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 117(a) of 2008 Senate Bill No. 534 from the state general fund in the treatment and programs account, the sum of \$74,819 is hereby lapsed.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Department of corrections victim assistance fund

For the fiscal year ending June 30, 2009..... No limit

(d) (1) On the effective date of this act, notwithstanding the provisions of chapter 167 or 201 of the 2007 Session Laws of Kansas, 2008 Senate Bill No. 534, or this or any other appropriation act or any other act of the 2008 regular session or any other statute and notwithstanding the provisions of state finance council resolution no. 07-572, the approval of the state finance council for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for capital improvement projects to expand prison capacity, as set forth in state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas, and the authority of the Kansas development finance authority to issue any bonds on or after the effective date of this act to finance the cost of such capital improvement projects to expand prison capacity pursuant to such approval, are hereby modified as follows: (A) The limitation on the aggregate amount of revenue bonds authorized to be issued for capital improvement projects to expand prison capacity pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas is hereby decreased from \$39,525,000 to \$19,525,000, and (B) no moneys appropriated for the department of corrections or any correctional institution by chapter 167 or 201 of the 2007 Session Laws of Kansas, 2008 Senate Bill No. 534, or by this or any other appropriation act or any other act of the 2008 regular session of the legislature for the fiscal years ending June 30, 2008, or June 30, 2009, shall be expended to authorize or enter into any contract or other agreement to initiate, implement or administer any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2009, or to authorize any expenditure of any bond proceeds for any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2009, or to authorize, request or otherwise provide for the issuance of any revenue bonds to finance any actual construction

work for any such capital improvement project to expand prison capacity to commence, prior to July 1, 2009: *Provided*, That no bonds shall be issued by the Kansas development finance authority to finance any actual construction work for any such capital improvement project to expand prison capacity prior to July 1, 2009, and no money received as proceeds for any such revenue for any actual construction work for any such capital improvement project to expand prison capacity bonds shall be expended prior to July 1, 2009: *Provided further*, That no such limitation on expenditures for any such capital improvement project to expand prison capacity or any provision of this subsection shall limit (i) any expenditures prior to July 1, 2009, for any planning, land or soil surveys or investigations, or other preparation for any such capital improvement project to expand prison capacity, or (ii) the authority to issue any bonds prior to July 1, 2009, to provide financing for the expenses of any planning, land or soil surveys or investigations, or other preparation for any such capital improvement project to expand prison capacity.

(2) The provisions of subsections (h) and (i) of section 185 of chapter 167 of the 2007 Session Laws of Kansas and subsection (c) of section 61 of chapter 201 of the 2007 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 12.

KANSAS HIGHWAY PATROL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the Kansas highway patrol operations fund is hereby decreased from \$19,573,674 to \$19,187,149.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 122(b) of 2008 Senate Bill No. 534 on the Kansas highway patrol operations fund is hereby increased from \$19,061,033 to \$19,611,033.

Sec. 13.

STATE FIRE MARSHAL

(a) During the fiscal year ending June 30, 2009, if the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the fire marshal fee fund of the state fire marshal as a result of a cash flow shortfall, the director of the budget is authorized and directed to loan the state fire marshal a sufficient amount or amounts of moneys from the state general fund to maintain the cash flow of the fire marshal fee fund upon approval of each such loan by the director of the budget. No such loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. Each loan shall be repaid without interest within one year from the date of the loan: *Provided*, That the aggregate amount of such loans for the fiscal year ending June 30, 2009, shall not exceed \$500,000.

(b) On the effective date of this act, the expenditure limitation established by section 120(a) of 2008 Senate Bill No. 534 on the fire marshal fee fund is hereby increased from \$3,692,839 to \$3,834,146.

Sec. 14.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures
For the fiscal year ending June 30, 2009..... \$13,502

~~(b) There is hereby appropriated for the above agency from the state economic development initiatives fund for the fiscal year or years specified, the following:~~

~~Unmanned aerial vehicles and systems procurement
For the fiscal year ending June 30, 2009..... \$500,000~~

~~Provided, That expenditures from the unmanned aerial vehicles and system procurement account shall be made for the unmanned aerial vehicle (UAV) TEC program for procurement of unmanned aerial systems (UAS), payloads and support equipment to conduct the necessary research and flight testing of advanced technologies.~~

(c) On July 1, 2008, of the \$38,974,435 appropriated for the above

agency for the fiscal year ending June 30, 2009 by section 119(a) of 2008 Senate Bill No. 534 from the state general fund in the disaster relief account, the sum of \$26,934,000 is hereby lapsed.

(d) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

National guard museum assistance fund	
For the fiscal year ending June 30, 2008.....	\$0
For the fiscal year ending June 30, 2009.....	No limit

Provided, That all expenditures from the national guard museum assistance fund shall be made for an expansion of the 35th infantry division museum and education center facility: *Provided further*, That, if 2008 Senate Substitute for House Bill No. 2923 is not passed by the legislature during the 2008 regular session and enacted into law, then, on July 1, 2008, the appropriation of all moneys lawfully credited to and available in the national guard museum assistance fund for the above agency for the fiscal year ending June 30, 2009, is hereby lapsed, and the national guard museum assistance fund is hereby abolished.

Sec. 15.

EMERGENCY MEDICAL SERVICES BOARD

(a) (1) During the fiscal year ending June 30, 2009, if any EMS regional council enters into a grant agreement with the emergency medical service board, such council shall be required to submit pursuant to such grant agreement a written report detailing and accounting for all expenditures and receipts of such council during such fiscal year. The emergency medical services board shall prepare a written report specifying and accounting for all moneys received by and expended by each individual council that has reported to the emergency medical services board pursuant to such grant agreement and submit such report to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2009.

(2) During the fiscal year ending June 30, 2009, the emergency medical services board shall not prepare a written report specifying and accounting for all moneys received by and expended by each individual organization that has reported to the emergency medical services board pursuant to a grant agreement in accordance with section 124(f) of 2008 Senate Bill No. 534 and shall not submit such report to the house of representatives committee on appropriations and the senate committee on ways and means in accordance with section 124(f) of 2008 Senate Bill No. 534. On July 1, 2008, the provisions of section 124(f) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

Sec. 16.

BOARD OF HEALING ARTS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 24(b) of 2008 Senate Bill No. 534 on the healing arts fee fund is hereby increased from \$3,126,800 to \$3,156,500: *Provided*, That, if 2008 House Bill No. 2620 is not passed by the legislature during the 2008 regular session and enacted into law, then, on July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by this subsection on the healing arts fee fund is hereby decreased from \$3,156,500 to \$3,126,800.

Sec. 17.

BOARD OF NURSING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Criminal background and fingerprinting fund	
For the fiscal year ending June 30, 2009.....	No limit

Sec. 18.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On June 30, 2008, the director of accounts and reports shall transfer

all moneys credited to the senior services trust fund of the Kansas public employees retirement system from the senior service trust fund to the state general fund and all liabilities of the senior services trust fund of the Kansas public employees retirement system are hereby transferred to and imposed on the state general fund.

(b) On the effective date of this act or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$7,276,628 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the children's initiatives fund for the purpose of recognizing additional tobacco settlement revenue.

(c) On the effective date of this act or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the Kansas endowment for youth fund of the Kansas public employees retirement system to the tobacco master settlement agreement compliance fund of the attorney general for the purpose of conducting enforcement activities related to the tobacco settlement agreement.

(d) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Retiree one-time \$300 payment

For the fiscal year ending June 30, 2009..... \$7,060,000

Sec. 19.

DEPARTMENT OF ADMINISTRATION

(a) Any unencumbered balance in the capitol area plaza authority planning account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Capitol area plaza authority planning fund

For the fiscal year ending June 30, 2008..... No limit

For the fiscal year ending June 30, 2009..... No limit

Provided, That the secretary of administration may accept gifts, donations and grants of money, including payments from local units of city and county government, for the development of a new master plan for the capitol plaza and the extended state zoning area described in K.S.A. 75-3619, and amendments thereto: *Provided further*, That all such gifts, donations and grants shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, to the credit of the capitol area plaza authority planning fund.

(c) During the fiscal year ending June 30, 2009, the pooled money investment board is authorized and directed to loan money for digital equipment acquisition to the following public television stations affiliated with the Kansas public broadcasting council: KTWU — Topeka, KPTS — Wichita, KCPT — Kansas City, and Smoky Hills public television. The aggregate amount loaned under such loan program during fiscal year 2009 shall not exceed \$2,298,503. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid, with interest, within 10 years from the date of the loan. The secretary of administration is hereby authorized to implement and administer the loan program under this subsection within the budget authorized and the aggregate limitation established therefor and to establish the application guidelines, interest rate or rates, other terms and conditions and loan amounts to be awarded to each of such public television stations, in accordance with policies which are hereby authorized to be adopted by the secretary of administration for such loan program.

(d) (1) On July 1, 2008, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$7,060,000 from the expanded lottery act revenues fund to the state general fund for the purpose of reimbursing the state general fund for a portion of the

cost of providing the KPERS bond debt service of \$36,146,303 for fiscal year 2009 as authorized by section 85(a) of 2008 Senate Bill No. 534.

(2) During the fiscal year ending June 30, 2009, in accordance with the provisions of K.S.A. 2007 Supp. 74-8768, and amendments thereto, the moneys transferred pursuant to the provisions of this subsection (d) from the expanded lottery act revenues fund to the state general fund are for the reduction of state debt by reimbursing the state general fund for a portion of the expenditures for the KPERS bond debt service of \$36,146,303 for fiscal year 2009 and paid from the state general fund as provided in section 85(a) of 2008 Senate Bill No. 534.

(3) During the fiscal year ending June 30, 2009, if moneys are not available in the expanded lottery act revenues fund for transfer to the state general fund during the fiscal year ending June 30, 2009, as prescribed by subsection (d)(1), then, effective on July 1, 2008, pursuant to a determination by the director of the budget that such moneys are not available in the expanded lottery act revenues fund for transfer to the state general fund during fiscal year 2009, the \$7,060,000 appropriated for the Kansas public employees retirement system for the fiscal year ending June 30, 2009, by section 18(d) from the state general fund in the retiree one-time \$300 payment account, is hereby lapsed.

~~—(e) During fiscal year 2009 and fiscal year 2010, notwithstanding the provisions of any other statute, after making the transfers prescribed by subsection (i) for higher priority uses, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state property tax relief reserve fund, which is hereby established in the state treasury. *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state property tax relief reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law. *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state property tax relief reserve fund, or to increase any expenditure limitation on the state property tax relief reserve fund. *And provided further*, That no expenditures shall be authorized or made from the state property tax relief reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature. *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711e, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state property tax relief reserve fund to the fund or funds specified in such approval.~~

~~—(f) During fiscal year 2009 and fiscal year 2010, notwithstanding the provisions of any other statute, after making the transfers prescribed by subsection (i) for higher priority uses, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state infrastructure reserve fund, which is hereby established in the state treasury. *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state infrastructure reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law. *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure or transfer of moneys from the state infrastructure reserve fund, or to increase any expenditure limitation on the state infrastructure reserve fund. *And provided further*, That no expenditures or transfers shall be authorized or made from the state infrastructure reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.~~

~~—(g) During fiscal year 2009 and fiscal year 2010, notwithstanding the provisions of any other statute, after making the transfers prescribed by subsection (i) for higher priority uses, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state debt reduction reserve fund, which is hereby established in the state treasury. *Provided*,~~

~~That all moneys transferred from the expanded lottery act revenues fund to the state debt reduction reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law. *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure or transfer of moneys from the state debt reduction reserve fund, or to increase any expenditure limitation on the state debt reduction reserve fund. *And provided further*, That no expenditures or transfers shall be authorized or made from the state debt reduction reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.~~

~~(h) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds and transfers authorized by law, shall not exceed the following:~~

State property tax relief reserve fund	
For the fiscal year ending June 30, 2009.....	\$0
For the fiscal year ending June 30, 2010.....	\$0
For the fiscal year ending June 30, 2011.....	\$0
State infrastructure reserve fund	
For the fiscal year ending June 30, 2009.....	\$0
For the fiscal year ending June 30, 2010.....	\$0
For the fiscal year ending June 30, 2011.....	\$0
State debt reduction reserve fund	
For the fiscal year ending June 30, 2009.....	\$0
For the fiscal year ending June 30, 2010.....	\$0
For the fiscal year ending June 30, 2011.....	\$0

~~(i) During the fiscal year ending June 30, 2009, notwithstanding the provisions of 2008 Senate Bill No. 534 or this or any other appropriation act or any other act of the 2008 regular session of the legislature, or of any other statute, the director of accounts and reports shall transfer moneys from the expanded lottery act revenue fund strictly in accordance with the following priorities for the use of moneys credited to the expanded lottery act revenues fund:~~

~~FIRST, as prescribed in subsection (d) of this section, moneys shall be transferred from the expanded lottery act revenues fund to the state general fund for state debt reduction by reimbursing the state general fund for a portion of the expenditures for the KPEERS bond debt service of \$36,146,303 for fiscal year 2009 and paid from the state general fund as provided in section 85(a) of 2008 Senate Bill No. 534;~~

~~SECOND, as provided in subsection (a) of section 34, moneys shall be appropriated or transferred from the expanded lottery act revenues fund for state debt reduction by payment of bond debt service for fiscal year 2009 for the bonds issued to finance the capital improvement project to construct and remodel the school of pharmacy for the university of Kansas as provided in an appropriation act or acts enacted in 2009;~~

~~THIRD, as provided in subsection (a) of section 34, moneys shall be appropriated or transferred from the expanded lottery act revenues fund for state debt reduction by payment of bond debt service for fiscal year 2010 for the bonds issued to finance the capital improvement project to construct and remodel the school of pharmacy for the university of Kansas as provided in an appropriation act or acts enacted in 2010;~~

~~FOURTH, as provided in subsection (d) of section 34, moneys in the expanded lottery act revenues fund shall be used for state infrastructure improvements by transferring moneys from the expanded lottery act revenues fund to the school of pharmacy expansion project fund of the university of Kansas for fiscal year 2011 for the capital improvement project to construct and remodel the school of pharmacy for the university of Kansas;~~

~~FIFTH, as provided in subsection (a) of section 34, moneys shall be appropriated or transferred from the expanded lottery act revenues fund for state debt reduction by payment of bond debt service for fiscal year 2010 for the bonds issued to finance the capital improvement project to construct and remodel the school of pharmacy for the university of Kansas as provided in an appropriation act or acts enacted in 2010;~~

~~SIXTH, as provided in subsection (d) of section 34, moneys in the expanded lottery act revenues fund shall be used for state infrastructure improvements by transferring moneys from the expanded lottery act rev-~~

~~enues fund to the school of pharmacy expansion project fund of the university of Kansas for fiscal year 2011 for the capital improvement project to construct and remodel the school of pharmacy for the university of Kansas; and~~

~~SEVENTH, as provided in subsections (c), (f), and (g) of this section, any moneys remaining in the expanded lottery act revenues fund during fiscal year 2009, fiscal year 2010 and fiscal year 2011, after transferring the moneys from the expanded lottery act revenues fund in accordance with the preceding priorities, shall be transferred from the expanded lottery act revenues fund to the state property tax relief reserve fund, state infrastructure reserve fund and state property tax relief reserve fund.~~

Sec. 20.

KANSAS RACING AND GAMING COMMISSION

(a) On July 1, 2008, the aggregate limitation established by section 89(h) of 2008 Senate Bill No. 534 on the amount that the pooled money investment board is authorized and directed to loan to the Kansas racing and gaming commission during fiscal year 2009 as needed for the operating expenses of the Kansas racing and gaming commission for the expanded lottery operations under chapter 110 of the 2007 Session Laws of Kansas, which is stated as an aggregate for all such loan amounts provided to the Kansas racing and gaming commission by the pooled money investment board during both fiscal year 2008 and fiscal year 2009, is hereby increased from \$3,000,000 to \$5,000,000.

Sec. 21.

DEPARTMENT OF WILDLIFE AND PARKS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the rehabilitation and repair account of the wildlife fee fund is hereby increased from \$1,284,860.74 to \$1,684,860.74.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534 on the wildlife fee fund for state operations is hereby increased from \$19,526,062 to \$19,684,161.

(c) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534 on the boating fee fund for state operations is hereby increased from \$1,142,854 to \$1,168,905.

(d) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534 on the parks fee fund for state parks operating expenditures is hereby increased from \$4,828,437 to \$5,011,427.

(e) Notwithstanding the current executive department policy for replacing state agency vehicles that requires one vehicle to be removed from the state fleet in order to acquire a replacement vehicle, the Kansas department of wildlife and parks is hereby authorized and directed to retain up to 31 vehicles that are scheduled to be replaced during the fiscal year ending June 30, 2009: *Provided*, That the secretary of wildlife and parks shall have authority to reallocate any such vehicles to be retained: *Provided further*, That the secretary of wildlife and parks is authorized to make any necessary funding adjustments to offset any potential diversion of federal funds and to subsequently relocate the vehicles to and among the state parks for use by seasonal and temporary staff.

(f) On July 1, 2008, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the department of wildlife and parks is hereby increased from 414.55 to 416.55.

~~(g) During the fiscal year ending June 30, 2009, notwithstanding the provisions of section 132(b) of 2008 Senate Bill No. 534 to this or any other appropriation act of the 2008 regular session, or any other statute, no expenditures shall be made by the department of wildlife and parks from the state agricultural production fund to provide any financial support for the cabin program of the department of wildlife and parks.~~

(h) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated for the fiscal year ending June 30, 2008, or June 30, 2009, from the state general fund or any special revenue fund or funds, the above agency shall make expenditures to purchase from the Kansas Army Ammunition Plant Parsons —

Labette Redevelopment Planning Authority (KSAAP-LRPA) an option to purchase any portion of the former United States Army ammunition plant facility located near Parsons, Kansas, on or before December 1, 2008: *Provided*, That such option to purchase shall include a right of first refusal within one year of the date of the offer by KSAAP-LRPA to sell such property to the department of wildlife and parks: *Provided further*, That the purchase price paid for such option to purchase such property shall be \$750,000: *And provided further*, That prior to exercising the option to purchase such property, the secretary of wildlife and parks shall certify that the amount equal to the grant awarded by the department of commerce pursuant to section 13(b) of 2008 Senate Bill No. 534 to the KSAAP-LRPA has been paid to the state and deposited in the state treasury to the credit of the state economic development initiatives fund: *And provided further*, That the department of wildlife and parks is hereby authorized to purchase such property from KSAAP-LRPA for an amount of not to exceed the appraised value of such property: *And provided further*, That, if the department of wildlife and parks does not exercise the option to purchase such property within the allotted time period, then the KSAAP-LRPA may sell such property to another entity.

Sec. 22.

DEPARTMENT OF TRANSPORTATION

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 133(b) of 2008 Senate Bill No. 534 on the state highway fund for state operations is hereby increased from \$269,078,434 to \$271,383,054.

(b) During the fiscal year ending June 30, 2009, notwithstanding the provisions of the state surplus property act, K.S.A. 75-6604, and amendments thereto, or any other statute or the provisions of this or any other appropriation act of the 2008 regular session of the legislature, all moneys received as proceeds from the sale of 123 vehicles of the department of transportation that are scheduled for replacement, including automobiles and light trucks, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and, upon receipt of each such remittance, shall be credited to the state general fund.

Sec. 23.

KANSAS HOUSING RESOURCES CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

State housing trust fund

For the fiscal year ending June 30, 2008..... No limit

For the fiscal year ending June 30, 2009..... No limit

Provided, That all expenditures from the state housing trust fund shall be made by the Kansas housing resources corporation pursuant to 2008 Senate Bill No. 417: *Provided further*, That, notwithstanding the provisions of K.S.A. 74-8959, and amendments thereto, or any other statute, the Kansas housing resources corporation may make expenditures from the state housing trust fund for the purposes of implementing and administering the provisions of sections 4 through 9, and amendments thereto, of 2008 Senate Bill No. 417, the Kansas rural housing incentive district act.

Sec. 24.

DEPARTMENT OF LABOR

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 93(b) of 2008 Senate Bill No. 534 on the federal indirect cost offset fund is hereby increased from \$203,195 to \$308,517.

Sec. 25.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 94(b) of 2008 Senate Bill No. 534 on the commission on veterans affairs federal fund is hereby increased from \$127,942 to \$189,672.

(b) In addition to the other purposes for which expenditures may be made by the above agency from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009 as authorized by 2008 Senate Bill No. 534 or by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the above agency from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009 to raze a cottage at the Kansas soldiers' home at 437 Custer.

Sec. 26.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 29(a) of 2008 Senate Bill No. 534 on the securities act fee fund is hereby increased from \$2,697,137 to \$2,731,776.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 29(b) of 2008 Senate Bill No. 534 on the securities act fee fund is hereby increased from \$2,679,338 to \$2,782,599.

Sec. 27.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year or years specified, the following:

Operating grant (including official hospitality)

For the fiscal year ending June 30, 2009..... \$171,600

(b) On July 1, 2008, the amount of \$1,250,000 authorized by section 90(f) of 2008 Senate Bill No. 534 to be transferred by the director of accounts and reports from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce on August 15, 2008, and December 15, 2008, or as soon thereafter as moneys are available, is hereby decreased to \$625,000.

(c) The director of accounts and reports shall not make the transfer of \$150,000 from the state economic development initiatives fund to the small employer cafeteria plan development program fund of the department of commerce which was authorized to be made on July 1, 2008, by section 90(g) of 2008 Senate Bill No. 534 and, on July 1, 2008, the provisions of section 90(g) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

(d) The director of accounts and reports shall not make the transfer of \$500,000 from the state economic development initiatives fund to the association assistance plan fund of the department of commerce which was directed to be made on July 1, 2008, by section 90(h) of 2008 Senate Bill No. 534 and, on July 1, 2008, the provisions of section 90(h) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

Sec. 28.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) On July 1, 2008, of the \$9,600,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 79(a) of 2008 Senate Bill No. 534 from the state general fund in the assigned counsel expenditures account, the sum of \$300,000 is hereby lapsed.

Sec. 29.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Judicial branch nonjudiciary salary adjustment fund

For the fiscal year ending June 30, 2009..... \$3,800,000

Sec. 30. On July 1, 2008, section 86 of 2008 Senate Bill No. 534 is hereby amended to read as follows:

Sec. 86.

STATE ~~BOARD~~ COURT OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Operating expenditures ~~\$1,608,780~~ \$1,773,780
Provided, That any unencumbered balance in the operating expenditures account of the state board of tax appeals, which was abolished by 2008 Substitute for House Bill No. 2018, in excess of \$100 as of June 30, 2008, is hereby reappropriated to the operating expenditures account of the state court of tax appeals for fiscal year 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, 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:

Duplicating fees fund..... \$5,000
~~BOTA~~ COTA filing fee fund \$496,234

Sec. 31. On July 1, 2008, Section 86 of 2008 Senate Bill No. 534 is hereby repealed.

Sec. 32.

DEPARTMENT OF REVENUE

(a) On July 1, 2008, the amount of \$500,000 authorized by section 87(f)(2) of 2008 Senate Bill No. 534 to be transferred by the director of accounts and reports from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund of the department of revenue on July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, is hereby decreased to \$100,000.

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures
For the fiscal year ending June 30, 2009..... \$34,969

Sec. 33.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Technology innovation federal grant fund
For the fiscal year ending June 30, 2008..... No limit
For the fiscal year ending June 30, 2009..... No limit

(b) On July 1, 2008, of the \$12,506,811 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 92(a) of 2008 Senate Bill No. 534 from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$500,000 is hereby lapsed.

Sec. 34.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

PEI infrastructure — debt service
For the fiscal year ending June 30, 2009..... \$3,180,469

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, 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:

Postsecondary educational infrastructure finance K DFA 2008A revenue fund
For the fiscal year ending June 30, 2009..... No limit

(c) During the fiscal year ending June 30, 2009, notwithstanding any provisions of subsection (f) of K.S.A. 2007 Supp. 66-2010, and amendments thereto, to the contrary, the amount of \$8,000,000 shall be certified before July 1, 2008, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of

the state corporation commission to the KAN-ED fund of the state board of regents during fiscal year 2009 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2007 Supp. 66-2010, and amendments thereto.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the KAN-ED operating expenditures account of the state general fund for fiscal year 2009 as authorized by section 116(a) of 2008 Senate Bill No. 534, notwithstanding the provisions of section 116(a) of 2008 Senate Bill No. 534, or any other statute, expenditures shall be made by the above agency from the KAN-ED operating expenditures account of the state general fund for fiscal year 2009 to research and identify alternative funding sources for KAN-ED for the fiscal year ending June 30, 2009, and each year thereafter: *Provided*, That the state board of regents shall send a copy of the report to each member of the joint committee on information technology no later than November 1, 2008, setting forth its recommendation for an alternative funding source for KAN-ED, which shall be reviewed by the joint committee prior to the beginning of the 2009 legislature: *And provided further*, That the joint committee on information technology shall report its recommendation on these matters to the legislature at the beginning of the 2009 regular session.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the postsecondary aid for vocational education account of the state general fund for fiscal year 2009 as authorized by section 116(a) of 2008 Senate Bill No. 534, notwithstanding the provisions of section 116(a) of 2008 Senate Bill No. 534, or any other statute, expenditures shall be made for state aid by the above agency from the postsecondary aid for vocational education account of the state general fund for fiscal year 2009 so that no technical education institution, including technical colleges, receives less state aid in the fiscal year ending June 30, 2009, than it received in the previous fiscal year.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the postsecondary operating grant account of the state general fund for fiscal year 2009, as authorized by section 116(a) of 2008 Senate Bill No. 534, expenditures shall be made by the above agency from the postsecondary operating grant account of the state general fund for fiscal year 2009 for a bioscience summer institute at Emporia state university in an aggregate amount of not less than \$200,581; a professional science masters degree program at Fort Hays state university in an aggregate amount of not less than \$330,000; and a school of construction at Pittsburg state university in an aggregate amount of not less than \$1,393,400: *Provided*, That expenditures shall be made from the postsecondary operating grant account for these three projects equally in a ratio of the allocated amounts before funding any other projects or purposes when funding is available by this act of the 2008 regular session of the legislature: *Provided, however*, That no moneys shall be allocated for any such project unless additional funding is appropriated by this act for postsecondary operating grant funding for fiscal year 2009.

Sec. 35.

PITTSBURG STATE UNIVERSITY

(a) (1) During the fiscal year ending June 30, 2009, no bonds shall be approved by the Kansas development finance authority for the capital improvement project for student health center construction for Pittsburg state university pursuant to section 151(i) of 2008 Senate Bill No. 534 until the conditions of K.S.A. 76-742, and amendments thereto, have been met.

(2) On July 1, 2008, the provisions of the last proviso in section 151(i) of 2008 Senate Bill No. 534 which states that no bonds shall be approved by the Kansas development finance authority until the conditions of K.S.A. 76-142, and amendments thereto, have been met, are hereby declared to be null and void and shall have no force and effect.

Sec. 36.

UNIVERSITY OF KANSAS

(a) In addition to the other purposes for which expenditures may be made by the university of Kansas for the moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2009 or fiscal year 2010 as authorized by 2008 Senate Bill No. 534 or by

this or any other appropriation act or any other act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or any special revenue fund or funds for fiscal year 2009 or for fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct and remodel the school of pharmacy: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$20,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the expanded lottery act revenues fund: *And provided further*, That if moneys are not available in the expanded lottery act revenues fund for such debt service, then expenditures shall be made by the university of Kansas for such debt service from moneys appropriated from the state general fund.

(b) On July 1, 2008, the \$5,000,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 152(a) of 2008 Senate Bill No. 534 from the state general fund in the school of pharmacy expansion project account, is hereby lapsed.

(c)(1) The director of accounts and reports shall not make the transfer of \$5,000,000 from the state infrastructure reserve fund of the department of administration to the state general fund which was directed to be made on July 1, 2008, by section 152(d)(1) of 2008 Senate Bill No. 534 and, on the effective date of this act, the provisions of section 152(d)(1) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

(2) The director of accounts and reports shall not make the transfer of \$22,500,000 from the state infrastructure reserve fund of the department of administration to the state general fund which was directed to be made on July 1, 2009, by section 152(d)(2) of 2008 Senate Bill No. 534 and, on the effective date of this act, the provisions of section 152(d)(2) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

(3) The director of accounts and reports shall not make the transfer of \$22,500,000 from the state infrastructure reserve fund of the department of administration to the state general fund which was directed to be made on July 1, 2010, by section 152(d)(3) of 2008 Senate Bill No. 534 and, on the effective date of this act, the provisions of section 152(d)(3) of 2008 Senate Bill No. 534 are hereby declared to be null and void and shall have no force and effect.

(d)(1) On July 1, 2009, or as soon as moneys are available therefor, the director of accounts and reports shall transfer \$15,000,000 from the expanded lottery act revenues fund to the school of pharmacy expansion project fund.

(2) On July 1, 2010, or as soon as moneys are available therefor, the director of accounts and reports shall transfer \$15,000,000 from the expanded lottery act revenues fund to the school of pharmacy expansion project fund.

(e) On July 1, 2009, the expenditure limitation established for the fiscal year ending June 30, 2010, by section 152(b) of 2008 Senate Bill No. 534 on the school of pharmacy expansion project fund is hereby decreased from \$22,500,000 to \$15,000,000.

(f) On July 1, 2010, the expenditure limitation established for the fiscal year ending June 30, 2011, by section 152(b) of 2008 Senate Bill No. 534

on the school of pharmacy expansion project fund is hereby decreased from \$22,500,000 to \$15,000,000.

Sec. 37.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Wichita center for graduate medical education

For the fiscal year ending June 30, 2009..... \$1,500,000

Provided, That \$7,100,000 has been requested by the Wichita center for graduate medical education from the Kansas bioscience authority for research-oriented grant funding; *Provided further*, That expenditures shall be made from the Wichita center for graduate medical education account for purposes of funding non-research needs such as offsite or rural rotations for which medicare funding has been terminated or for purposes of attaining adequate standards for accreditation of the WCGME residency program; *And provided further*, That, if 2008 Senate Bill No. 81 is passed by the legislature during the 2008 regular session and enacted into law, then, on July 1, 2008, the \$1,500,000 appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, by this subsection in the Wichita center for graduate medical education account is hereby lapsed.

Sec. 38.

GOVERNMENTAL ETHICS COMMISSION

(a) On or after the effective date of this act, during the fiscal year ending June 30, 2008, all expenditures made by the above agency for the fiscal year ending June 30, 2008, for the purpose of conducting the heartland council on governmental ethics laws conference shall be in addition to any expenditure limitation imposed on the governmental ethics commission fee fund for fiscal year 2008.

(b) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures

For the fiscal year ending June 30, 2009..... \$3,000

(c) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 23(c) of Senate Bill No. 534 on the governmental ethics commission fee fund is hereby decreased from \$161,223 to \$158,223.

Sec. 39.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other medical assistance

For the fiscal year ending June 30, 2008..... \$4,074,509

Youth services aid and assistance

For the fiscal year ending June 30, 2009..... \$1,901,961

Cash assistance

For the fiscal year ending June 30, 2008..... \$42,154

Community based services

For the fiscal year ending June 30, 2008..... \$1,151,110

For the fiscal year ending June 30, 2009..... \$2,939,740

Parsons state hospital and training center — operating expenditures

For the fiscal year ending June 30, 2008..... \$141,019

State operations

For the fiscal year ending June 30, 2009..... \$118,500

Osawatomie state hospital — operating expenditures

For the fiscal year ending June 30, 2009..... \$444,318

Mental health and retardation services aid and assistance

For the fiscal year ending June 30, 2009..... \$2,839,274

(b) On the effective date of this act, of the \$111,985,973 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$1,163,619 is hereby lapsed.

(c) On July 1, 2008, of the \$98,839,321 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 99(a) of 2008 Senate Bill No. 534 from the state general fund in the other medical assistance account, the sum of \$1,235,354 is hereby lapsed.

(d) On July 1, 2008, of the \$68,326,730 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 99(a) of 2008 Senate Bill No. 534 from the state general fund in the cash assistance account, the sum of \$1,048,779 is hereby lapsed.

(e) There is appropriated for the above agency from the children's initiatives fund for the fiscal year or years specified:

Early childhood block grant

For the fiscal year ending June 30, 2009..... \$11,100,000

Early head start

For the fiscal year ending June 30, 2009..... \$1,852,779

(f) During the fiscal year ending June 30, 2009, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2008, and on June 1, 2009, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That each of the individuals transferred must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2009 with expenditure data regarding this program.

(g) On the effective date of this act, of the \$10,800,250 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the Osawatimie state hospital — operating expenditures account, the sum of \$141,019 is hereby lapsed.

(h) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the Osawatimie state hospital fee fund is hereby increased from \$4,842,397 to \$5,383,416.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the Parsons state hospital and training center fee fund is hereby decreased from \$1,434,990 to \$1,293,971.

(j) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008 and fiscal year 2009, as authorized by chapter 167 or 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008 and fiscal year 2009 to study the feasibility and advantages of providing services and assistance by age groupings instead of providing services and assistance by the kind or category of condition, disability or other need for which service or assistance is provided, including autism: *Provided*, That the department of social and rehabilitation services shall prepare and present a report on the results of the study to the social services budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate at the beginning of the 2009 regular session of the legislature.

(k) (1) In addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from the moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008 and fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other

appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from moneys appropriated from the state general fund or from any special revenue fund for the department of social and rehabilitation services for fiscal year 2008 and fiscal year 2009 to recruit and hire new employees to fill existing positions in job classes which provide required patient care or other services at the state hospitals, with the goal of eliminating overtime work hours currently provided by existing staff: *Provided*, That, in administering such recruiting and hiring of new employees, the department of social and rehabilitation services should place a high priority on hiring additional employees providing services for administrative units of each state hospital where the staff members work most overtime hours in order to provide the services required for the care of patients: *Provided further*, That the department of social and rehabilitation services shall prepare and present a report of the actions taken and resulting changes in staffing levels pursuant to this subsection and of the extent of any continued reliance on overtime work at each state hospital to the social services budget committee of the house of representatives and to the appropriate subcommittee of the ways and means committee of the senate at the beginning of the 2009 regular session of the legislature.

(2) As used in this subsection (k), “state hospital” means Larned state hospital, Osawatomie state hospital, Parsons state hospital and training center, Rainbow mental health facility and Kansas neurological institute.

(1) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the Osawatomie state hospital is hereby increased from 478.40 to 491.20.

Sec. 40.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

LTC — medicaid assistance — NF	
For the fiscal year ending June 30, 2008.....	\$1,211,000
For the fiscal year ending June 30, 2009.....	\$2,004,000
LTC — medicaid assistance — HCBS/FE	
For the fiscal year ending June 30, 2009.....	\$519,950
Administration	
For the fiscal year ending June 30, 2009.....	\$810,000
<i>Provided</i> , That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2009 regular session of the legislature a report on how the additional funding for area agencies on aging was expended: <i>Provided further</i> , That the report shall include information regarding distribution of funding to each of the 11 area agencies on aging.	
Nursing facilities regulation	
For the fiscal year ending June 30, 2008.....	\$13,330
Nursing facilities regulation — title XIX	
For the fiscal year ending June 30, 2008.....	\$9,470
For the fiscal year ending June 30, 2009.....	\$74,949

(b) On July 1, 2008, the position limitation established for the fiscal year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for the department on aging is hereby increased from 209.00 to 214.00.

(c) (1) During the fiscal years ending June 30, 2008, and June 30, 2009, in addition to other purposes for which expenditures may be made by the department on aging from the moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2008 or fiscal year 2009 as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate Bill No. 534, or by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 and fiscal year 2009 to make payments under the state medicaid program to each nursing facility, upon re-opening, as a new nursing facility provider with a nursing facility provider medicaid rate determined under the provisions of K.A.R. 30-10-17(b) and K.A.R. 30-10-18(e)(1)(A).

(2) As used in this subsection, “nursing facility” means a nursing facility

which is located within a county designated by the United States federal emergency management agency under major disaster declaration FEMA-1711-DR and which was closed for a period of nine months or more as a result of such 2007 disaster caused by the flooding and other severe weather in Southeast Kansas.

(d) On July 1, 2008, of the \$1,931,200 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 97(a) of 2008 Senate Bill No. 534 from the state general fund in the nursing facilities regulation account, the sum of \$232,650 is hereby lapsed.

Sec. 41.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Other medical assistance

For the fiscal year ending June 30, 2008..... \$14,000,000

For the fiscal year ending June 30, 2009..... \$14,037,000

Provided, That, at the beginning of the 2009 regular session of the legislature, the Kansas health policy authority shall submit to the senate committee on ways and means and the house of representatives committee on appropriations a report of the amount of savings achieved from the implementation of a preferred drug formulary for the MediKan program: *Provided further*, That the Kansas health policy authority shall not require an individual, who is currently prescribed medications for mental health purposes in the MediKan program, to change prescriptions under a preferred drug formulary during the fiscal year ending June 30, 2009: *And provided further*, That all prescriptions paid for by the MediKan program shall be filled pursuant to subsection (a) of K.S.A. 65-1637, and amendments thereto: *And provided further*, That the Kansas health policy authority shall follow the existing prior authorization protocol for reimbursement of prescriptions for the MediKan program for the fiscal year ending June 30, 2009.

Sec. 42.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, the following:

Parole from adult correctional institutions..... \$6,729

Sec. 43.

STATE LIBRARY

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

Operating expenditures

For the fiscal year ending June 30, 2009..... \$29,000

Sec. 44.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year or years specified, the following:

HAVA match

For the fiscal year ending June 30, 2008..... \$55,477

(b) On the effective date of this act, the \$55,477 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 61(a) of 2008 Senate Bill No. 534 from the state general fund in the operating expenditures account, is hereby lapsed.

Sec. 45.

KANSAS LOTTERY

(a) On the effective date of this act, the amount to be transferred from the state gaming revenues fund to the state general fund in section 110 (c) of chapter 167 of the 2007 Session Laws of Kansas, on or before June 15, 2008, is hereby reduced by \$270,000 of the amount certified by the executive director of the Kansas lottery to be transferred from the lottery operating fund to the state gaming revenues fund that is attributed to the special veterans benefits game: *Provided*, That the director of accounts and reports shall transfer \$270,000 from the state gaming revenues fund to the national guard museum assistance fund of the adjutant general's department for the purpose of providing assistance for an expansion of the 35th infantry division museum and education center facility as de-

scribed in subsection (c)(3) K.S.A. 2007 Supp. 74-8724, as amended by section 6 of 2008 Senate Substitute for House Bill No. 2923.

Sec. 46.

STATE CORPORATION COMMISSION

(a) On July 1, 2008, the aggregate expenditure limitation established for the fiscal year ending June 30, 2009, by section 83(b) of 2008 Senate Bill No. 534, on expenditures from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund, in the aggregate, is hereby increased from \$16,122,496 to \$16,472,496.

~~Sec. 47. (a) No moneys shall be appropriated for any state agency from the state general fund or from any special revenue fund to replace homeland security federal funds in future years.~~

Sec. 48. On the effective date of this act, K.S.A. 2007 Supp. 74-99b16 is hereby amended to read as follows: 74-99b16. (a) As used in this section, unless the context expressly provides otherwise:

(1) “Ancillary technical services” include, but shall not be limited to, geology services and other soil or subsurface investigation and testing services, surveying, adjusting and balancing of air conditioning, ventilating, heating and other mechanical building systems, testing and consultant services that are determined by the bioscience authority to be required for a project;

(2) “architectural services” means those services described by subsection (e) of K.S.A. 74-7003, and amendments thereto;

(3) “construction services” means the work performed by a construction contractor to commence and complete a project;

(4) “construction management at-risk services” means the services provided by a firm which has entered into a contract with the bioscience authority to be the construction manager at risk for the value and schedule of the contract for a project, which is to hold the trade contracts and execute the work for a project in a manner similar to a general contractor and which is required to solicit competitive bids for the trade packages developed for a project and to enter into the trade contracts for a project with the lowest responsible bidder therefor, and may include, but are not limited to, such services as scheduling, value analysis, systems analysis, constructability reviews, progress document reviews, subcontractor involvement and prequalification, subcontractor bonding policy, budgeting and price guarantees, and construction coordination;

(5) “division of facilities management” means the division of facilities management of the department of administration;

(6) “engineering services” means those services described by subsection (i) of K.S.A. 74-7003, and amendments thereto;

(7) “firm” means (A) with respect to architectural services, an individual, firm, partnership, corporation, association or other legal entity which is: (i) permitted by law to practice the profession of architecture; and (ii) maintaining an office in Kansas staffed by one or more architects who are licensed by the board of technical professions; or (iii) not maintaining an office in Kansas, but which is qualified to perform special architectural services that are required in special cases where in the judgment of the bioscience authority it is necessary to go outside the state to obtain such services; (B) with respect to engineering services or land surveying, an individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the profession of engineering and provide engineering services or practice the profession of land surveying and provide land surveying services, respectively; (C) with respect to construction management at-risk services, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to perform construction management at-risk services; (D) with respect to ancillary technical services or other services that are determined by the bioscience authority to be required for a project, a qualified individual, firm, partnership, corporation, association or other legal entity permitted by law to practice the required profession or perform the other required services, as determined by the bioscience authority; and (E) with respect to construction services, a qualified individual, firm, partnership, corporation, association, or other legal entity permitted by law to perform construction services for a project;

(8) “land surveying” means those services described in subsection (j) of K.S.A. 74-7003, and amendments thereto;

(9) “negotiating committee” means the board of directors of the subsidiary corporation formed under K.S.A. 2007 Supp. 76-781, and amendments thereto, *except that for the period of May 1, 2008, through May 1, 2009, the term shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto;*

(10) “project” means a project undertaken by the Kansas bioscience authority;

(11) “project services” means architectural services, engineering services, land surveying, construction management at-risk services, construction services, ancillary technical services or other construction-related services determined by the bioscience authority to be required for a project; and

(12) “state building advisory commission” means the state building advisory commission created by K.S.A. 75-3780, and amendments thereto.

(b) The bioscience authority, when acting under authority of this act, and each project authorized by the bioscience authority under this act are exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto, except as otherwise specifically provided by this act.

(c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, or the provisions of any other statute to the contrary, all contracts for any supplies, materials or equipment for a project authorized by the bioscience authority under this act, shall be entered into in accordance with procurement procedures determined by the bioscience authority, subject to the provisions of this section, except that, in the discretion of the bioscience authority, any such contract may be entered into in the manner provided in and subject to the provisions of any such statute otherwise applicable thereto. Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if the bioscience authority does not obtain construction management at-risk services for a project, the construction services for such project shall be obtained pursuant to competitive bids and all contracts for construction services for such project shall be awarded to the lowest responsible bidder in accordance with procurement procedures determined and administered by the bioscience authority which shall be consistent with the provisions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

(d) When it is necessary in the judgment of the bioscience authority to obtain project services for a particular project by conducting negotiations therefor, the bioscience authority shall publish a notice of the commencement of negotiations for the required project services at least 15 days prior to the commencement of such negotiations in the Kansas register in accordance with K.S.A. 75-430a, and amendments thereto, and in such other appropriate manner as may be determined by the bioscience authority.

(e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-1251, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-1250 through 75-1270, and amendments thereto, with respect to the procurement of architectural services for a project authorized by the bioscience authority under this act, “negotiating committee” shall mean the board of directors of the subsidiary corporation formed under K.S.A. 2007 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required architectural services for the project in accordance with the provisions of K.S.A. 75-1250 through 75-1270, and amendments thereto, except that no limitation on the fees for architectural services for the project shall apply to the fees negotiated by the board of directors for such architectural services, *except that for the period of May 1, 2008, through May 1, 2009, the “negotiating committee” shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 76-781, and amendments thereto, shall have no role in the procurement of architectural services for a project.*

(2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802, and amendments thereto, or the provisions of any other statute to the contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments thereto, with respect to the procurement of engineering services or land surveying services for a project authorized by the bioscience authority under this act, “negotiating committee” shall mean the board of directors

of the subsidiary corporation formed under K.S.A. 2007 Supp. 76-781, and amendments thereto, and such board of directors shall negotiate a contract with a firm to provide any required engineering services or land surveying services for the project in accordance with the provisions of K.S.A. 75-5801 through 75-5807, and amendments thereto, *except that for the period of May 1, 2008, through May 1, 2009, the “negotiating committee” shall have the meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments thereto, and the board of directors of the subsidiary corporation formed under K.S.A. 76-781, and amendments thereto, shall have no role in the procurement of engineering services or land surveying services for a project.*

(3) In any case of a conflict between the provisions of this section and the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through 75-5807, and amendments thereto, with respect to a project authorized by the bioscience authority under this act, the provisions of this section shall govern.

(f) (1) For the procurement of construction management at-risk services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction management at-risk services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to (A) the firm’s capacity and experience, including experience on similar or related projects, (B) the capabilities and other qualifications of the firm’s personnel, and (C) performance data of all consultants the firm proposes to use.

(2) Whenever the bioscience authority determines that a construction manager at risk is required for a project under this act, the bioscience authority shall notify the state building advisory commission and the state building advisory commission shall prepare a list of at least three and not more than five firms which are, in the opinion of the state building advisory commission, qualified to serve as construction manager at risk for the project. Such list shall be submitted to the negotiating committee, without any recommendation of preference or other recommendation. The negotiating committee shall have access to statements of qualifications of and performance data on the firms listed by the state building advisory commission and all information and evaluations regarding such firms gathered and developed by the secretary of administration under K.S.A. 75-3783, and amendments thereto.

(3) The negotiating committee shall conduct discussions with each of the firms so listed regarding the project. The negotiating committee shall determine which construction management at-risk services are desired and then shall proceed to negotiate with and attempt to enter into a contract with the firm considered to be most qualified to serve as construction manager at risk for the project. The negotiating committee shall proceed in accordance with the same process with which negotiations are undertaken to contract with a firm to be a project architect under K.S.A. 75-1257, and amendments thereto, to the extent that such provisions can be made to apply. Should the negotiating committee be unable to negotiate a satisfactory contract with the firm considered to be most qualified, negotiations with that firm shall be terminated and shall undertake negotiations with the second most qualified firm, and so forth, in accordance with that statute.

(4) The contract to perform construction management at-risk services for a project shall be prepared by the division of facilities management and entered into by the bioscience authority with the firm contracting to perform such construction management at-risk services.

(g) (1) To assist in the procurement of construction services for projects under this act, the secretary of administration shall encourage firms engaged in the performance of construction services to submit annually to the secretary of administration and to the state building advisory commission a statement of qualifications and performance data. Each statement shall include data relating to (A) the firm’s capacity and experience, including experience on similar or related projects, (B) the capabilities and other qualifications of the firm’s personnel, (C) performance data of all subcontractors the firm proposes to use, and (D) such other information related to the qualifications and capability of the firm to perform

construction services for projects as may be prescribed by the secretary of administration.

(2) The construction manager at risk shall publish a construction services bid notice in the Kansas register and in such other appropriate manner as may be determined by the bioscience authority. Each construction services bid notice shall include the request for bids and other bidding information prepared by the construction manager at risk and the state bioscience authority with the assistance of the division of facilities management. The current statements of qualifications of and performance data on the firms submitting bid proposals shall be made available to the construction manager at risk and the bioscience authority by the state building advisory commission along with all information and evaluations developed regarding such firms by the secretary of administration under K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid proposal shall be bonded in accordance with K.S.A. 60-1111, and amendments thereto, and shall present evidence of such bond to the construction manager at risk prior to submitting a bid proposal. If a firm submitting a bid proposal fails to present such evidence, such firm shall be deemed unqualified for selection under this subsection. At the time for opening the bids, the construction manager at risk shall evaluate the bids and shall determine the lowest responsible bidder. The construction manager at risk shall enter into contracts with each firm performing the construction services for the project and make a public announcement of each firm selected in accordance with this subsection.

(h) The division of facilities management shall provide such information and assistance as may be requested by the bioscience authority or the negotiating committee for a project, including all or part of any project services as requested by the bioscience authority, and (1) shall prepare the request for proposals and publication information for each publication of notice under this section, subject to the provisions of this section, (2) shall prepare each contract for project services for a project, including each contract for construction services for a project, (3) shall conduct design development reviews for each project, (4) shall review and approve all construction documents for a project prior to soliciting bids or otherwise soliciting proposals from construction contractors or construction service providers for a project, (5) shall obtain and maintain copies of construction documents for each project, and (6) shall conduct periodic inspections of each project, including jointly conducting the final inspection of each project.

(i) Notwithstanding the provisions of any other statute, the bioscience authority shall enter into one or more contracts with the division of facilities management for each project for the services performed by the division of facilities management for the project as required by this section or at the request of the bioscience authority. The division of facilities management shall receive fees from the bioscience authority to recover the costs incurred to provide such services pursuant to such contracts.

(j) Design development reviews and construction document reviews conducted by the division of facilities management shall be limited to ensuring only that the construction documents do not change the project description and that the construction documents comply with the standards established under K.S.A. 75-3783, and amendments thereto, by the secretary of administration for the planning, design and construction of buildings and major repairs and improvements to buildings for state agencies, including applicable building and life safety codes and appropriate and practical energy conservation and efficiency standards.

(k) Each project for a bioscience research institution shall receive a final joint inspection by the division of facilities management and the bioscience authority. Each such project shall be officially accepted by the bioscience authority before such project is occupied or utilized by the bioscience research institution, unless otherwise agreed to in writing by the contractor and the bioscience authority as to the satisfactory completion of the work on part of the project that is to be occupied and utilized, including any corrections of the work thereon.

(l) (1) The bioscience authority shall issue monthly reports of progress on each project and shall advise and consult with the joint committee on state building construction regarding each project. Change orders and changes of plans for a project shall be authorized or approved by the bioscience authority.

(2) No change order or change of plans for a project involving either cost increases of \$75,000 or more or involving a change in the proposed use of a project shall be authorized or approved by the bioscience authority without having first advised and consulted with the joint committee on state building construction.

(3) Change orders or changes in plans for a project involving a cost increase of less than \$75,000 and any change order involving a cost reduction, other than a change in the proposed use of the project, may be authorized or approved by the bioscience authority without prior consultation with the joint committee on state building construction. The bioscience authority shall report to the joint committee on state building construction all action relating to such change orders or changes in plans.

(4) If the bioscience authority determines that it is in the best interest of the state to authorize or approve a change order, a change in plans or a change in the proposed use of any project that the bioscience authority is required to first advise and consult with the joint committee on state building construction prior to issuing such approval and if no meeting of the joint committee is scheduled to take place within the next 10 business days, then the bioscience authority may use the procedure authorized by subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of advising and consulting with the joint committee at a meeting. In any such case, the bioscience authority shall mail a summary description of the proposed change order, change in plans or change in the proposed use of any project to each member of the joint committee on state building construction and to the director of the legislative research department. If the bioscience authority provides notice and information to the members of the joint committee and to such director in the manner required and subject to the same provisions and conditions that apply to the secretary of administration under such statute, and if less than two members of the joint committee contact the director of the legislative research department within seven business days of the date the summary description was mailed and request a presentation and review of any such proposed change order, change in plans or change in use at a meeting of the joint committee, then the bioscience authority shall be deemed to have advised and consulted with the joint committee about such proposed change order, change in plans or change in proposed use and may authorize or approve such proposed change order, change in plans or change in proposed use.

(m) The provisions of this section shall apply to each project authorized by the bioscience authority under this act and shall not apply to any other capital improvement project of the bioscience authority or bioscience research institution that is specifically authorized by any other statute.

Sec. 49. K.S.A. 2007 Supp. 74-99b16 is hereby repealed.

Sec. 50. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 51. *Appeals to exceed position limitations.* The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2008, or ending June 30, 2009, made in chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, in 2008 Senate Bill No. 534, or in this act or in any other appropriation act of the 2008 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 52. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

(b) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund or the Kansas endowment for youth fund, or to any account of any of such funds.

Sec. 53. *Savings.* (a) Any unencumbered balance as of June 30, 2008, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by

this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2008, in any special revenue fund, or account thereof, of any state agency named in section 88 of chapter 167 of the 2007 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2009 by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate Bill No. 534, or by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for fiscal year 2009 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the state economic development initiatives fund, the children's initiatives fund, the state water plan fund, the Kansas endowment for youth fund, the Kansas educational building fund, the state institutions building fund, or the correctional institutions building fund, or to any account of any of such funds.

Sec. 54. During the fiscal year ending June 30, 2009, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by 2008 Senate Bill No. 534 or by this or other appropriation act of the 2008 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2009, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 55. *Federal grants.* (a) During the fiscal year ending June 30, 2009, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by 2008 Senate Bill No. 534 or by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom. This subsection shall not apply to any state agency named in section 88 of chapter 167 of the 2007 Session Laws of Kansas.

(b) During the fiscal year ending June 30, 2009, each federal grant or other federal receipt which is received by a state agency named in section 88 of chapter 167 of the 2007 Session Laws of Kansas and which is not otherwise appropriated to that state agency for fiscal year 2009 by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate Bill No. 534, or by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for fiscal year 2009 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2009, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2009.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or in 2008 Senate Bill No. 534 or in this or other appropriation act of the 2008 regular session of the legislature and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2009 by 2008 Senate Bill No. 534 or by this or other appropriation act of the 2008 regular session of the legislature to apply for and receive federal grants during fiscal year 2009, which federal grants are hereby authorized to be applied for and received by

such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 56. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in 2008 Senate Bill No. 534 or in this or other appropriation act of the 2008 regular session of the legislature, and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2007.

Sec. 57. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in 2008 Senate Bill No. 534 or in this or other appropriation act of the 2008 regular session of the legislature and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2007.

Sec. 58. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in 2008 Senate Bill No. 534 or in this or other appropriation act of the 2008 regular session of the legislature and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2007.

Sec. 59. Any transfers of money during the fiscal year ending June 30, 2009, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2009.

Sec. 60. This act shall take effect and be in force from and after its publication in the Kansas register.

I hereby certify that the above BILL originated in the HOUSE, and passed that body

HOUSE adopted
Conference Committee Report _____

Speaker of the House.

Chief Clerk of the House.

Passed the SENATE
as amended _____

SENATE adopted
Conference Committee Report _____

President of the Senate.

Secretary of the Senate.

APPROVED _____

Governor.