

**HOUSE Substitute for SENATE BILL No. 658**

By Committee on Appropriations

4-30

10 AN ACT making and concerning appropriations for the fiscal years end-  
11 ing June 30, 2008, June 30, 2009, and June 30, 2010, for state agencies;  
12 authorizing certain transfers, capital improvement projects and fees,  
13 imposing certain restrictions and limitations, and directing or author-  
14 izing certain receipts, disbursements and acts incidental to the fore-  
15 going; amending K.S.A. 2007 Supp. 74-99b16 and section 86 of 2008  
16 Senate Bill No. 534, and repealing the existing sections.  
17

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

19 Section 1. (a) For the fiscal years ending June 30, 2008, June 30, 2009,  
20 and June 30, 2010, appropriations are hereby made, restrictions and lim-  
21 itations are hereby imposed, and transfers, capital improvement projects,  
22 fees, receipts, disbursements and acts incidental to the foregoing are  
23 hereby directed or authorized as provided in this act.

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

28 (c) This act shall be known and may be cited as the omnibus appro-  
29 priation act of 2008 and shall constitute the omnibus reconciliation spend-  
30 ing limit bill for the 2008 regular session of the legislature for purposes  
31 of subsection (a) of K.S.A. 75-6702, and amendments thereto.

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

34 Sec. 2.

35 KANSAS DEPARTMENT OF AGRICULTURE

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

38 Operating expenditures  
39 For the fiscal year ending June 30, 2009..... \$264,962

40 (b) There is appropriated for the above agency from the following spe-  
41 cial revenue fund or funds for the fiscal year or years specified, all moneys  
42 now or hereafter lawfully credited to and available in such fund or funds,  
43 except that expenditures other than refunds authorized by law shall not

- 1 exceed the following:
- 2 Food service inspection reimbursement fund
- 3 For the fiscal year ending June 30, 2009..... No limit
- 4 Food inspection fee fund
- 5 For the fiscal year ending June 30, 2009..... No limit

6 *Provided*, That expenditures may be made from the food inspection fee  
7 fund for operating expenditures for the food inspection program and  
8 other activities for the regulation of food service establishments under  
9 the food service and lodging act: *Provided further*, That, notwithstanding  
10 the provisions of K.S.A. 36-512, and amendments thereto, to the contrary,  
11 all moneys received from fees charged and collected by the secretary of  
12 agriculture under the food inspection program and other activities for the  
13 regulation of food service establishments under the food service and lodg-  
14 ing act shall be deposited in the state treasury in accordance with the  
15 provisions of K.S.A. 75-4215, and amendments thereto, and shall be cred-  
16 ited to the food inspection fee fund: *And provided further*, That, on Oc-  
17 tober 1, 2008, and on the first day of each month thereafter, the director  
18 of accounts and reports shall transfer from the food inspection fee fund  
19 to the food service inspection reimbursement fund an amount equal to  
20 80% of all fees credited to the food inspection fee fund where food service  
21 inspection services are provided by a local agency under contract with the  
22 secretary to inspect food service establishments located in a municipality.

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

27 Sec. 3.

28 KANSAS WATER OFFICE

29 (a) On July 1, 2008, the expenditure limitation established for the fiscal  
30 year ending June 30, 2009, by section 131(b) of 2008 Senate Bill No. 534  
31 on the water conservation projects fund is hereby decreased from  
32 \$3,300,000 to \$0.

33 (b) During the fiscal year ending June 30, 2009, notwithstanding the  
34 provisions of section 131(b) of 2008 Senate Bill No. 534 authorizing, di-  
35 recting, limiting or placing conditions on expenditures from the water  
36 conservation projects fund of the Kansas water office, as set forth in the  
37 provisos to the appropriation of the moneys in such fund, the specific  
38 authorization to make expenditures from such fund for the following pro-  
39 jects is hereby rescinded: Alternate delivery system for Lake McKinney;  
40 capacity storage and control structures at Lake McKinney; lining of the  
41 southside ditch; alternate delivery system for the farmers ditch; recharge  
42 projects; and check dam and structures: *Provided, however*, That the  
43 Kansas water office may make expenditures from the water conservation

1 projects fund for water conservation projects authorized by K.S.A. 82a-  
2 1803, and amendments thereto, that are determined feasible by studies  
3 and recommended by the director of the Kansas water office in consul-  
4 tation with the chief engineer of the division of water resources of the  
5 Kansas department of agriculture: *Provided further*, That all expenditures  
6 from this fund for all such water conservation projects shall be within any  
7 expenditure limitation imposed on the water conservation projects fund  
8 for fiscal year 2009: *And provided further*, That, on July 1, 2008, the  
9 provisions of the provisos to the appropriation of the moneys in the water  
10 conservation projects fund in section 131(b) of 2008 Senate Bill No. 534  
11 are hereby declared to be null and void and shall have no force and effect.

12 **[(c) There is appropriated for the above agency from the follow-**  
13 **ing special revenue fund or funds for the fiscal year or years spec-**  
14 **ified, all moneys now or hereafter lawfully credited to and avail-**  
15 **able in such fund or funds, except that expenditures other than**  
16 **refunds authorized by law shall not exceed the following:**

17 **[Reservoir storage beneficial use fund**

18 **[For the fiscal year ending June 30, 2009 ..... No limit**  
19 ***Provided*, That expenditures may be made by the above agency**  
20 **from the reservoir storage beneficial use fund to call water into**  
21 **service for beneficial uses, subject to the availability of moneys**  
22 **credited to the reservoir storage beneficial use fund.**

23 **[(d) On July 1, 2008, the director of accounts and reports shall**  
24 **transfer from the state water plan fund to the reservoir storage**  
25 **beneficial use fund the amount equal to the unencumbered bal-**  
26 **ance in the conservation reserve enhancement program account**  
27 **of the state water plan fund.]**

28 Sec. 4.

29 GOVERNOR'S DEPARTMENT

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

32 Domestic violence prevention grants  
33 For the fiscal year ending June 30, 2009..... \$500,000

34 Sec. 5.

35 DEPARTMENT OF EDUCATION

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

38 Operating expenditures (including official hospitality)  
39 For the fiscal year ending June 30, 2009..... \$25,000

40 Any unencumbered balance in excess of \$100 as of June 30, 2008, in the  
41 Kansas career pipeline account of the state general fund is hereby reap-  
42 propriated for fiscal year 2009.

43 (b) On July 1, 2008, the \$5,000,000 appropriated for the above agency

1 for the fiscal year ending June 30, 2009, by section 101(c) of 2008 Senate  
2 Bill No. 534 from the children’s initiatives fund in the pre-k pilot account,  
3 is hereby lapsed.

4 (c) On the effective date of this act, notwithstanding the provisions of  
5 the proviso to the appropriation for the above agency to the Kansas career  
6 pipeline grant account of the state general fund in section 34(a) of chapter  
7 201 of the 2007 session laws of Kansas, the requirement of a \$1 for \$1  
8 match shall not be limited to business and industry as sources of the  
9 matching funds during fiscal year 2008.

10 (d) On July 1, 2008, notwithstanding the provisions of the proviso to  
11 the appropriation for the above agency to the Kansas career pipeline grant  
12 account of the state general fund in section 34(a) of chapter 201 of the  
13 2007 session laws of Kansas, the requirement of a \$1 for \$1 match shall  
14 not be limited to business and industry as sources of the matching funds  
15 during fiscal year 2009.

16 Sec. 6.

17 DEPARTMENT OF HEALTH AND ENVIRONMENT—  
18 DIVISION OF HEALTH

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

21	Aid to local units — primary health projects	
22	For the fiscal year ending June 30, 2009.....	\$2,500,000
23	<i>Provided</i> , That the secretary of health and environment shall prepare and	
24	submit a report to the senate committee on ways and means and the	
25	house of representatives committee on appropriations prior to the begin-	
26	ning of the 2009 regular session of the legislature on the allocation of	
27	funding among primary care safety net clinics.	
28	Regional dental hubs	
29	For the fiscal year ending June 30, 2009.....	\$210,000
30	Breast and cervical cancer screening program	
31	For the fiscal year ending June 30, 2009 .....	<del>\$310,000</del> [ <b>\$1,500,000</b> ]
32	Lodging establishment inspections	
33	For the fiscal year ending June 30, 2009.....	\$61,654

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

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

41	Task force on juvenile obesity prevention and management	
42	For the fiscal year ending June 30, 2009.....	\$225,488
43	<i>Provided</i> , That expenditures shall be made from the task force on juvenile	

1 obesity prevention and management account of the children’s initiatives  
2 fund to create the Kansas task force on juvenile obesity prevention and  
3 management, hereinafter referred to in this section as the “task force,”  
4 within the department of health and environment: *Provided further*, That  
5 the chairperson and vice-chairperson and the other members of the task  
6 force shall be appointed by the secretary of health and environment: *And*  
7 *provided further*, That the task force shall convene for its first meeting  
8 no later than August 1, 2008: *And provided further*, That the task force  
9 may adopt such rules of procedure as are necessary to facilitate orderly  
10 conduct of its business: *And provided further*, That the duties of the task  
11 force shall include, but not be limited to, conducting statewide meetings  
12 with school personnel to discuss how to better assist children of school  
13 age who may have early indicators of obesity: *And provided further*, That  
14 such school personnel shall include, but not be limited to, teachers, ad-  
15 ministrators, counselors, food service staff and school nurses: *And pro-*  
16 *vided further*, That after all meetings and discussions have occurred, the  
17 task force shall establish recommendations for changes to statewide ele-  
18 mentary and secondary education curricula to implement comprehensive,  
19 coordinated obesity awareness and education programs: *And provided*  
20 *further*, That the department of health and environment shall provide  
21 such administrative assistance as may be requested by the task force: *And*  
22 *provided further*, That the task force shall submit a report, including  
23 proposed legislation if necessary, to the governor, the speaker of the  
24 house of representatives and the president of the senate, on or before  
25 November 1, 2009: *And provided further*, That such report shall include  
26 a comprehensive state plan for implementation of services and programs  
27 in Kansas to increase prevention and management of the disease of obe-  
28 sity in children and an estimate of the cost of implementation of such  
29 plan: *And provided further*, That expenditures shall be made from this  
30 account to reimburse the members of the task force for necessary and  
31 actual traveling and subsistence expenses incurred in the performance of  
32 serving on the task force.

33 Coordinated school health program

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

35 *Provided*, That the secretary of health and environment shall prepare and  
36 submit a report to the senate committee on ways and means and the  
37 house of representatives committee on appropriations prior to the begin-  
38 ning of the 2009 regular session of the legislature on the outcomes  
39 achieved by the program and on demonstrated efforts by grantees to  
40 obtain additional non-state funds for the program.

41 Infants and toddlers program

42 For the fiscal year ending June 30, 2009 .....~~\$1,000,000~~ [**\$4,500,000**]

43 (d) There is appropriated for the above agency from the following spe-

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

5 Task force on juvenile obesity prevention and management grants and  
6 donations fund

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

8 *Provided*, That all moneys received as grants or donations from any  
9 source, including federal, state, public and private entities, to assist the  
10 Kansas task force on juvenile obesity prevention and management to carry  
11 out the task force’s functions shall be deposited in the state treasury to  
12 the credit of the task force on juvenile obesity prevention and manage-  
13 ment grants and donations fund: *Provided further*, That expenditures may  
14 be made by the above agency from the fund for the operating expendi-  
15 tures of the task force and such specific purposes as may be prescribed  
16 by the public or private agency or other donor of such grants and dona-  
17 tions to assist the task force to carry out the task force’s functions.

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

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

27 Sec. 7.

28 ATTORNEY GENERAL

29 (a) There is appropriated for the above agency from the following spe-  
30 cial revenue fund or funds for the fiscal year or years specified, all moneys  
31 now or hereafter lawfully credited to and available in such fund or funds,  
32 except that expenditures other than refunds authorized by law shall not  
33 exceed the following:

34 Tobacco master settlement agreement compliance fund

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

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

37 Sexually violent predator expense fund

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

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

1     Sec. 8.

2                                    **JUVENILE JUSTICE AUTHORITY**

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

5     Operating expenditures  
6     For the fiscal year ending June 30, 2009.....     \$252,066

7     Sec. 9.

8                                    **DEPARTMENT OF CORRECTIONS**

9     (a) On the effective date of this act, of the \$51,700,791 appropriated  
10 for the above agency for the fiscal year ending June 30, 2008, by section  
11 139(a) of chapter 167 of the 2007 Session Laws of Kansas from the state  
12 general fund in the treatment and programs account, the sum of \$74,819  
13 is hereby lapsed.

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

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

23     Department of corrections victim assistance fund  
24     For the fiscal year ending June 30, 2009.....     No limit

25     (d) (1) On the effective date of this act, the approval of the state finance  
26 council for the issuance of bonds by the Kansas development finance  
27 authority in accordance with K.S.A. 74-8905, and amendments thereto,  
28 for capital improvement projects to expand prison capacity, as set forth  
29 in state finance council resolution no. 07-572 pursuant to subsection (d)  
30 of section 185 of chapter 167 of the 2007 Session Laws of Kansas, and  
31 the authority of the Kansas development finance authority to issue any  
32 bonds on or after the effective date of this act to finance the cost of such  
33 capital improvement projects pursuant to such approval, is hereby re-  
34 voked and is of no further force or effect unless such approval and action  
35 by the state finance council are specifically revived, confirmed and ap-  
36 proved on or after the effective date of this act by the state finance coun-  
37 cil, upon approval by the governor and approval by a majority of the  
38 legislative members of the state finance council who are members of the  
39 senate and by a majority of the legislative members of the state finance  
40 council who are members of the house of representatives, acting on this  
41 matter which is hereby characterized as a matter of legislative delegation  
42 and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-  
43 3711c, and amendments thereto, on or after the effective date of this act

1 and acting after receiving, *FIRST*, a report from the Kansas sentencing  
2 commission after conducting a study of the legislation enacted by the  
3 legislature during the 2008 regular session which impacts prison capacity  
4 and other relevant factors, which is hereby authorized and directed to be  
5 conducted by the Kansas sentencing commission, and finding that a need  
6 exists for additional prison capacity within the twenty-four-month period  
7 commencing on July 1, 2008, and *SECOND*, the results of a cost-benefit  
8 analysis provided and presented by the secretary of corrections on one or  
9 more proposed capital improvement projects to expand the prison ca-  
10 pacity and including analyses of the location, size and security levels and  
11 design of any new, or expanded, prison or prison facilities, to include an  
12 analysis of the projected increases in operating expenditures for any such  
13 new, or expanded, prison or prison facilities.

14 (2) The provisions of subsections (h) and (i) of section 185 of chapter  
15 167 of the 2007 Session Laws of Kansas and subsection (c) of section 61  
16 of chapter 201 of the 2007 Session Laws of Kansas are hereby declared  
17 to be null and void and shall have no force and effect.

18 Sec. 10.

#### 19 KANSAS HIGHWAY PATROL

20 (a) On the effective date of this act, the expenditure limitation estab-  
21 lished for the fiscal year ending June 30, 2008, by the state finance council  
22 on the Kansas highway patrol operations fund is hereby decreased from  
23 \$19,573,674 to \$19,490,528.

24 (b) On July 1, 2008, the expenditure limitation established for the fiscal  
25 year ending June 30, 2009, by section 122(b) of 2008 Senate Bill No. 534  
26 on the Kansas highway patrol operations fund is hereby increased from  
27 \$19,061,033 to \$19,611,033.

28 Sec. 11.

#### 29 STATE FIRE MARSHAL

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



1 Sec. 12.

2 ADJUTANT GENERAL

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

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

8  
9 *Provided*, That expenditures from the unmanned aerial vehicles and sys-  
10 tem procurement account shall be made for the unmanned aerial vehicle  
11 (UAV) TEC program for procurement of unmanned aerial systems  
12 (UAS), payloads and support equipment to conduct the necessary re-  
13 search and flight testing of advanced technologies.

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

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

22  
23 *Provided*, That all expenditures from the national guard museum assis-  
24 tance fund shall be made for an expansion of the 35th infantry division  
25 museum and education center facility: *Provided further*, That, if 2008  
26 Senate Substitute for House Bill No. 2923 is not passed by the legislature  
27 during the 2008 regular session and enacted into law, then, on July 1,  
28 2008, the appropriation of all moneys lawfully credited to and available  
29 in the national guard museum assistance fund for the above agency for  
30 the fiscal year ending June 30, 2009, is hereby lapsed, and the national  
31 guard museum assistance fund is hereby abolished.

32 Sec. 13.

33 ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

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

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

38 *Provided*, That, if 2008 House Bill No. 2727 is not passed by the legis-  
39 lature during the 2008 regular session and enacted into law, then, on July  
40 1, 2008, the \$6,000 appropriated for the above agency from the state  
41 general fund for the fiscal year ending June 30, 2009, by this subsection  
42 in the operating expenditures account is hereby lapsed.

1     Sec. 14.

2                   EMERGENCY MEDICAL SERVICES BOARD

3     (a) (1) During the fiscal year ending June 30, 2009, if any EMS regional  
4     council enters into a grant agreement with the emergency medical service  
5     board, such council shall be required to submit pursuant to such grant  
6     agreement a written report detailing and accounting for all expenditures  
7     and receipts of such council during such fiscal year. The emergency med-  
8     ical services board shall prepare a written report specifying and account-  
9     ing for all moneys received by and expended by each individual council  
10    that has reported to the emergency medical services board pursuant to  
11    such grant agreement and submit such report to the house of represen-  
12    tatives committee on appropriations and the senate committee on ways  
13    and means on or before February 1, 2009.

14    (2) During the fiscal year ending June 30, 2009, the emergency medical  
15    services board shall not prepare a written report specifying and account-  
16    ing for all moneys received by and expended by each individual organi-  
17    zation that has reported to the emergency medical services board pur-  
18    suant to a grant agreement in accordance with section 124(f) of 2008  
19    Senate Bill No. 534 and shall not submit such report to the house of  
20    representatives committee on appropriations and the senate committee  
21    on ways and means in accordance with section 124(f) of 2008 Senate  
22    Bill No. 534. On July 1, 2008, the provisions of section 124(f) of 2008 Senate  
23    Bill No. 534 are hereby declared to be null and void and shall have no  
24    force and effect.

25     Sec. 15.

26                   KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

27    (a) On June 30, 2008, the director of accounts and reports shall transfer  
28    all moneys credited to the senior services trust fund of the Kansas public  
29    employees retirement system from the senior services fund to the state  
30    general fund and all liabilities of the senior services trust fund of the  
31    Kansas public employees retirement system are hereby transferred to and  
32    imposed on the state general fund.

33    (b) On the effective date of this act or as soon thereafter as moneys  
34    are available, the director of accounts and reports shall transfer  
35    \$7,276,628 from the Kansas endowment for youth fund to the children's  
36    initiatives fund for the purpose of recognizing additional tobacco settle-  
37    ment revenue.

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

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

3 [Retiree 1.0 percent COLA payment

4 [For the fiscal year ending June 30, 2009 ..... \$6,400,000

5 [Retiree 1.0 percent COLA payment

6 [For the fiscal year ending June 30, 2010 ..... \$13,100,000

7 [Retiree 1.0 percent COLA payment

8 [For the fiscal year ending June 30, 2011 .....\$20,200,000]

9 Sec. 16.

10 DEPARTMENT OF ADMINISTRATION

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

16 Capitol area plaza authority planning fund

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

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

19 *Provided*, That the secretary of administration may accept gifts, donations  
20 and grants of money, including payments from local units of city and  
21 county government, for the development of a new master plan for the  
22 capitol plaza and the extended state zoning area described in K.S.A. 75-  
23 3619, and amendments thereto: *Provided further*, That all such gifts, do-  
24 nations and grants shall be deposited in the state treasury in accordance  
25 with the provisions of K.S.A. 75-4215, and amendments thereto, to the  
26 credit of the capitol area plaza authority planning fund: *And provided*  
27 *further*, That the secretary of administration may authorize transfers from  
28 any other fund or funds within the department of administration to the  
29 capitol area plaza authority planning fund for the purpose of matching a  
30 \$50,000 grant from the city of Topeka with \$200,000 in state funds for  
31 the purpose of financing the cost of the development of a new master  
32 plan for the capitol plaza and the extended state zoning control area: *And*  
33 *provided further*, That all state agencies shall cooperate with the authority  
34 by providing such assistance as may be necessary for the authority to carry  
35 out its duties prescribed by K.S.A. 75-2236 et seq., and amendments  
36 thereto: *And provided further*, That, notwithstanding the provisions of  
37 another statute, any such requests for assistance made to agencies in the  
38 legislative branch of state government shall be subject to approval by the  
39 legislative coordinating council.

40 (b) During fiscal year 2009 and fiscal year 2010, notwithstanding the  
41 provisions of any other statute, whenever any amount of moneys are cred-  
42 ited to the expanded lottery act revenues fund, the director of accounts  
43 and reports shall transfer one-third of such amount of moneys from the

1 expanded lottery act revenues fund to the state property tax relief reserve  
2 fund, which is hereby established in the state treasury: *Provided*, That all  
3 moneys transferred from the expanded lottery act revenues fund to the  
4 state property tax relief reserve fund pursuant to this subsection shall be  
5 reserved for purposes to be prescribed by law: *Provided further*, That the  
6 state finance council shall have no authority to authorize or approve any  
7 expenditure of moneys from the state property tax relief reserve fund, or  
8 to increase any expenditure limitation on the state property tax relief  
9 reserve fund: *And provided further*, That no expenditures shall be au-  
10 thORIZED or made from the state property tax relief reserve fund by any  
11 state agency, except upon specific authorization therefor by appropriation  
12 act of the legislature: *Provided, however*, That, upon approval of the state  
13 finance council acting on this matter which is hereby characterized as a  
14 matter of legislative delegation and subject to the guidelines prescribed  
15 by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except  
16 that such approval also may be given while the legislature is in session,  
17 the director of accounts and reports shall transfer the amount or amounts  
18 specified in such approval from the state property tax relief reserve fund  
19 to the fund or funds specified in such approval.

20 (c) During fiscal year 2009 and fiscal year 2010, notwithstanding the  
21 provisions of any other statute, whenever any amount of moneys are cred-  
22 ited to the expanded lottery act revenues fund, the director of accounts  
23 and reports shall transfer one-third of such amount of moneys from the  
24 expanded lottery act revenues fund to the state infrastructure reserve  
25 fund, which is hereby established in the state treasury: *Provided*, That all  
26 moneys transferred from the expanded lottery act revenues fund to the  
27 state infrastructure reserve fund pursuant to this subsection shall be re-  
28 served for purposes to be prescribed by law: *Provided further*, That the  
29 state finance council shall have no authority to authorize or approve any  
30 expenditure or transfer of moneys from the state infrastructure reserve  
31 fund, or to increase any expenditure limitation on the state infrastructure  
32 reserve fund: *And provided further*, That no expenditures or transfers  
33 shall be authorized or made from the state infrastructure reserve fund by  
34 any state agency, except upon specific authorization therefor by appro-  
35 priation act of the legislature.

36 (d) During fiscal year 2009 and fiscal year 2010, notwithstanding the  
37 provisions of any other statute, whenever any amount of moneys are cred-  
38 ited to the expanded lottery act revenues fund, the director of accounts  
39 and reports shall transfer one-third of such amount of moneys from the  
40 expanded lottery act revenues fund to the state debt reduction reserve  
41 fund, which is hereby established in the state treasury: *Provided*, That all  
42 moneys transferred from the expanded lottery act revenues fund to the  
43 state debt reduction reserve fund pursuant to this subsection shall be

1 reserved for purposes to be prescribed by law: *Provided further*, That the  
2 state finance council shall have no authority to authorize or approve any  
3 expenditure or transfer of moneys from the state debt reduction reserve  
4 fund, or to increase any expenditure limitation on the state debt reduction  
5 reserve fund: *And provided further*, That no expenditures or transfers  
6 shall be authorized or made from the state debt reduction reserve fund  
7 by any state agency, except upon specific authorization therefor by ap-  
8 propriation act of the legislature.

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

14 State property tax relief reserve fund	
15 For the fiscal year ending June 30, 2009.....	\$0
16 For the fiscal year ending June 30, 2010.....	\$0
17 State infrastructure reserve fund	
18 For the fiscal year ending June 30, 2009.....	\$0
19 For the fiscal year ending June 30, 2010.....	\$0
20 State debt reduction reserve fund	
21 For the fiscal year ending June 30, 2009.....	\$0
22 For the fiscal year ending June 30, 2010.....	\$0

23 Sec. 17.

24 KANSAS RACING AND GAMING COMMISSION

25 (a) On July 1, 2008, the aggregate limitation established by section  
26 89(h) of 2008 Senate Bill No. 534 on the amount that the pooled money  
27 investment board is authorized and directed to loan to the Kansas racing  
28 and gaming commission during fiscal year 2009 as needed for the oper-  
29 ating expenses of the Kansas racing and gaming commission for the ex-  
30 panded lottery operations under chapter 110 of the 2007 Session Laws  
31 of Kansas, which is stated as an aggregate for all such loan amounts pro-  
32 vided to the Kansas racing and gaming commission by the pooled money  
33 investment board during both fiscal year 2008 and fiscal year 2009, is  
34 hereby increased from \$3,000,000 to \$5,000,000.

35 Sec. 18.

36 DEPARTMENT OF WILDLIFE AND PARKS

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

41 (b) On July 1, 2008, the expenditure limitation established for the fiscal  
42 year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534  
43 on the wildlife fee fund for state operations is hereby increased from

1 \$19,526,062 to \$19,549,012.

2 (c) On July 1, 2008, the expenditure limitation established for the fiscal  
3 year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534  
4 on the boating fee fund for state operations is hereby increased from  
5 \$1,142,854 to \$1,146,904.

6 (d) On July 1, 2008, the expenditure limitation established for the fiscal  
7 year ending June 30, 2009, by section 132(b) of 2008 Senate Bill No. 534  
8 on the parks fee fund for state parks operating expenditures is hereby  
9 increased from \$4,828,437 to \$4,997,077.

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

16 (f) Notwithstanding the current executive department policy for re-  
17 placing state agency vehicles that requires one vehicle to be removed from  
18 the state fleet in order to acquire a replacement vehicle, the Kansas de-  
19 partment of wildlife and parks is hereby authorized and directed to retain  
20 up to 31 vehicles that are scheduled to be replaced during the fiscal year  
21 ending June 30, 2009: *Provided*, That the secretary of wildlife and parks  
22 shall have authority to reallocate any such vehicles that are retained by  
23 the department: *Provided further*, That the secretary of wildlife and parks  
24 is authorized to make any necessary funding adjustments to offset any  
25 potential diversion of federal funds and to subsequently relocate the ve-  
26 hicles to and among the state parks for use by seasonal and temporary  
27 staff.

28 Sec. 19.

29 DEPARTMENT OF TRANSPORTATION

30 (a) On July 1, 2008, the expenditure limitation established for the fiscal  
31 year ending June 30, 2009, by section 133(b) of 2008 Senate Bill No. 534  
32 on the state highway fund for state operations is hereby increased from  
33 \$269,078,434 to \$271,383,054.

34 (b) Expenditures may be made by the above agency for the fiscal year  
35 or years specified from the state highway fund for the following specified  
36 purposes: *Provided*, That expenditures from the state highway fund for  
37 the fiscal year or years specified other than refunds authorized by law for  
38 the following specified purposes shall not exceed the limitations pre-  
39 scribed therefor as follows:

40 Kansas highway patrol Troop F headquarters planning  
41 For the fiscal year ending June 30, 2009..... \$650,000

42 *Provided*, That expenditures may be made for acquiring professional serv-  
43 ices for the purpose of preparing detailed plans and cost estimates: *Pro-*

1 *vided further*, That such detailed plans and cost estimates shall be sub-  
2 mitted to a subsequent session of the legislature for review and approval  
3 of funding for the capital improvement project.

4 (c) During the fiscal year ending June 30, 2009, notwithstanding the  
5 provisions of the state surplus property act, K.S.A. 75-6604, and amend-  
6 ments thereto, or any other statute, the provisions of this or any other  
7 appropriation act of the 2008 regular session of the legislature, or the  
8 provisions of the motor vehicle replacement policy administered by the  
9 department of administration, as set forth on page 63 of volume 1 of the  
10 Governor's Budget Report for Fiscal Year 2009, to the contrary, all mon-  
11 eys received as proceeds from the sale of 123 vehicles of the department  
12 of transportation that are scheduled for replacement under such motor  
13 vehicle replacement policy, including automobiles and light trucks, shall  
14 be remitted to the state treasurer in accordance with the provisions of  
15 K.S.A. 75-4215, and amendments thereto, and, upon receipt of each such  
16 remittance, shall be credited to the state general fund.

17 Sec. 20.

18 KANSAS HOUSING RESOURCES CORPORATION

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

24 State housing trust fund

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

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

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

36 Sec. 21.

37 DEPARTMENT OF LABOR

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

1     Sec. 22.

2                   KANSAS COMMISSION ON VETERANS AFFAIRS

3     (a) On July 1, 2008, the expenditure limitation established for the fiscal  
4 year ending June 30, 2009, by section 94(b) of 2008 Senate Bill No. 534  
5 on the commission on veterans affairs federal fund is hereby increased  
6 from \$127,942 to \$187,288.

7     **[(b) In addition to the other purposes for which expenditures**  
8 **may be made by the above agency from the moneys appropriated**  
9 **from the state general fund or from any special revenue fund or**  
10 **funds for fiscal year 2008 or fiscal year 2009 as authorized by 2008**  
11 **Senate Bill No. 534 or by this or other appropriation act of the**  
12 **2008 regular session of the legislature, expenditures may be made**  
13 **by the above agency from moneys appropriated from the state**  
14 **general fund or from any special revenue fund or funds for fiscal**  
15 **year 2008 or fiscal year 2009 to raze a cottage at the Kansas sol-**  
16 **diers' home at 437 Custer.]**

17     Sec. 23.

18                   OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

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

23     (b) On July 1, 2008, the expenditure limitation established for the fiscal  
24 year ending June 30, 2009, by section 29(b) of 2008 Senate Bill No. 534  
25 on the securities act fee fund is hereby increased from \$2,679,338 to  
26 \$2,782,599.

27     Sec. 24.

28                   DEPARTMENT OF COMMERCE

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

32     Operating grant (including official hospitality)  
33     For the fiscal year ending June 30, 2009.....           \$171,600

34     (b) The director of accounts and reports shall not make the transfer of  
35 \$500,000 from the state economic development initiatives fund to the  
36 association assistance plan fund of the department of commerce which  
37 was directed to be made on July 1, 2008, by section 90(h) of 2008 Senate  
38 Bill No. 534 and, on July 1, 2008, the provisions of section 90(h) of 2008  
39 Senate Bill No. 534 are hereby declared to be null and void and shall  
40 have no force and effect.

41     **[(c) On the effective date of this act, the \$750,000 appropriated**  
42 **for the above agency for the fiscal year ending June 30, 2008, by**  
43 **section 13 (b) of 2008 SB No. 534 from the state economic devel-**



1 **opment initiatives fund in the Parsons ammunition facility road**  
2 **grant account, is hereby lapsed.]**

3 Sec. 25.

4 STATE BOARD OF INDIGENTS' DEFENSE SERVICES

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

9 Sec. 26.

10 JUDICIAL BRANCH

11 (a) There is appropriated for the above agency from the following spe-  
12 cial revenue fund or funds for the fiscal year or years specified, all moneys  
13 now or hereafter lawfully credited to and available in such fund or funds,  
14 except that expenditures other than refunds authorized by law shall not  
15 exceed the following:

16 Judicial branch nonjudiciary salary adjustment fund  
17 For the fiscal year ending June 30, 2009..... \$3,800,000

18 Sec. 27. On July 1, 2008, section 86 of 2008 Senate Bill No. 534 is  
19 hereby amended to read as follows:

20 Sec. 86.

21 STATE ~~BOARD~~ COURT OF TAX APPEALS

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

24 Operating expenditures ..... ~~\$1,608,780~~ \$1,773,780

25 *Provided*, That any unencumbered balance in the operating expenditures  
26 account of the state board of tax appeals, which was abolished by 2008  
27 Substitute for House Bill No. 2018, in excess of \$100 as of June 30, 2008,  
28 is hereby reappropriated to the operating expenditures account of the state  
29 court of tax appeals for fiscal year 2009.

30 (b) There is appropriated for the above agency from the following spe-  
31 cial revenue fund or funds for the fiscal year ending June 30, 2009, all  
32 moneys now or hereafter lawfully credited to and available in such fund  
33 or funds, except that expenditures other than refunds authorized by law  
34 shall not exceed the following:

35 Duplicating fees fund..... \$5,000

36 ~~BOTA~~ COTA filing fee fund..... \$496,234

37 Sec. 28. On July 1, 2008, Section 86 of 2008 Senate Bill No. 534 is  
38 hereby repealed.

39 Sec. 29.

40 DEPARTMENT OF REVENUE

41 (a) On July 1, 2008, the expenditure limitation established for the fiscal  
42 year ending June 30, 2009, by section 87(b) of 2008 Senate Bill No. 534  
43 on the division of vehicles operating fund is hereby decreased from

1 \$44,427,439 to \$43,427,439.

2 (b) On July 1, 2008, the amount of \$10,690,422.75 authorized by sec-  
3 tion 87(c) of 2008 Senate Bill No. 534 to be transferred by the director  
4 of accounts and reports from the state highway fund of the department  
5 of transportation to the division of vehicles operating fund of the depart-  
6 ment of revenue on July 1, 2008, October 1, 2008, January 1, 2009, and  
7 April 1, 2009, is hereby decreased to \$10,440,422.75.

8 (c) On July 1, 2008, the amount of \$500,000 authorized by section  
9 87(f)(2) of 2008 Senate Bill No. 534 to be transferred by the director of  
10 accounts and reports from the state economic development initiatives  
11 fund to the Kansas qualified biodiesel fuel producer incentive fund of the  
12 department of revenue on July 1, 2008, October 1, 2008, January 1, 2009,  
13 and April 1, 2009, is hereby decreased to \$100,000.

14 Sec. 30.

15 KANSAS TECHNOLOGY ENTERPRISE CORPORATION

16 (a) There is appropriated for the above agency from the following spe-  
17 cial revenue fund or funds for the fiscal year or years specified, all moneys  
18 now or hereafter lawfully credited to and available in such fund or funds,  
19 except that expenditures other than refunds authorized by law shall not  
20 exceed the following:

21 Technology innovation federal grant fund

22 For the fiscal year ending June 30, 2008.....	No limit
23 For the fiscal year ending June 30, 2009.....	No limit

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

29 Sec. 31.

30 STATE BOARD OF REGENTS

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

33 PEI infrastructure — debt service

34 For the fiscal year ending June 30, 2009.....	\$3,180,469
--	-------------

35 (b) There is appropriated for the above agency from the following spe-  
36 cial revenue fund or funds for the fiscal year or years specified, all moneys  
37 now or hereafter lawfully credited to and available in such fund or funds,  
38 except that expenditures other than refunds authorized by law shall not  
39 exceed the following:

40 Postsecondary educational infrastructure finance K DFA 2008A revenue  
41 fund

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

43 (c) In addition to the other purposes for which expenditures may

1 be made by the above agency from the postsecondary operating  
2 grant account of the state general fund for fiscal year 2009, as  
3 authorized by section 116(a) of 2008 Senate Bill No. 534, expend-  
4 itures shall be made by the above agency from the postsecondary  
5 operating grant account of the state general fund for fiscal year  
6 2009 for a bioscience summer institute at Emporia state university  
7 in an aggregate amount of not less than \$200,581; a professional  
8 science masters degree program at Fort Hays state university in  
9 an aggregate amount of not less than \$330,000; and a school of  
10 construction at Pittsburg state university in an aggregate amount  
11 of not less than \$1,393,400: *Provided*, That expenditures shall be  
12 made from the postsecondary operating grant account for these  
13 three projects equally in a ratio of the allocated amounts before  
14 funding any other projects or purposes when funding is available  
15 by this act of the 2008 regular session of the legislature: *Provided*,  
16 *however*, That no moneys shall be allocated for any such project  
17 unless additional funding is appropriated by this act for postse-  
18 condary operating grant funding for fiscal year 2009.]

19 Sec. 32.

20 UNIVERSITY OF KANSAS MEDICAL CENTER

21 (a) There is appropriated for the above agency from the following spe-  
22 cial revenue fund or funds for the fiscal year or years specified, all moneys  
23 now or hereafter lawfully credited to and available in such fund or funds,  
24 except that expenditures other than refunds authorized by law shall not  
25 exceed the following:

26 Wichita center for graduate medical education research fund  
27 For the fiscal year ending June 30, 2009..... No limit

28 **[(b) There is appropriated for the above agency from the state**  
29 **general fund for the fiscal year or years specified, the following:**  
30 **Wichita center for graduate medical education**

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

32 ***Provided*, That \$7,100,000 has been requested by the Wichita cen-**  
33 **ter for graduate medical education from the Kansas bioscience**  
34 **authority for research-oriented grant funding: *Provided further*,**  
35 **That expenditures shall be made from the Wichita center for gra-**  
36 **duate medical education account for purposes of funding non-**  
37 **research needs such as offsite or rural rotation for which medicare**  
38 **funding has been terminated or for purposes of attaining adequate**  
39 **standard for accreditation of the WCGME residency program.]**

40 Sec. 33.

41 PITTSBURG STATE UNIVERSITY

42 (a) (1) During the fiscal year ending June 30, 2009, no bonds shall be  
43 approved by the Kansas development finance authority for the capital

1 improvement project for student health center construction for Pittsburg  
2 state university pursuant to section 151(i) of 2008 Senate Bill No. 534  
3 until the conditions of K.S.A. 76-742, and amendments thereto, have been  
4 met.

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

10 Sec. 34.

11 DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

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

14 Other medical assistance	
15 For the fiscal year ending June 30, 2008.....	\$4,074,509
16 For the fiscal year ending June 30, 2009.....	\$378,918
17 Youth services aid and assistance	
18 For the fiscal year ending June 30, 2009.....	\$1,900,000
19 Cash assistance	
20 For the fiscal year ending June 30, 2008.....	\$42,154
21 <del>For the fiscal year ending June 30, 2009.....</del>	<del>\$804,000</del>
22 Community based services	
23 For the fiscal year ending June 30, 2008.....	\$1,151,110
24 For the fiscal year ending June 30, 2009.....	\$500,000
25 Mental health and retardation services aid and assistance	
26 For the fiscal year ending June 30, 2009.....	\$8,800,000
27 Vocational rehabilitation aid and assistance	
28 For the fiscal year ending June 30, 2009.....	\$375,000
29 <i>Provided</i> , That the secretary of social and rehabilitation services shall	
30 submit to the senate committee on ways and means and the house of	
31 representatives committee on appropriations at the beginning of the 2009	
32 regular session of the legislature a report of the amount paid in fee for	
33 service contractual arrangements for assistive technology services: <i>Pro-</i>	
34 <i>vided further</i> , That the secretary of social and rehabilitation services shall	
35 report on all funding options and recommendations for funding to provide	
36 assistive technology services other than from the state general fund for	
37 the fiscal year ending June 30, 2010.	
38 Parsons state hospital and training center — operating expenditures	
39 For the fiscal year ending June 30, 2008.....	\$145,709
40 For the fiscal year ending June 30, 2009.....	\$15,558
41 Larned state hospital — operating expenditures	
42 For the fiscal year ending June 30, 2008.....	\$36,275
43 For the fiscal year ending June 30, 2009.....	\$367,740

1	Osawatomie state hospital — operating expenditures	
2	For the fiscal year ending June 30, 2009.....	\$888,635
3	Rainbow mental health facility — operating expenditures	
4	For the fiscal year ending June 30, 2009.....	\$724,753

5 (b) On the effective date of this act, of the \$111,985,973 appropriated  
6 for the above agency for the fiscal year ending June 30, 2008, by section  
7 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state  
8 general fund in the youth services aid and assistance account, the sum of  
9 \$1,163,619 is hereby lapsed.

10 (c) There is appropriated for the above agency from the children’s  
11 initiatives fund for the fiscal year or years specified:

12	Kansas youth empowerment grant	
13	For the fiscal year ending June 30, 2009.....	\$118,500
14	HCBS autism waiver	
15	For the fiscal year ending June 30, 2009.....	\$1,000,000
16	Pre-K pilot	
17	For the fiscal year ending June 30, 2009.....	\$5,000,000

18 **[Early childhood block grant**  
19 **[For the fiscal year ending June 30, 2009 ..... \$11,100,000**

20 **[Early head start**  
21 **[For the fiscal year ending June 30, 2009 ..... \$1,852,779]**

22 (d) During the fiscal year ending June 30, 2009, the director of accounts  
23 and reports shall transfer the amounts specified by the director of the  
24 budget from the LTC — medicaid assistance — NF account of the state  
25 general fund of the department on aging to the LTC — medicaid assis-  
26 tance — HCBS/FE account of the state general fund of the department  
27 on aging or to the community based services account of the department  
28 of social and rehabilitation services: *Provided*, That such amounts to be  
29 transferred shall be certified by the director of the budget on December  
30 1, 2008, and on June 1, 2009, to reflect the nursing facility rate paid for  
31 persons moving from a nursing facility to the home and community-based  
32 services waiver for the physically disabled or the frail elderly for the six  
33 months preceding the date of certification; *Provided further*, That each  
34 of the individuals transferred must meet the requirements described in  
35 a policy jointly developed by the secretary of aging and the secretary of  
36 social and rehabilitation services governing the operations of this transfer:  
37 *And provided further*, That the director of the budget shall transmit a  
38 copy of each such certification to the director of legislative research: *And*  
39 *provided further*, That the department of social and rehabilitation services  
40 shall report to the legislature at the beginning of the regular session in  
41 2009 with expenditure data regarding this program.

42 (e) In addition to the other purposes for which expenditures may be  
43 made by the department of social and rehabilitation services from the

1 moneys appropriated from the state general fund or from any special  
2 revenue fund for the department of social and rehabilitation services for  
3 fiscal year 2008 and fiscal year 2009, as authorized by chapter 167 or 201  
4 of the 2007 Session Laws of Kansas or by this or any other appropriation  
5 act of the 2008 regular session of the legislature, expenditures shall be  
6 made by the department of social and rehabilitation services from moneys  
7 appropriated from the state general fund or from any special revenue  
8 fund for the department of social and rehabilitation services for fiscal year  
9 2008 and fiscal year 2009 to study the feasibility and advantages of pro-  
10 viding services and assistance by age groupings instead of providing serv-  
11 ices and assistance by the kind or category of condition, disability or other  
12 need for which service or assistance is provided, including autism: *Pro-*  
13 *vided*, That the department of social and rehabilitation services shall pre-  
14 pare and present a report on the results of the study to the social services  
15 budget committee of the house of representatives and to the appropriate  
16 subcommittee of the ways and means committee of the senate at the  
17 beginning of the 2009 regular session of the legislature.

18 (f) On the effective date of this act, of the \$10,800,250 appropriated  
19 for the above agency for the fiscal year ending June 30, 2008, by section  
20 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state  
21 general fund in the Osawatomie state hospital — operating expenditures  
22 account, the sum of \$141,019 is hereby lapsed.

23 (g) On the effective date of this act, the expenditure limitation estab-  
24 lished for the fiscal year ending June 30, 2008, by the state finance council  
25 on the Osawatomie state hospital fee fund is hereby increased from  
26 \$4,842,397 to \$5,383,416.

27 (h) On the effective date of this act, the expenditure limitation estab-  
28 lished for the fiscal year ending June 30, 2008, by the state finance council  
29 on the Parsons state hospital and training center fee fund is hereby de-  
30 creased from \$1,434,990 to \$1,293,971.

31 (i) On July 1, 2008, the position limitation established for the fiscal year  
32 ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for  
33 Larned state hospital is hereby increased from 976.20 to 978.20.

34 (j) On July 1, 2008, the position limitation established for the fiscal year  
35 ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534 for  
36 Osawatomie state hospital is hereby increased from 478.40 to 504.00.

37 (k) On July 1, 2008, the position limitation established for the fiscal  
38 year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534  
39 for Rainbow mental health facility is hereby increased from 122.20 to  
40 143.20.

41 (l) (1) In addition to the other purposes for which expenditures may  
42 be made by the department of social and rehabilitation services from the  
43 moneys appropriated from the state general fund or from any special

1 revenue fund for the department of social and rehabilitation services for  
2 fiscal year 2008 and fiscal year 2009, as authorized by chapter 167 or  
3 chapter 201 of the 2007 Session Laws of Kansas or by this or any other  
4 appropriation act of the 2008 regular session of the legislature, expendi-  
5 tures shall be made by the department of social and rehabilitation services  
6 from moneys appropriated from the state general fund or from any special  
7 revenue fund for the department of social and rehabilitation services for  
8 fiscal year 2008 and fiscal year 2009 to recruit and hire new employees  
9 to fill existing positions in job classes which provide required patient care  
10 or other services at the state hospitals, with the goal of eliminating over-  
11 time work hours currently provided by existing staff: *Provided*, That, in  
12 administering such recruiting and hiring of new employees, the depart-  
13 ment of social and rehabilitation services should place a high priority on  
14 hiring additional employees providing services for administrative units of  
15 each state hospital where the staff members work most overtime hours  
16 in order to provide the services required for the care of patients: *Provided*  
17 *further*, That the department of social and rehabilitation services shall  
18 prepare and present a report of the actions taken and resulting changes  
19 in staffing levels pursuant to this subsection and of the extent of any  
20 continued reliance on overtime work at each state hospital to the social  
21 services budget committee of the house of representatives and to the  
22 appropriate subcommittee of the ways and means committee of the sen-  
23 ate at the beginning of the 2009 regular session of the legislature.

24 (2) As used in this subsection (1), “state hospital” means Larned state  
25 hospital, Osawatomie state hospital, Parsons state hospital and training  
26 center, Rainbow mental health facility and Kansas neurological institute.

27 **[(m) On July 1, 2007, of the \$68,326,730 appropriated for the**  
28 **above agency for the fiscal year ending June 30, 2009, by section**  
29 **99(a) of 2008 Senate Bill No. 534 from the state general fund in**  
30 **the cash assistance account, the sum of \$1,048,779 is hereby**  
31 **lapsed.]**

32 Sec. 35.

33 DEPARTMENT ON AGING

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

36 LTC — medicaid assistance — NF	
37 For the fiscal year ending June 30, 2008.....	\$1,211,000
38 For the fiscal year ending June 30, 2009.....	\$2,004,000
39 Nursing facilities regulation	
40 For the fiscal year ending June 30, 2008.....	\$13,330
41 Nursing facilities regulation — title XIX	
42 For the fiscal year ending June 30, 2008.....	\$9,470
43 For the fiscal year ending June 30, 2009.....	\$74,949

1 Administration  
2 For the fiscal year ending June 30, 2009..... \$2,152,653  
3 *Provided*, That the secretary of aging shall submit to the senate committee  
4 on ways and means and the house of representatives committee on ap-  
5 propriations at the beginning of the 2009 regular session of the legislature  
6 a report on how the additional funding for area agencies on aging was  
7 expended: *Provided further*, That the report shall include information  
8 regarding distribution of funding to each of the 11 area agencies on aging.  
9 Senior care act  
10 For the fiscal year ending June 30, 2009..... \$500,000  
11 (b) On July 1, 2008, the position limitation established for the fiscal  
12 year ending June 30, 2009, by section 134(a) of 2008 Senate Bill No. 534  
13 for the department on aging is hereby increased from 209.00 to 214.00.  
14 **[(c) (1) During the fiscal years ending June 30, 2008, and June**  
15 **30, 2009, in addition to other purposes for which expenditures may**  
16 **be made by the department on aging from the moneys appropri-**  
17 **ated from the state general fund or any special revenue fund for**  
18 **the above agency for fiscal year 2008 or fiscal year 2009 as au-**  
19 **thorized by chapter 167 or chapter 201 of the 2007 Session Laws**  
20 **of Kansas, by 2008 Senate Bill No. 534, or by this or other appro-**  
21 **riation act of the 2008 regular session of the legislature, expend-**  
22 **itures shall be made by the department on aging from moneys**  
23 **appropriated from the state general fund or any special revenue**  
24 **fund for fiscal year 2008 and fiscal year 2009 to make payments**  
25 **under the state medicaid program to each nursing facility, upon**  
26 **re- opening, as a new nursing facility provider with a nursing fa-**  
27 **cility provider medicaid rate determined under the provisions of**  
28 **K.A.R. 30-10-17(b) and K.A.R. 30-10-18(e)(1)(A).**  
29 **[(2) As used in this subsection, “nursing facility” means a nursing**  
30 **facility which is located within a county designated by the United**  
31 **States federal emergency management agency under major dis-**  
32 **aster declaration FEMA-1711-DR and which was closed for a pe-**  
33 **riod of nine months or more as a result of such 2007 disaster**  
34 **caused by the flooding and other severe weather in Southeast Kan-**  
35 **sas.]**  
36 Sec. 36.  
37 KANSAS HEALTH POLICY AUTHORITY  
38 (a) There is appropriated for the above agency from the state general  
39 fund for the fiscal year or years specified, the following:  
40 Other medical assistance  
41 For the fiscal year ending June 30, 2008..... \$14,000,000  
42 For the fiscal year ending June 30, 2009..... \$812,397  
43 *Provided*, That the Kansas health policy authority shall submit to the



1 senate committee on ways and means and the house of representatives  
2 committee on appropriations at the beginning of the 2009 regular session  
3 of the legislature a report of the amount of savings achieved from the  
4 implementation of a preferred drug formulary for the MediKan program:  
5 *Provided further*, That the Kansas health policy authority shall not require  
6 an individual, who is prescribed medications for mental health purposes  
7 in the MediKan program, to change prescriptions under a preferred drug  
8 formulary without first receiving prior approval from the prescribing  
9 medical practitioner during the fiscal year ending June 30, 2009.

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

12 Children's Mercy SPA	
13 For the fiscal year ending June 30, 2009.....	\$3,000,000
14 Additional LEA state match	
15 For the fiscal year ending June 30, 2009.....	\$5,000,000
16 Medicaid delivery payments	
17 For the fiscal year ending June 30, 2009.....	\$5,708,603

18 Sec. 37. (a) No moneys shall be appropriated for any state agency from  
19 the state general fund or from any special revenue fund to replace home-  
20 land security federal funds in future years.

21 **[Sec. 38.**

22 **[KANSAS PAROLE BOARD**

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

25 **[Parole from adult correctional institutions**  
26 **[For the fiscal year ending June 30, 2009 ..... \$6,729]**

27 **[Sec. 39.**

28 **[LEGISLATURE**

29 **[(a) In addition to the other purposes for which expenditures**  
30 **may be made by the legislature from the moneys appropriated**  
31 **from the state general fund or from any special revenue fund for**  
32 **the legislature for fiscal year 2009, as authorized by section 69(a)**  
33 **of 2008 Senate Bill No. 534, or by this or any other appropriation**  
34 **act of 2008 regular session of the legislature, expenditures shall be**  
35 **made by the legislature from moneys appropriated from the state**  
36 **general fund or from any special revenue fund for the legislature**  
37 **for fiscal year 2009 to create the physician work force and accred-**  
38 **itation task force, hereinafter referred to in this section as the**  
39 **“task force”:** *Provided*, **That the task force shall be composed of 13**  
40 **members appointed as follows: (1) Two members who are mem-**  
41 **bers of the medical faculty or administrators of the school of med-**  
42 **icine of the university of Kansas medical center, of which one**  
43 **member shall be from the Kansas City campus and one member**

1 shall be from the Wichita campus, who shall be appointed by the  
2 dean of the school of medicine of the university of Kansas medical  
3 center; (2) two members who are practicing medicine in Kansas  
4 and are current or former participants in a Kansas graduate med-  
5 ical residency program who shall be appointed by the governor;  
6 (3) one member who shall be appointed by the state board of re-  
7 gents; (4) one member who is representative of the Via Christi  
8 Regional Medical Center who shall be appointed by the governing  
9 body of the Wichita Center for Graduate Medical Education; (5)  
10 one member who is representative of the Wesley Medical Center  
11 who shall be appointed by the governing body of the Wichita Cen-  
12 ter for Graduate Medical Education; (6) one member who shall be  
13 appointed by the Kansas health policy authority; (7) one member  
14 who is an administrator of a rural hospital who shall be appointed  
15 by the Kansas hospital association; (8) one member who is a leg-  
16 islator who shall be appointed by the president of the senate; (9)  
17 one member who is a legislator who shall be appointed by the  
18 speaker of the house of representatives; (10) one member who is  
19 a legislator who shall be appointed by the minority leader of the  
20 senate; and (11) one member who is a legislator who shall be ap-  
21 pointed by the minority leader of the house of representatives:  
22 *Provided further*, That the speaker of the house of representatives  
23 shall designate one member to serve as chairperson and the pres-  
24 ident of the senate shall designate one member to serve as the vice-  
25 chairperson of the task force: *And provided further*, That the task  
26 force shall meet on call of the chairperson or on the request of  
27 seven members of the task force, subject to approval by the leg-  
28 islative coordinating council: *And provided further*, That seven  
29 members of the task force shall constitute a quorum and all actions  
30 of the task force shall be taken by a majority of all members of the  
31 task force: *And provided further*, That the task force shall study and  
32 adopt recommendations regarding the physician work force and  
33 accreditation issues including (1) How best to maintain accredita-  
34 tion of graduate medical education programs sponsored by the  
35 university of Kansas school of medicine in Kansas City and Wichita,  
36 with special attention to maintaining the existing partnerships with  
37 Via Christi Regional Medical Center, Wesley Medical Center and  
38 the university of Kansas medical center — Wichita; (2) recommen-  
39 dations for the necessary and appropriate level of funding for  
40 graduate medical education sponsored by the university of Kansas;  
41 (3) alternative means of obtaining such funding; and (4) strategic  
42 plan to accomplish such matters; *And provided further*, That the task  
43 force shall report its findings and recommendations to the com-

1 **mittee on ways and means of the senate and the committee on**  
2 **appropriations of the house of representatives prior to the begin-**  
3 **ning of the 2009 regular session of the legislature: *And provided***  
4 ***further*, That the staff of the office of the revisor of statutes, the**  
5 **legislative research department and the division of legislative ad-**  
6 **ministrative services shall provide such assistance as may be re-**  
7 **quested by the task force and authorized by the legislative coor-**  
8 **ordinating council.]**

9 [Sec. 40.

10 [STATE LIBRARY

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

13 [Operating expenditures

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

15 [Sec. 41.

16 [UNIVERSITY OF KANSAS

17 [(a) There is appropriated for the above agency from the ex-  
18 panded lottery act revenue fund for the capital improvement pro-  
19 ject or projects for the fiscal year or years specified, the following:

20 [School of pharmacy expansion project — ELARF

21 [For the fiscal year ending June 30, 2010 ..... \$15,000,000

22 [For the fiscal year ending June 30, 2011 ..... \$15,000,000

23 [For the fiscal year ending June 30, 2012 ..... \$15,000,000

24 [*Provided*, That expenditures shall be made from the school of  
25 pharmacy expansion project — ELARF account only if no funding  
26 is appropriated or otherwise available for the school of pharmacy  
27 expansion project from the state infrastructure reserve fund for  
28 the fiscal years ending June 30, 2010, June 30, 2011, and June 30,  
29 2012.]

30 Sec. ~~38~~. [42.] On the effective date of this act, K.S.A. 2007 Supp. 74-  
31 99b16 is hereby amended to read as follows: 74-99b16. (a) As used in this  
32 section, unless the context expressly provides otherwise:

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

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

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

43 (4) “construction management at-risk services” means the services pro-

1 vided by a firm which has entered into a contract with the bioscience  
2 authority to be the construction manager at risk for the value and schedule  
3 of the contract for a project, which is to hold the trade contracts and  
4 execute the work for a project in a manner similar to a general contractor  
5 and which is required to solicit competitive bids for the trade packages  
6 developed for a project and to enter into the trade contracts for a project  
7 with the lowest responsible bidder therefor, and may include, but are not  
8 limited to, such services as scheduling, value analysis, systems analysis,  
9 constructability reviews, progress document reviews, subcontractor in-  
10 volvement and prequalification, subcontractor bonding policy, budgeting  
11 and price guarantees, and construction coordination;

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

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

16 (7) “firm” means (A) with respect to architectural services, an individ-  
17 ual, firm, partnership, corporation, association or other legal entity which  
18 is: (i) permitted by law to practice the profession of architecture; and (ii)  
19 maintaining an office in Kansas staffed by one or more architects who are  
20 licensed by the board of technical professions; or (iii) not maintaining an  
21 office in Kansas, but which is qualified to perform special architectural  
22 services that are required in special cases where in the judgment of the  
23 bioscience authority it is necessary to go outside the state to obtain such  
24 services; (B) with respect to engineering services or land surveying, an  
25 individual, firm, partnership, corporation, association or other legal entity  
26 permitted by law to practice the profession of engineering and provide  
27 engineering services or practice the profession of land surveying and pro-  
28 vide land surveying services, respectively; (C) with respect to construction  
29 management at-risk services, a qualified individual, firm, partnership, cor-  
30 poration, association or other legal entity permitted by law to perform  
31 construction management at-risk services; (D) with respect to ancillary  
32 technical services or other services that are determined by the bioscience  
33 authority to be required for a project, a qualified individual, firm, part-  
34 nership, corporation, association or other legal entity permitted by law to  
35 practice the required profession or perform the other required services,  
36 as determined by the bioscience authority; and (E) with respect to con-  
37 struction services, a qualified individual, firm, partnership, corporation,  
38 association, or other legal entity permitted by law to perform construction  
39 services for a project;

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

42 (9) “negotiating committee” means the board of directors of the sub-  
43 sidiary corporation formed under K.S.A. 2007 Supp. 76-781, and amend-

1 ments thereto, *except that for the period of May 1, 2008, through May*  
2 *1, 2009, the term shall have the meaning set forth in subsection (b) of*  
3 *K.S.A. 75-1251, and amendments thereto;*

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

6 (11) “project services” means architectural services, engineering serv-  
7 ices, land surveying, construction management at-risk services, construc-  
8 tion services, ancillary technical services or other construction-related  
9 services determined by the bioscience authority to be required for a pro-  
10 ject; and

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

13 (b) The bioscience authority, when acting under authority of this act,  
14 and each project authorized by the bioscience authority under this act are  
15 exempt from the provisions of K.S.A. 75-1269, 75-3738 through 75-  
16 3741b, 75-3742 through 75-3744, and 75-3783, and amendments thereto,  
17 except as otherwise specifically provided by this act.

18 (c) Notwithstanding the provisions of K.S.A. 75-3738 through 75-3744,  
19 and amendments thereto, or the provisions of any other statute to the  
20 contrary, all contracts for any supplies, materials or equipment for a pro-  
21 ject authorized by the bioscience authority under this act, shall be entered  
22 into in accordance with procurement procedures determined by the bi-  
23 oscience authority, subject to the provisions of this section, except that,  
24 in the discretion of the bioscience authority, any such contract may be  
25 entered into in the manner provided in and subject to the provisions of  
26 any such statute otherwise applicable thereto. Notwithstanding the pro-  
27 visions of K.S.A. 75-3738 through 75-3744, and amendments thereto, if  
28 the bioscience authority does not obtain construction management at-risk  
29 services for a project, the construction services for such project shall be  
30 obtained pursuant to competitive bids and all contracts for construction  
31 services for such project shall be awarded to the lowest responsible bidder  
32 in accordance with procurement procedures determined and adminis-  
33 tered by the bioscience authority which shall be consistent with the pro-  
34 visions of K.S.A. 75-3738 through 75-3744, and amendments thereto.

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

43 (e) (1) Notwithstanding the provisions of subsection (b) of K.S.A. 75-

1 1251, and amendments thereto, or the provisions of any other statute to  
2 the contrary, as used in K.S.A. 75-1250 through 75-1270, and amend-  
3 ments thereto, with respect to the procurement of architectural services  
4 for a project authorized by the bioscience authority under this act, “ne-  
5 negotiating committee” shall mean the board of directors of the subsidiary  
6 corporation formed under K.S.A. 2007 Supp. 76-781, and amendments  
7 thereto, and such board of directors shall negotiate a contract with a firm  
8 to provide any required architectural services for the project in accord-  
9 ance with the provisions of K.S.A. 75-1250 through 75-1270, and amend-  
10 ments thereto, except that no limitation on the fees for architectural serv-  
11 ices for the project shall apply to the fees negotiated by the board of  
12 directors for such architectural services, *except that for the period of May*  
13 *1, 2008, through May 1, 2009, the “negotiating committee” shall have the*  
14 *meaning set forth in subsection (b) of K.S.A. 75-1251, and amendments*  
15 *thereto, and the board of directors of the subsidiary corporation formed*  
16 *under K.S.A. 76-781, and amendments thereto, shall have no role in the*  
17 *procurement of architectural services for a project.*

18 (2) Notwithstanding the provisions of subsection (e) of K.S.A. 75-5802,  
19 and amendments thereto, or the provisions of any other statute to the  
20 contrary, as used in K.S.A. 75-5801 through 75-5807, and amendments  
21 thereto, with respect to the procurement of engineering services or land  
22 surveying services for a project authorized by the bioscience authority  
23 under this act, “negotiating committee” shall mean the board of directors  
24 of the subsidiary corporation formed under K.S.A. 2007 Supp. 76-781,  
25 and amendments thereto, and such board of directors shall negotiate a  
26 contract with a firm to provide any required engineering services or land  
27 surveying services for the project in accordance with the provisions of  
28 K.S.A. 75-5801 through 75-5807, and amendments thereto, *except that*  
29 *for the period of May 1, 2008, through May 1, 2009, the “negotiating*  
30 *committee” shall have the meaning set forth in subsection (b) of K.S.A.*  
31 *75-1251, and amendments thereto, and the board of directors of the sub-*  
32 *subsidiary corporation formed under K.S.A. 76-781, and amendments*  
33 *thereto, shall have no role in the procurement of engineering services or*  
34 *land surveying services for a project.*

35 (3) In any case of a conflict between the provisions of this section and  
36 the provisions of K.S.A. 75-1250 through 75-1270, or 75-5801 through  
37 75-5807, and amendments thereto, with respect to a project authorized  
38 by the bioscience authority under this act, the provisions of this section  
39 shall govern.

40 (f) (1) For the procurement of construction management at-risk serv-  
41 ices for projects under this act, the secretary of administration shall en-  
42 courage firms engaged in the performance of construction management  
43 at-risk services to submit annually to the secretary of administration and

1 to the state building advisory commission a statement of qualifications  
2 and performance data. Each statement shall include data relating to (A)  
3 the firm's capacity and experience, including experience on similar or  
4 related projects, (B) the capabilities and other qualifications of the firm's  
5 personnel, and (C) performance data of all consultants the firm proposes  
6 to use.

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

20 (3) The negotiating committee shall conduct discussions with each of  
21 the firms so listed regarding the project. The negotiating committee shall  
22 determine which construction management at-risk services are desired  
23 and then shall proceed to negotiate with and attempt to enter into a  
24 contract with the firm considered to be most qualified to serve as con-  
25 struction manager at risk for the project. The negotiating committee shall  
26 proceed in accordance with the same process with which negotiations are  
27 undertaken to contract with a firm to be a project architect under K.S.A.  
28 75-1257, and amendments thereto, to the extent that such provisions can  
29 be made to apply. Should the negotiating committee be unable to ne-  
30 gotiate a satisfactory contract with the firm considered to be most qual-  
31 ified, negotiations with that firm shall be terminated and shall undertake  
32 negotiations with the second most qualified firm, and so forth, in accord-  
33 ance with that statute.

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

38 (g) (1) To assist in the procurement of construction services for projects  
39 under this act, the secretary of administration shall encourage firms en-  
40 gaged in the performance of construction services to submit annually to  
41 the secretary of administration and to the state building advisory com-  
42 mission a statement of qualifications and performance data. Each state-  
43 ment shall include data relating to (A) the firm's capacity and experience,

1 including experience on similar or related projects, (B) the capabilities  
2 and other qualifications of the firm's personnel, (C) performance data of  
3 all subcontractors the firm proposes to use, and (D) such other infor-  
4 mation related to the qualifications and capability of the firm to perform  
5 construction services for projects as may be prescribed by the secretary  
6 of administration.

7 (2) The construction manager at risk shall publish a construction serv-  
8 ices bid notice in the Kansas register and in such other appropriate man-  
9 ner as may be determined by the bioscience authority. Each construction  
10 services bid notice shall include the request for bids and other bidding  
11 information prepared by the construction manager at risk and the state  
12 bioscience authority with the assistance of the division of facilities man-  
13 agement. The current statements of qualifications of and performance  
14 data on the firms submitting bid proposals shall be made available to the  
15 construction manager at risk and the bioscience authority by the state  
16 building advisory commission along with all information and evaluations  
17 developed regarding such firms by the secretary of administration under  
18 K.S.A. 75-3783, and amendments thereto. Each firm submitting a bid  
19 proposal shall be bonded in accordance with K.S.A. 60-1111, and amend-  
20 ments thereto, and shall present evidence of such bond to the construc-  
21 tion manager at risk prior to submitting a bid proposal. If a firm submit-  
22 ting a bid proposal fails to present such evidence, such firm shall be  
23 deemed unqualified for selection under this subsection. At the time for  
24 opening the bids, the construction manager at risk shall evaluate the bids  
25 and shall determine the lowest responsible bidder. The construction man-  
26 ager at risk shall enter into contracts with each firm performing the con-  
27 struction services for the project and make a public announcement of  
28 each firm selected in accordance with this subsection.

29 (h) The division of facilities management shall provide such information  
30 and assistance as may be requested by the bioscience authority or the  
31 negotiating committee for a project, including all or part of any project  
32 services as requested by the bioscience authority, and (1) shall prepare  
33 the request for proposals and publication information for each publication  
34 of notice under this section, subject to the provisions of this section, (2)  
35 shall prepare each contract for project services for a project, including  
36 each contract for construction services for a project, (3) shall conduct  
37 design development reviews for each project, (4) shall review and approve  
38 all construction documents for a project prior to soliciting bids or oth-  
39 erwise soliciting proposals from construction contractors or construction  
40 service providers for a project, (5) shall obtain and maintain copies of  
41 construction documents for each project, and (6) shall conduct periodic  
42 inspections of each project, including jointly conducting the final inspec-  
43 tion of each project.



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

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

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

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

30 (2) No change order or change of plans for a project involving either  
31 cost increases of \$75,000 or more or involving a change in the proposed  
32 use of a project shall be authorized or approved by the bioscience au-  
33 thority without having first advised and consulted with the joint commit-  
34 tee on state building construction.

35 (3) Change orders or changes in plans for a project involving a cost  
36 increase of less than \$75,000 and any change order involving a cost re-  
37 duction, other than a change in the proposed use of the project, may be  
38 authorized or approved by the bioscience authority without prior consul-  
39 tation with the joint committee on state building construction. The bio-  
40 science authority shall report to the joint committee on state building  
41 construction all action relating to such change orders or changes in plans.

42 (4) If the bioscience authority determines that it is in the best interest  
43 of the state to authorize or approve a change order, a change in plans or

1 a change in the proposed use of any project that the bioscience authority  
2 is required to first advise and consult with the joint committee on state  
3 building construction prior to issuing such approval and if no meeting of  
4 the joint committee is scheduled to take place within the next 10 business  
5 days, then the bioscience authority may use the procedure authorized by  
6 subsection (d) of K.S.A. 75-1264, and amendments thereto, in lieu of  
7 advising and consulting with the joint committee at a meeting. In any  
8 such case, the bioscience authority shall mail a summary description of  
9 the proposed change order, change in plans or change in the proposed  
10 use of any project to each member of the joint committee on state build-  
11 ing construction and to the director of the legislative research depart-  
12 ment. If the bioscience authority provides notice and information to the  
13 members of the joint committee and to such director in the manner re-  
14 quired and subject to the same provisions and conditions that apply to  
15 the secretary of administration under such statute, and if less than two  
16 members of the joint committee contact the director of the legislative  
17 research department within seven business days of the date the summary  
18 description was mailed and request a presentation and review of any such  
19 proposed change order, change in plans or change in use at a meeting of  
20 the joint committee, then the bioscience authority shall be deemed to  
21 have advised and consulted with the joint committee about such proposed  
22 change order, change in plans or change in proposed use and may au-  
23 thorize or approve such proposed change order, change in plans or change  
24 in proposed use.

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

29 Sec. ~~39~~. [43.] K.S.A. 2007 Supp. 74-99b16 is hereby repealed.

30 Sec. ~~40~~. [44.] *Severability*. If any provision or clause of this act or  
31 application thereof to any person or circumstances is held invalid, such  
32 invalidity shall not affect other provisions or applications of the act which  
33 can be given effect without the invalid provision or application, and to  
34 this end the provisions of this act are declared to be severable.

35 Sec. ~~41~~. [45.] *Appeals to exceed position limitations*. The limitations  
36 imposed by this act on the number of full-time and regular part-time  
37 positions equated to full-time, excluding seasonal and temporary posi-  
38 tions, paid from appropriations for the fiscal years ending June 30, 2008,  
39 or ending June 30, 2009, made in chapter 167 or chapter 201 of the 2007  
40 Session Laws of Kansas, in 2008 Senate Bill No. 534, or in this act or in  
41 any other appropriation act of the 2008 regular session of the legislature  
42 may be exceeded upon approval of the state finance council.

43 Sec. ~~42~~. [46.] *Appeals to exceed expenditure limitations*. (a) Upon writ-

1 ten application to the governor and approval of the state finance council,  
2 expenditures from special revenue funds may exceed the amounts spec-  
3 ified in this act.

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

8 Sec. ~~43~~ [47.] *Savings.* (a) Any unencumbered balance as of June 30,  
9 2008, in any special revenue fund, or account thereof, of any state agency  
10 named in this act which is not otherwise specifically appropriated or lim-  
11 ited by this or other appropriation act of the 2008 regular session of the  
12 legislature, is hereby appropriated for the fiscal year ending June 30,  
13 2009, for the same use and purpose as the same was heretofore appro-  
14 priated.

15 (b) Any unencumbered balance as of June 30, 2008, in any special  
16 revenue fund, or account thereof, of any state agency named in section  
17 88 of chapter 167 of the 2007 Session Laws of Kansas which is not oth-  
18 erwise specifically appropriated or limited for fiscal year 2009 by chapter  
19 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate  
20 Bill No. 534, or by this or other appropriation act of the 2008 regular  
21 session of the legislature, is hereby appropriated for fiscal year 2009 for  
22 the same use and purpose as the same was heretofore appropriated.

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

28 Sec. ~~44~~ [48.] During the fiscal year ending June 30, 2009, all moneys  
29 which are lawfully credited to and available in any bond special revenue  
30 fund, which are not otherwise specifically appropriated or limited by 2008  
31 Senate Bill No. 534 or by this or other appropriation act of the 2008  
32 regular session of the legislature, are hereby appropriated for the fiscal  
33 year ending June 30, 2009, for the state agency for which the bond special  
34 revenue fund was established for the purposes authorized by law for ex-  
35 penditures from such bond special revenue fund. As used in this section,  
36 “bond special revenue fund” means any special revenue fund or account  
37 thereof established in the state treasury prior to or on or after the effective  
38 date of this act for the deposit of the proceeds of bonds issued by the  
39 Kansas development finance authority, for the payment of debt service  
40 for bonds issued by the Kansas development finance authority, or for any  
41 related purpose in accordance with applicable bond covenants.

42 Sec. ~~45~~ [49.] *Federal grants.* (a) During the fiscal year ending June  
43 30, 2009, each federal grant or other federal receipt which is received by

1 a state agency named in this act and which is not otherwise appropriated  
2 to that state agency by 2008 Senate Bill No. 534 or by this or other  
3 appropriation act of the 2008 regular session of the legislature, is hereby  
4 appropriated for the fiscal year ending June 30, 2009, for that state agency  
5 for the purpose set forth in such federal grant or receipt, except that no  
6 expenditure shall be made from and no obligation shall be incurred  
7 against any such federal grant or other federal receipt, which has not been  
8 previously appropriated or reappropriated or approved for expenditure  
9 by the governor, until the governor has authorized the state agency to  
10 make expenditures therefrom. This subsection shall not apply to any state  
11 agency named in section 88 of chapter 167 of the 2007 Session Laws of  
12 Kansas.

13 (b) During the fiscal year ending June 30, 2009, each federal grant or  
14 other federal receipt which is received by a state agency named in section  
15 88 of chapter 167 of the 2007 Session Laws of Kansas and which is not  
16 otherwise appropriated to that state agency for fiscal year 2009 by chapter  
17 167 or chapter 201 of the 2007 Session Laws of Kansas, by 2008 Senate  
18 Bill No. 534, or by this or other appropriation act of the 2008 regular  
19 session of the legislature, is hereby appropriated for fiscal year 2009 for  
20 that state agency for the purpose set forth in such federal grant or receipt,  
21 except that no expenditure shall be made from and no obligation shall be  
22 incurred against any such federal grant or other federal receipt, which  
23 has not been previously appropriated or reappropriated or approved for  
24 expenditure by the governor, for fiscal year 2009, until the governor has  
25 authorized the state agency to make expenditures from such federal grant  
26 or other federal receipt for fiscal year 2009.

27 (c) In addition to the other purposes for which expenditures may be  
28 made by any state agency which is named in chapter 167 or chapter 201  
29 of the 2007 Session Laws of Kansas or in 2008 Senate Bill No. 534 or in  
30 this or other appropriation act of the 2008 regular session of the legisla-  
31 ture and which is not otherwise authorized by law to apply for and receive  
32 federal grants, expenditures may be made by such state agency from mon-  
33 eys appropriated for fiscal year 2009 by 2008 Senate Bill No. 534 or by  
34 this or other appropriation act of the 2008 regular session of the legisla-  
35 ture to apply for and receive federal grants during fiscal year 2009, which  
36 federal grants are hereby authorized to be applied for and received by  
37 such state agencies: *Provided*, That no expenditure shall be made from  
38 and no obligation shall be incurred against any such federal grant or other  
39 federal receipt, which has not been previously appropriated or reapprop-  
40 riated or approved for expenditure by the governor, until the governor  
41 has authorized the state agency to make expenditures therefrom.

42 Sec. ~~46~~. [50.] (a) Any correctional institutions building fund appropri-  
43 ation heretofore appropriated to any state agency named in 2008 Senate

1 Bill No. 534 or in this or other appropriation act of the 2008 regular  
2 session of the legislature, and having an unencumbered balance as of June  
3 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year  
4 ending June 30, 2009, for the same uses and purposes as originally ap-  
5 propriated unless specific provision is made for lapsing such appropria-  
6 tion.

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

10 Sec. ~~47~~. **[51.]** (a) Any Kansas educational building fund appropriation  
11 heretofore appropriated to any institution named in 2008 Senate Bill No.  
12 534 or in this or other appropriation act of the 2008 regular session of  
13 the legislature and having an unencumbered balance as of June 30, 2008,  
14 in excess of \$100 is hereby reappropriated for the fiscal year ending June  
15 30, 2009, for the same use and purpose as originally appropriated, unless  
16 specific provision is made for lapsing such appropriation.

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

20 Sec. ~~48~~. **[52.]** (a) Any state institutions building fund appropriation  
21 heretofore appropriated to any state agency named in 2008 Senate Bill  
22 No. 534 or in this or other appropriation act of the 2008 regular session  
23 of the legislature and having an unencumbered balance as of June 30,  
24 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending  
25 June 30, 2009, for the same use and purpose as originally appropriated,  
26 unless specific provision is made for lapsing such appropriation.

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

30 Sec. ~~49~~. **[53.]** Any transfers of money during the fiscal year ending June  
31 30, 2009, from any special revenue fund of any state agency named in  
32 this act to the audit services fund of the division of post audit under K.S.A.  
33 46-1121, and amendments thereto, shall be in addition to any expenditure  
34 limitation imposed on any such fund for the fiscal year ending June 30,  
35 2009.

36 Sec. ~~50~~. **[54.]** This act shall take effect and be in force from and after  
37 its publication in the Kansas register.