

Journal of the House

FIFTY-EIGHTH DAY

HALL OF THE HOUSE OF REPRESENTATIVES,
TOPEKA, KS, Tuesday, April 3, 2007, 10:00 a.m.

The House met pursuant to adjournment with Speaker pro tem Dahl in the chair.
The roll was called with 124 members present.
Rep. Sharp was excused on verified illness.

Prayer by Chaplain Brubaker:

Dear Lord, As we contemplate upon Holy Week, it was on Tuesday that Your authority was questioned. You were asked, "by what authority are you doing these things?" (Matthew 21:23). Jesus never took advantage of His authority. He used it for good in obedience to His Father who gave Him the authority.

The Scriptures say that "there is no authority except that which God has established." (Romans 13:1). We have been placed in authority to make decisions for our state. Help us to follow the example of Christ to never take advantage of the authority we have . . . to never use our authority for our own good, but in obedience to God, help us to use it for the good of our people.

In Christ's name I pray, Amen.

The Pledge of Allegiance was led by Rep. Owens.

INTRODUCTION OF GUESTS

There being no objection, the following remarks of Rep. Burroughs are spread upon the journal:

Paulie Hansen walked into the Turner wrestling room four years ago as a wiry freshman with dreams of becoming a great high school grappler. Hansen, now a senior, will leave Turner in a couple of months as the best wrestler in program history. Peter Sierant is Hansen's proud coach.

Paulie is for sure, the most accomplished wrestler ever at Turner. He raised the bar for other (Turner) wrestlers to follow, and it will be a tough record to bring down.

Hansen's career achievements on the mat include winning three straight Class 5A state championships. Hansen finished second in 5A as a freshman. He won an amazing 114 matches in four years at Turner.

A wrestler like Paulie only comes along once in a lifetime for most coaching staffs. The coach was really blessed to be a part of his career both on and off the mat.

Hansen, who finished his senior season unblemished at 37-0 with 25 pins en route to winning the 119-pound state crown, was selected as The Wyandotte West and The Piper Press Wrestler of the Year for 2006-07.

Small in Stature — Large in Accomplishments
"Dynamite comes in small packages"
Feared and Respected on the Mat

Accompanied by Reps. Frownfelter, Henderson, Long, Ruiz and Winn, Rep. Burroughs presented Paulie with a House certificate. Also accompanying him to the House were members of his family and Turner High School coaching staff.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Agriculture and Natural Resources: **SB 15**.
 Appropriations: **SB 214, SB 365**.
 Federal and State Affairs: **SB 389**.
 Health and Human Services: **SB 148**.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Worley, **HR 6021**, A resolution proclaiming and celebrating the 100th anniversary of the city of Lenexa, was adopted.

There being no objection, the following remarks of Rep. Worley are spread upon the journal:

On behalf of the members of the House who represent Lenexa, Rep. Brown and Rep. Rardin, and also Rep. Sharp who had a major roll in organizing this presentation but is not able to be here today, I have the great pleasure and honor to present to you several elected officials and leaders from the City of Lenexa.

Lenexa will be 100 years old on May 8, 2007. Lenexa looks great at any age and is getting better! We will be celebrating that fact May 5-12. We invite you to come visit Lenexa, the rising star of Johnson County. If you can't make it for birthday cake, come later for Bar BQ in June or still later for spinach in September.

I would like you to meet the guests here today. Of course first, is Mayor Mike Boehm. Mayor, congratulations on your re-election later today! I can say that with confidence because Mayor Boehm is unopposed in this election. The chairman of the 100th anniversary committee, Dr. Craig Denny, is also with us along with: Lenexa council members, Andy Huckaba and Cindy Green; City Administrator, Eric Wade; Assistant City Administrators, Matt Shatto and Molly Deckert; Parks and Recreation Director, Bill Nicks; Public Communications Coordinator, Susanne Neely, and Ashley Sherard from the Lenexa Chamber of Commerce.

Please join me in giving them a warm welcome to the Kansas House of Representatives.

MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Neufeld, **HR 6022**, A resolution congratulating and commending Irene Cumming on her achievements while serving as President and CEO of The University of Kansas Hospital, was adopted.

Rep. Neufeld introduced Irene Cumming and recognized her for her accomplishments. He presented her with the resolution.

MESSAGE FROM THE SENATE

The Senate concurs in House amendments to **SB 129**.

The Senate concurs in House amendments to **H. Sub. for SB 144**, and requests return of the bill.

The Senate concurs in House amendments to **SB 201**, and requests return of the bill.

The Senate concurs in House amendments to **SB 284**.

The Senate concurs in House amendments to **SB 368**.

The Senate adopts conference committee report on **S. Sub. for HB 2035**.

The Senate adopts conference committee report on **HB 2202**.

On motion of Rep. Merrick, the House resolved into Committee of the Whole, with Rep. Peck in the chair.

COMMITTEE OF THE WHOLE

On motion of Rep. Peck, Committee of the Whole report, as follows, was adopted:

Recommended that committee report to **S. Sub. for Sub. SB 316** be adopted; also, on motion of Rep. Goico be amended on page 6, in line 40, before the period by inserting “, and any development district, as defined in K.S.A. 12-1770a, and amendments thereto,

created prior to the effective date of this act for which the secretary approves one or more STAR bond projects”;

On page 7, in line 22, after “established” by inserting “or expanded”; in line 24, after “established” by inserting “or expanded”;

Also, on motion of Rep. Burroughs to amend **S. Sub. for Sub. SB 316**, the motion did not prevail. Also, on further motion of Rep. Burroughs to amend, the motion did not prevail, and the substitute bill be passed as amended.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 88**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 20, by striking “shall” and inserting “may”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 88** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 208**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, after line 35, by inserting the following:

“Sec. 2. Section 1 of 2007 Substitute for House Bill No. 2108 is hereby amended to read as follows: Section 1. (a) The commissioner of insurance shall have the authority to adopt such rules and regulations to protect service members of the United States armed forces from dishonest and predatory *life* insurance sales practices by declaring certain identified practices to be false, misleading, deceptive or unfair except; that such rules and regulations

shall not affect federal insurance programs under subchapter III of chapter 19 of title 38, United States Code.

(b) This section shall be part of and supplemental to the unfair trade practice law. Sec. 3. Section 1 of 2007 Substitute for House Bill No. 2108 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 13, before the period by inserting “concerning rules and regulations pertaining to certain unfair practices in the sales of life insurance; amending section 1 of 2007 Substitute for House Bill No. 2108 and repealing the existing section”;

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **Sub. SB 208** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2035**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with amendments by the Senate Committee of the Whole, as follows:

On page 1, in line 38, by striking the colon; by striking all of line 39; in line 40, by striking “(2)”;

On page 2, in line 13, following “Transactions” by inserting “involving regulated scrap metal, except for catalytic converters,”; in line 14, by striking “\$25.00” and inserting “\$50.00”; following line 14, by inserting “(2) transactions involving only catalytic converters for which the total sale price is \$30.00 or less;”;

And by redesignating the remaining paragraphs accordingly;

Also on page 2, in line 32, following “person” by inserting “intentionally”;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
ANNIE KUETHER
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on **S. Sub. for HB 2035** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2202**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 5, by striking all in lines 11 through 17;

And by renumbering the remaining sections accordingly;

On page 6, by striking all in lines 13 through 16 and inserting the following:

“(h) The serving of complimentary alcoholic liquor or cereal malt beverages at fund raising activities of charitable organizations as defined by K.S.A. 17-1760, and amendments thereto, and as qualified pursuant to 26 U.S.C.A. 501(c) and by committees formed pursuant to K.S.A. 25-4142 et seq., and amendments thereto. The serving of such alcoholic liquor at such fund raising activities shall not constitute a sale pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto. Any such fund raising activity shall not be required to obtain a license or a temporary permit pursuant to this act, the club and drinking establishment act or article 27 of chapter 41 of the Kansas Statutes Annotated, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 41-311 is hereby amended to read as follows: 41-311. (a) No license of any kind shall be issued pursuant to the liquor control act to a person:

(1) Who has not been a citizen of the United States for at least 10 years, except that the spouse of a deceased retail licensee may receive and renew a retail license notwithstanding the provisions of this subsection (a)(1) if such spouse is otherwise qualified to hold a retail license and is a United States citizen or becomes a United States citizen within one year after the deceased licensee's death;

(2) who has been convicted of a felony under the laws of this state, any other state or the United States;

(3) who has had a license revoked for cause under the provisions of the liquor control act, the beer and cereal malt beverage keg registration act or who has had any license issued under the cereal malt beverage laws of any state revoked for cause except that a license may be issued to a person whose license was revoked for the conviction of a misdemeanor at any time after the lapse of 10 years following the date of the revocation;

(4) who has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(5) who has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes;

(6) who is not at least 21 years of age;

(7) who, other than as a member of the governing body of a city or county, appoints or supervises any law enforcement officer, who is a law enforcement official or who is an employee of the director;

(8) who intends to carry on the business authorized by the license as agent of another;

(9) who at the time of application for renewal of any license issued under this act would not be eligible for the license upon a first application, except as provided by subsection (a)(12);

(10) who is the holder of a valid and existing license issued under article 27 of chapter 41 of the Kansas Statutes Annotated unless the person agrees to and does surrender the license to the officer issuing the same upon the issuance to the person of a license under this act, except that a retailer licensed pursuant to K.S.A. 41-2702, and amendments thereto, shall be eligible to receive a retailer's license under the Kansas liquor control act;

(11) who does not own the premises for which a license is sought, or does not have a written lease thereon for at least $\frac{3}{4}$ of the period for which the license is to be issued;

(12) whose spouse would be ineligible to receive a license under this act for any reason other than citizenship, residence requirements or age, except that this subsection (a)(12) shall not apply in determining eligibility for a renewal license;

(13) whose spouse has been convicted of a felony or other crime which would disqualify a person from licensure under this section and such felony or other crime was committed during the time that the spouse held a license under this act; or

(14) who does not provide any data or information required by K.S.A. 2006 Supp. 41-311b, and amendments thereto.

(b) No retailer's license shall be issued to:

(1) A person who is not a resident of this state;

(2) a person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) a person who has beneficial interest in ~~the manufacture, preparation or wholesaling of alcoholic beverages~~ *a manufacturer, distributor, farm winery or microbrewery licensed under this act;*

(4) a person who has beneficial interest in any other retail establishment licensed under this act, except that the spouse of a licensee may own and hold a retailer's license for another retail establishment;

(5) a copartnership, unless all of the copartners are qualified to obtain a license;

(6) a corporation; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(c) No manufacturer's license shall be issued to:

(1) A corporation, if any officer or director thereof, or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a manufacturer's license for any reason other than citizenship and residence requirements;

(2) a copartnership, unless all of the copartners shall have been residents of this state for at least five years immediately preceding the date of application and unless all the members of the copartnership would be eligible to receive a manufacturer's license under this act;

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license;

(4) an individual who is not a resident of this state; ~~or~~

(5) an individual who has not been a resident of this state for at least five years immediately preceding the date of application; ~~or~~

(6) *a person who has a beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act.*

(d) No distributor's license shall be issued to:

(1) A corporation, if any officer, director or stockholder of the corporation would be ineligible to receive a distributor's license for any reason. It shall be unlawful for any stockholder of a corporation licensed as a distributor to transfer any stock in the corporation to any person who would be ineligible to receive a distributor's license for any reason, and any such transfer shall be null and void, except that: (A) If any stockholder owning stock in the corporation dies and an heir or devisee to whom stock of the corporation descends by descent and distribution or by will is ineligible to receive a distributor's license, the legal representatives of the deceased stockholder's estate and the ineligible heir or devisee shall have 14 months from the date of the death of the stockholder within which to sell the stock to a person eligible to receive a distributor's license, any such sale by a legal representative to be made in accordance with the provisions of the probate code; or (B) if the stock in any such corporation is the subject of any trust and any trustee or beneficiary of the trust who is 21 years of age or older is ineligible to receive a distributor's license, the trustee, within 14 months after the effective date of the trust, shall sell the stock to a person eligible to receive a distributor's license and hold and disburse the proceeds in accordance with the terms of the trust. If any legal representatives, heirs, devisees or trustees fail, refuse or neglect to sell any stock as required by this subsection, the stock shall revert to and become the property of the corporation, and the corporation shall pay to the legal representatives, heirs, devisees or trustees the book value of the stock. During the period of 14 months prescribed by this subsection, the corporation shall not be denied a distributor's license or have its distributor's license revoked if the corporation meets all of the other requirements necessary to have a distributor's license;

(2) a copartnership, unless all of the copartners are eligible to receive a distributor's license; ~~or~~

(3) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license; ~~or~~

(4) *a person who has beneficial interest in a manufacturer, distributor, farm winery or microbrewery licensed under this act.*

(e) No nonbeverage user's license shall be issued to a corporation, if any officer, manager or director of the corporation or any stockholder owning in the aggregate more than 25% of the stock of the corporation would be ineligible to receive a nonbeverage user's license for any reason other than citizenship and residence requirements.

(f) No microbrewery license or farm winery license shall be issued to a:

(1) Person who is not a resident of this state;

(2) person who has not been a resident of this state for at least four years immediately preceding the date of application;

(3) ~~person who has beneficial interest in the manufacture, preparation or wholesaling of alcoholic beverages other than that produced by such brewery or winery~~ *a manufacturer or distributor licensed under this act or a person who currently has a beneficial interest in a farm winery;*

(4) person, copartnership or association which has beneficial interest in any retailer licensed under this act or under K.S.A. 41-2702, and amendments thereto;

(5) copartnership, unless all of the copartners are qualified to obtain a license;

(6) corporation, unless stockholders owning in the aggregate 50% or more of the stock of the corporation would be eligible to receive such license and all other stockholders would be eligible to receive such license except for reason of citizenship or residency; or

(7) a trust, if any grantor, beneficiary or trustee would be ineligible to receive a license under this act for any reason, except that the provisions of subsection (a)(6) shall not apply in determining whether a beneficiary would be eligible for a license.

(g) The provisions of subsections (b)(1), (b)(2), (c)(3), (c)(4), (d)(3), (f)(1), (f)(2) and K.S.A. 2006 Supp. 41-311b, and amendments thereto, shall not apply in determining eligibility for the 10th, or a subsequent, consecutive renewal of a license if the applicant has appointed a citizen of the United States who is a resident of Kansas as the applicant's agent and filed with the director a duly authenticated copy of a duly executed power of attorney, authorizing the agent to accept service of process from the director and the courts of this state and to exercise full authority, control and responsibility for the conduct of all business and transactions within the state relative to alcoholic liquor and the business licensed. The agent must be satisfactory to and approved by the director, except that the director shall not approve as an agent any person who:

(1) Has been convicted of a felony under the laws of this state, any other state or the United States;

(2) has had a license issued under the alcoholic liquor or cereal malt beverage laws of this or any other state revoked for cause, except that a person may be appointed as an agent if the person's license was revoked for the conviction of a misdemeanor and 10 years have lapsed since the date of the revocation;

(3) has been convicted of being the keeper or is keeping a house of prostitution or has forfeited bond to appear in court to answer charges of being a keeper of a house of prostitution;

(4) has been convicted of being a proprietor of a gambling house, pandering or any other crime opposed to decency and morality or has forfeited bond to appear in court to answer charges for any of those crimes; or

(5) is less than 21 years of age.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 17, by striking “K.S.A. 41-312 and”; in line 18, preceding “and” by inserting “, 41-311”; in line 20, by striking “statute book” and inserting “Kansas register”;

In the title, in line 13, by striking “K.S.A. 41-312 and”; also in line 13, following “41-308a” by inserting “, 41-311”;

And your committee on conference recommends the adoption of this report.

PETE BRUNGARDT
ROGER P. REITZ
MARK S. GILSTRAP
Conferees on part of Senate

ARLEN H. SIEGFREID
STEVE HUEBERT
ANN E. MAH
Conferees on part of House

On motion of Rep. Siegfroid, the conference committee report on **HB 2202** was adopted.

On roll call, the vote was: Yeas 124; Nays 0; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson,

Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp.

EXPLANATION OF VOTE

MR. SPEAKER: I vote yes on **HB 2202** which will allow charitable organizations to continue certain fund raising activities, which might have otherwise been curtailed in light of AB opinion 2007-3. This legislation will continue to permit organizations such as the Topeka Performing Arts Center in my community to continue to benefit from the generosity of the community which supports events that underwrite the charitable activities of this and many other qualified charities in Kansas.—ANN MAH

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Faber, the House concurred in Senate amendments to **S. Sub. for HB 2437**, An act relating to wildlife; concerning big game permits; amending K.S.A. 32-947, 32-965 and 32-966 and K.S.A. 2006 Supp. 32-937, 32-938, 32-969 and 32-988 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 75; Nays 47; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Burgess, Carlin, Carlson, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Fund, Garcia, Gatewood, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, Humerickhouse, Johnson, Kelley, Kuether, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, Menghini, Jim Morrison, Judy Morrison, Myers, Neighbor, O'Neal, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Sloan, Storm, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Williams, Winn, B. Wolf.

Nays: Aurand, Beamer, Bowers, Brown, Brunk, Burroughs, Colloton, Colyer, Feuerborn, Frownfelter, George, Gordon, C. Holmes, M. Holmes, Horst, Huebert, Huntington, Kelsey, King, Kinzer, Knox, Landwehr, Lane, Masterson, McLeland, Merrick, Metsker, Moxley, Neufeld, Olson, Otto, Patton, Peck, Powell, Powers, Rhoades, Schwartz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Wilk, K. Wolf, Worley, Yoder.

Present but not voting: None.

Absent or not voting: Kiegerl, Sharp, Swenson.

On motion of Rep. Olson, the House concurred in Senate amendments to **S. Sub. for HB 2485**, An act relating to oil and gas; concerning fees for application of intent to drill a well; relating to the Kansas petroleum education and marketing act; amending K.S.A. 55-151 and K.S.A. 2006 Supp. 55-1626, 55-1631 and 55-1632 and repealing the existing sections.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 121; Nays 3; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried,

Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kelley, Landwehr, Mast.

Present but not voting: None.

Absent or not voting: Sharp.

CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Reps. Myers, Goico and Ruff as members of the conference committee on **SB 9** to replace Reps. Hayzlett, Peck and Long.

Also, the appointment of Rep. Merrick as a member of the conference committee on **SB 23** to replace Rep. Aurand.

Also, the appointment of Rep. Merrick as a member of the conference committee on **SB 68** to replace Rep. Aurand.

MESSAGE FROM THE SENATE

Announcing passage of **SB 387**; **Sub. SB 391**.

Announcing adoption of **SCR 1612**.

Announcing passage of **HB 2535**.

Announcing passage of **HB 2014**, as amended; **HB 2093**, as amended; **HB 2127**, as amended by **S. Sub. for HB 2127**; **Sub. HB 2457**, as amended by **S. Sub. for Sub. HB 2457**; **HB 2531**, as amended as amended by **S. Sub. for HB 2531**; **HB 2556**, as amended by **S. Sub. for HB 2556**.

The Senate adopts the conference committee report to agree to disagree on **SB 333** and has appointed Senators Brownlee, Jordan and Barone as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2062** and has appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **HB 2332** and has appointed Senators Huelskamp, Reitz and Betts as second conferees on the part of the Senate.

The Senate not adopts the conference committee report on **HB 2032**, requests a new conference committee be appointed and has appointed Senators Emler, Apple and Lee as second conferees on the part of the Senate.

INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate bills and concurrent resolution were thereupon introduced and read by title:

SB 387; **Sub. SB 391**; **SCR 1612**.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **HB 2032**.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Long as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

On emergency motion of Rep. Merrick pursuant to House Rule 2311, **S. Sub. for Sub. SB 316** was advanced to Final Action on Bills and Concurrent Resolutions.

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

S. Sub. for Sub SB 316, An act concerning economic development; relating to tax increment financing and sales tax and revenue bonds; establishing the STAR bond financing act; amending K.S.A. 12-1770 and 12-1776 and K.S.A. 2006 Supp. 12-1770a, 12-1771, 12-1773, 12-1774 and 12-1774a and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-1773, as amended by section 3 of chapter 192 of the 2006 Session Laws of Kansas,

12-1771b, 12-1771d, 12-1780b, 12-1780c, 12-1780d, 12-1780e and 12-1780f, was considered on final action.

On roll call, the vote was: Yeas 95; Nays 29; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Ballard, Bethell, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, O'Neal, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Beamer, Bowers, Brown, Carlson, Dahl, Donohoe, Faber, Hodge, C. Holmes, M. Holmes, Kelley, King, Kinzer, Knox, Mast, Masterson, Judy Morrison, Neufeld, Olson, Otto, Peck, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Vickrey, B. Wolf.

Present but not voting: None.

Absent or not voting: Sharp.

The substitute bill passed, as amended.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote No on **S. Sub. for Sub. SB 316** not because I oppose the ideas or the bill but because I oppose the process. Why have rules if we do not follow them? The people wanting this should have finished this months ago, or should hold off until next year.—BILL OTTO

MR. SPEAKER: In principal I view STAR bonds and TIF as measures which increase public indebtedness and they are therefore questionable from a limited government and free enterprise perspective.

This bill is important to give flexibility to the City of Gardner to assure that the infrastructure necessary for the inter-modal facility be built in a timely manner. This construction is crucial for the community, the county and the State. I vote yes on **S. Sub. for Sub. SB 316**.—MIKE KIEGERL

REPORT OF STANDING COMMITTEE

Your Committee on **Calendar and Printing** recommends on requests for resolutions and certificates that

Request No. 207, by Representative Bowers, congratulating Clyde Sample on his 100th birthday;

Request No. 208, by Representative Bowers, congratulating the Minneapolis High School Forensics Team on winning first place in the Concordia Tournament;

Request No. 209, by Representative Bowers, congratulating Mackenzie Mortimer and Dylan Crossen on winning Scott Wooten Citizenship Awards;

Request No. 210, by Representative Sloan, congratulating Audrey Seybert and Sarah Rew on earning the Girl Scout Gold Award;

Request No. 211, by Representative Dahl, congratulating Paul Hodson on attaining the rank of Eagle Scout;

Request No. 212, by Representative Wilk, congratulating Jordan N. Finch on attaining the rank of Eagle Scout;

Request No. 213, by Representative Peck, congratulating Robert and Susan Lee on their 50th wedding anniversary;

Request No. 214, by Representative Sloan, congratulating Andrew Sigler on attaining the rank of Eagle Scout;

Request No. 215, by Representative Ballard, congratulating Andrew Paul Sigler on attaining the rank of Eagle Scout;

Request No. 216, by Representative Worley, congratulating Matthew Eric Ricketts on attaining the rank of Eagle Scout;

Request No. 217, by Representative Donohoe, congratulating Michael Robert Davis on attaining the rank of Eagle Scout;

Request No. 218, by Representative Bowers, congratulating Kaelyn Ade on attaining first place in the Concordia Music Club Picasso's Portraits Poster Contest;

Request No. 219, by Representative Bowers, congratulating Emily Koch on winning the Rosedale Post #346 American Legion Scholarship;

Request No. 220, by Representative Bowers, congratulating Kathryn J. Roberts on being named Teacher of the Year by the Kansas Association of Family and Consumer Sciences;

Request No. 221, by Representative Moxley, honoring Virginia Zerbe on her 100th birthday;

Request No. 222, by Representative Moxley, congratulating Werner and Pauline Monnich on their 50th wedding anniversary;

Request No. 223, by Representative Palmer, congratulating Wilbur and Charlotte Fisher on their 60th wedding anniversary;

Request No. 224, by Representative Mah, congratulating Darcy Elizabeth Yunker on earning the Girl Scout Gold Award;

be approved and the Chief Clerk of the House be directed to order the printing of said certificates and order drafting of said resolutions.

On motion of Rep. Merrick, the committee report was adopted.

On motion of Rep. Merrick, the House recessed until 3:00 p.m.

AFTERNOON SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 188**.

The Senate adopts conference committee report on **SB 192**.

The Senate adopts conference committee report on **SB 202**.

The Senate adopts conference committee report on **HB 2058**.

The Senate adopts conference committee report on **HB 2081**.

The Senate adopts conference committee report on **HB 2214**.

The Senate adopts conference committee report on **HB 2283**.

The Senate adopts conference committee report on **S. Sub. for HB 2405**.

The Senate adopts conference committee report on **HB 2526**.

The Senate nonconcur in House amendments to **H. Sub. for SB 11**, requests a conference and has appointed Senators Umbarger, Barnett and Kelly as conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 11**.

Speaker pro tem Dahl thereupon appointed Reps. Bethell, Colyer and Henry as conferees on the part of the House.

CHANGE OF REFERENCE

Speaker pro tem Dahl announced the withdrawal of **SB 148** from Committee on Health and Human Services and referral to Committee on Energy and Utilities.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2062**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2062** was adopted. Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2332**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP
ROGER P. REITZ
Conferees on part of Senate

MICHAEL BURGESS
TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2332** was adopted. Speaker pro tem Dahl thereupon appointed Reps. Burgess, Powers and Sawyer as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 14**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 14** was adopted.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 35**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as House Substitute for Senate Bill No. 35, as follows:

On page 18, after line 29, by inserting the following:

“Sec. 7. K.S.A. 8-1560c is hereby amended to read as follows: 8-1560c. (a) *Any conviction or forfeiture of bail or bond for violating a maximum posted or authorized speed limit of 30 miles per hour or more but not exceeding 54 miles per hour on any highway, by not more than six miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.*

(b) *Any conviction or forfeiture of bail or bond for violating the maximum posted or authorized speed limit of 55 miles per hour or more but not exceeding 70 miles per hour on any highway, by not more than 10 miles per hour, shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.*

Sec. 8. K.S.A. 8-1560d is hereby amended to read as follows: 8-1560d. ~~(a)~~ Convictions for violating a maximum posted speed limit of 55 miles per hour or more but not exceeding 70 miles per hour, by not more than 10 miles per hour in excess of such maximum speed limit, ~~shall not be a part of the public record and~~ *or a maximum posted speed limit of 30 miles per hour or more but not exceeding 54 miles per hour, by not more than six miles per hour in excess of such maximum speed limit, shall not be reported by the division and shall not be considered by any insurance company in determining the rate charged for any automobile liability insurance policy or whether to cancel any such policy under the provisions of subsection (4)(c)(7) of K.S.A. 40-277, and amendments thereto.*”;

And by renumbering the remaining sections accordingly;

On page 20, in line 27, after “(f)” by inserting “(1)”; in line 29, by striking “(1)” and inserting “(A)”; also in line 29, by striking “(2)” and inserting “(B)”;;

On page 21, in line 2, by striking “(2)” and inserting “(B)”; after line 17, by inserting the following:

“(2) The court may order that the term of imprisonment imposed pursuant to paragraphs (1)(A) or (1)(B) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.”;

Also on page 21, in line 21, after “(g)” by inserting “(1)”; in line 23, by striking “(1)” and inserting “(A)”; also in line 23, by striking “(2)” and inserting “(B)”; in line 32, by striking “(2)” and inserting “(B)”; after line 43, by inserting the following:

“(2) The court may order that the term of imprisonment imposed pursuant to paragraphs (1)(A) or (1)(B) be served in a state facility in the custody of the secretary of corrections in a facility designated by the secretary for the provision of substance abuse treatment pursuant to the provisions of K.S.A. 21-4704, and amendments thereto. The person shall remain imprisoned at the state facility only while participating in the substance abuse treatment program designated by the secretary and shall be returned to the custody of the sheriff for execution of the balance of the term of imprisonment upon completion of or the person’s discharge from the substance abuse treatment program. Custody of the person shall be returned to the sheriff for execution of the sentence imposed in the event the secretary of corrections determines: (A) That substance abuse treatment resources or the capacity of the facility designated by the secretary for the incarceration and treatment of the person is not available; (B) the person fails to meaningfully participate in the treatment program of the

designated facility; (C) the person is disruptive to the security or operation of the designated facility; or (D) the medical or mental health condition of the person renders the person unsuitable for confinement at the designated facility. The determination by the secretary that the person either is not to be admitted into the designated facility or is to be transferred from the designated facility is not subject to review. The sheriff shall be responsible for all transportation expenses to and from the state correctional facility.”;

On page 27, after line 34, by inserting the following:

“Sec. 11. K.S.A. 2006 Supp. 21-4704 is hereby amended to read as follows: 21-4704. (a) For purposes of sentencing, the following sentencing guidelines grid for nondrug crimes shall be applied in felony cases for crimes committed on or after July 1, 1993:

SENTENCING RANGE - NONDRUG OFFENSES

Category	A	B	C	D	E	F	G	H	I
Severity Level	3+ Person Felonies	2 Person Felonies	1 Person & 1 Nonperson Felonies	1 Person Felony	3+ Nonperson Felonies	2 Nonperson Felonies	1 Nonperson Felony	2+ Misdemeanors	1 Misdemeanor No Record
I	653 620 592	618 586 554	285 272 258	267 253 240	246 234 221	226 214 203	203 195 184	186 176 166	165 155 147
II	493 467 442	460 438 416	216 205 194	200 190 181	184 174 165	168 160 152	154 146 138	138 131 123	123 117 109
III	247 233 221	228 216 206	107 102 96	100 94 89	92 88 82	83 79 74	77 72 68	71 66 61	61 59 55
IV	172 162 154	162 154 144	75 71 68	69 66 62	64 60 57	59 56 52	52 50 47	48 45 42	43 41 38
V	136 130 122	128 120 114	60 57 53	55 52 50	51 49 46	47 44 41	43 41 38	38 36 34	34 32 31
VI	46 43 40	41 39 37	38 36 34	36 34 32	32 30 28	29 27 25	26 24 22	21 20 19	18 18 17
VII	34 32 30	31 29 27	29 27 25	26 24 22	23 21 19	19 18 17	17 16 15	14 13 12	13 12 11
VIII	23 21 19	20 19 18	19 18 17	17 16 15	15 14 13	13 12 11	11 10 9	11 10 9	9 8 7
IX	17 16 15	15 14 13	13 12 11	13 12 11	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5
X	13 12 11	12 11 10	11 10 9	10 9 8	9 8 7	8 7 6	7 6 5	7 6 5	6 5 5

LEGEND
Presumptive Probation
Presumptive Probation with Restraints
Presumptive Imprisonment

(b) The provisions of this section shall be applicable to the sentencing guidelines grid for nondrug crimes. Sentences expressed in such grid represent months of imprisonment.

(c) The sentencing guidelines grid is a two-dimensional crime severity and criminal history classification tool. The grid's vertical axis is the crime severity scale which classifies current crimes of conviction. The grid's horizontal axis is the criminal history scale which classifies criminal histories.

(d) The sentencing guidelines grid for nondrug crimes as provided in this section defines presumptive punishments for felony convictions, subject to judicial discretion to deviate for substantial and compelling reasons and impose a different sentence in recognition of aggravating and mitigating factors as provided in this act. The appropriate punishment for a felony conviction should depend on the severity of the crime of conviction when compared to all other crimes and the offender's criminal history.

(e) (1) The sentencing court has discretion to sentence at any place within the sentencing range. The sentencing judge shall select the center of the range in the usual case and reserve the upper and lower limits for aggravating and mitigating factors insufficient to warrant a departure.

(2) In presumptive imprisonment cases, the sentencing court shall pronounce the complete sentence which shall include the prison sentence, the maximum potential reduction to such sentence as a result of good time and the period of postrelease supervision at the sentencing hearing. Failure to pronounce the period of postrelease supervision shall not negate the existence of such period of postrelease supervision.

(3) In presumptive nonprison cases, the sentencing court shall pronounce the prison sentence as well as the duration of the nonprison sanction at the sentencing hearing.

(f) Each grid block states the presumptive sentencing range for an offender whose crime of conviction and criminal history place such offender in that grid block. If an offense is classified in a grid block below the dispositional line, the presumptive disposition shall be nonimprisonment. If an offense is classified in a grid block above the dispositional line, the presumptive disposition shall be imprisonment. If an offense is classified in grid blocks 5-H, 5-I or 6-G, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism; and

(2) the recommended treatment program is available and the offender can be admitted to such program within a reasonable period of time; or

(3) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence if the offense is classified in grid blocks 5-H, 5-I or 6-G shall not be considered a departure and shall not be subject to appeal.

(g) The sentence for the violation of K.S.A. 21-3411, and amendments thereto, aggravated assault against a law enforcement officer or K.S.A. 21-3415, and amendments thereto, aggravated battery against a law enforcement officer and amendments thereto which places the defendant's sentence in grid block 6-H or 6-I shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence, if the offense is classified in grid block 6-H or 6-I, shall not be considered a departure and shall not be subject to appeal.

(h) When a firearm is used to commit any person felony, the offender's sentence shall be presumed imprisonment. The court may impose an optional nonprison sentence upon making a finding on the record that the nonprison sanction will serve community safety interests by promoting offender reformation. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal.

(i) The sentence for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall be as provided by the specific mandatory

sentencing requirements of that section and shall not be subject to the provisions of this section or K.S.A. 21-4707 and amendments thereto. If because of the offender's criminal history classification the offender is subject to presumptive imprisonment or if the judge departs from a presumptive probation sentence and the offender is subject to imprisonment, the provisions of this section and K.S.A. 21-4707, and amendments thereto, shall apply and the offender shall not be subject to the mandatory sentence as provided in K.S.A. 21-3710, and amendments thereto. Notwithstanding the provisions of any other section, the term of imprisonment imposed for the violation of the felony provision of K.S.A. 8-1567, subsection (b)(3) of K.S.A. 21-3412a, subsections (b)(3) and (b)(4) of K.S.A. 21-3710, K.S.A. 21-4310 and K.S.A. 21-4318, and amendments thereto, shall not be served in a state facility in the custody of the secretary of corrections, *except that the term of imprisonment for felony violations of K.S.A. 8-1567, and amendments thereto, may be served in a state correctional facility designated by the secretary of corrections if the secretary determines that substance abuse treatment resources and facility capacity is available. The secretary's determination regarding the availability of treatment resources and facility capacity shall not be subject to review.*

(j) (1) The sentence for any persistent sex offender whose current convicted crime carries a presumptive term of imprisonment shall be double the maximum duration of the presumptive imprisonment term. The sentence for any persistent sex offender whose current conviction carries a presumptive nonprison term shall be presumed imprisonment and shall be double the maximum duration of the presumptive imprisonment term.

(2) Except as otherwise provided in this subsection, as used in this subsection, "persistent sex offender" means a person who: (A) (i) Has been convicted in this state of a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto; and (ii) at the time of the conviction under paragraph (A) (i) has at least one conviction for a sexually violent crime, as defined in K.S.A. 22-3717 and amendments thereto in this state or comparable felony under the laws of another state, the federal government or a foreign government; or (B) (i) has been convicted of rape, K.S.A. 21-3502, and amendments thereto; and (ii) at the time of the conviction under paragraph (B) (i) has at least one conviction for rape in this state or comparable felony under the laws of another state, the federal government or a foreign government.

(3) Except as provided in paragraph (2)(B), the provisions of this subsection shall not apply to any person whose current convicted crime is a severity level 1 or 2 felony.

(k) If it is shown at sentencing that the offender committed any felony violation for the benefit of, at the direction of, or in association with any criminal street gang, with the specific intent to promote, further or assist in any criminal conduct by gang members, the offender's sentence shall be presumed imprisonment. Any decision made by the court regarding the imposition of the optional nonprison sentence shall not be considered a departure and shall not be subject to appeal. As used in this subsection, "criminal street gang" means any organization, association or group of three or more persons, whether formal or informal, having as one of its primary activities the commission of one or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, which has a common name or common identifying sign or symbol, whose members, individually or collectively engage in or have engaged in the commission, attempted commission, conspiracy to commit or solicitation of two or more person felonies or felony violations of the uniform controlled substances act, K.S.A. 65-4101 et seq., and amendments thereto, or any substantially similar offense from another jurisdiction.

(l) The sentence for a violation of subsection (a) of K.S.A. 21-3715 and amendments thereto when such person being sentenced has a prior conviction for a violation of subsection (a) or (b) of K.S.A. 21-3715 or 21-3716 and amendments thereto shall be presumed imprisonment.

(m) The sentence for a violation of K.S.A. 22-4903 or subsection (d) of K.S.A. 21-3812, and amendments thereto, shall be presumptive imprisonment. If an offense under such sections is classified in grid blocks 5-E, 5-F, 5-G, 5-H or 5-I, the court may impose an optional nonprison sentence upon making the following findings on the record:

(1) An appropriate treatment program exists which is likely to be more effective than the presumptive prison term in reducing the risk of offender recidivism, such program is avail-

able and the offender can be admitted to such program within a reasonable period of time; or

(2) the nonprison sanction will serve community safety interests by promoting offender reformation.

Any decision made by the court regarding the imposition of an optional nonprison sentence pursuant to this section shall not be considered a departure and shall not be subject to appeal.”;

And by renumbering the remaining sections accordingly;

On page 29, in line 2, by striking “and 8-1020” and inserting “, 8-1020, 8-1560c and 8-1560d”; in line 3, after “21-4502” by inserting “, 21-4704”;

On page 1, in the title, in line 11, before “amending” by inserting “relating to certain violations of maximum speed limits;”; also in line 11, by striking “and 8-1020” and inserting “, 8-1020, 8-1560c and 8-1560d”; in line 12, after “21-4502” by inserting “, 21-4704”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **H. Sub. for SB 35** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Huebert, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 55**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 15 through 43;

On page 2, by striking all in lines 1 through 21 and inserting the following:

“Section 1. K.S.A. 50-634 is hereby amended to read as follows: 50-634. (a) Whether a consumer seeks or is entitled to damages or otherwise has an adequate remedy at law or in equity, a consumer aggrieved by an alleged violation of this act may bring an action to:

(1) Obtain a declaratory judgment that an act or practice violates this act; or

(2) enjoin or obtain a restraining order against a supplier who has violated, is violating or is likely to violate this act.

(b) A consumer who is aggrieved by a violation of this act may recover, but not in a class action, damages or a civil penalty as provided in subsection (a) of K.S.A. 50-636 and amendments thereto, whichever is greater.

(c) Whether a consumer seeks or is entitled to recover damages or has an adequate remedy at law, a consumer may bring a class action for declaratory judgment, an injunction and appropriate ancillary relief, except damages, against an act or practice that violates this act.

(d) A consumer who suffers loss as a result of a violation of this act may bring a class action for the damages caused by an act or practice:

(1) Violating any of the acts or practices specifically proscribed in K.S.A. 50-626, 50-627 and 50-640, and amendments thereto, or

(2) declared to violate K.S.A. 50-626 or 50-627, and amendments thereto, by a final judgment of any district court or the supreme court of this state that was either officially reported or made available for public dissemination under subsection (a)(3) of K.S.A. 50-630 and amendments thereto by the attorney general 10 days before the consumer transactions on which the action is based, or

(3) with respect to a supplier who agreed to it, was prohibited specifically by the terms of a consent judgment which became final before the consumer transactions on which the action is based.

(e) Except for services performed by the office of the attorney general or the office of a county or district attorney, the court may award to the prevailing party reasonable attorney fees, including those on appeal, limited to the work reasonably performed if:

(1) The consumer complaining of the act or practice that violates this act has brought or maintained an action the consumer knew to be groundless and the prevailing party is the supplier; or a supplier has committed an act or practice that violates this act and the prevailing party is the consumer; and

(2) an action under this section has been terminated by a judgment, or settled.

(f) Except for consent judgments, a final judgment in favor of the attorney general under K.S.A. 50-632 and amendments thereto is admissible as prima facie evidence of the facts on which it is based in later proceedings under this section against the same supplier or a supplier in privity.

(g) Notice of an action commenced pursuant to subsection (b) or (c), or an appeal of such action, shall be given to the attorney general, but failure to do so shall not provide a defendant a defense in such action.

(h) Except for billing, advertising or other business services, nothing in this act shall be construed to create a private cause of action or private remedy under this act arising from the rendering of or failure to render professional services by a physician or other health care provider with respect to professional services for which such physician or health care provider is licensed by the state of Kansas. For the purposes of this subsection, "professional services" means any service, treatment, operation, prescription, communication or practice related to the care, treatment, diagnosis, ascertainment, cure, relief, palliation, adjustment or correction of any disease, condition, ailment, deformity or injury.

Sec. 2. K.S.A. 50-634 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the Kansas register.”;

In the title, in line 10, by striking all following “ACT”; by striking all in line 11; in line 12, by striking all preceding “and” and inserting “concerning consumer protection; relating to health care providers; amending K.S.A. 50-634”;

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 55** was adopted.

On roll call, the vote was: Yeas 97; Nays 26; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Col-loton, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Lukert, Mast, Masterson, McKinney, McLeland, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Wil-liams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frown-felter, Garcia, Grant, Henderson, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McLachlan, Menghini, Judy Morrison, Peterson, Ruiz, Sawyer, Treaster, Winn.

Present but not voting: None.

Absent or not voting: Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amend-ments to **SB 103**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on con-ference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 6, after line 32, by inserting the following:

"Sec. 3. K.S.A. 2006 Supp. 22-2802 is hereby amended to read as follows: 22-2802. (1)

Any person charged with a crime shall, at the person's first appearance before a magistrate, be ordered released pending preliminary examination or trial upon the execution of an appearance bond in an amount specified by the magistrate and sufficient to assure the appearance of such person before the magistrate when ordered and to assure the public safety. If the person is being bound over for a felony, the bond shall also be conditioned on the person's appearance in the district court or by way of a two-way electronic audio-video communication as provided in subsection ~~(11)~~ (14) at the time required by the court to answer the charge against such person and at any time thereafter that the court requires. Unless the magistrate makes a specific finding otherwise, if the person is being bonded out for a person felony or a person misdemeanor, the bond shall be conditioned on the person being prohibited from having any contact with the alleged victim of such offense for a period of at least 72 hours. The magistrate may impose such of the following additional conditions of release as will reasonably assure the appearance of the person for preliminary examination or trial:

(a) Place the person in the custody of a designated person or organization agreeing to supervise such person;

(b) place restrictions on the travel, association or place of abode of the person during the period of release;

(c) impose any other condition deemed reasonably necessary to assure appearance as required, including a condition requiring that the person return to custody during specified hours;

(d) place the person under a house arrest program pursuant to K.S.A. 21-4603b, and amendments thereto; or

(e) place the person under the supervision of a court services officer responsible for monitoring the person's compliance with any conditions of release ordered by the magistrate.

(2) In addition to any conditions of release provided in subsection (1), for any person charged with a felony, the magistrate may order such person to submit to a drug abuse examination and evaluation in a public or private treatment facility or state institution and, if determined by the head of such facility or institution that such person is a drug abuser or incapacitated by drugs, to submit to treatment for such drug abuse, as a condition of release.

(3) The appearance bond shall be executed with sufficient solvent sureties who are residents of the state of Kansas, unless the magistrate determines, in the exercise of such magistrate's discretion, that requiring sureties is not necessary to assure the appearance of the person at the time ordered.

(4) A deposit of cash in the amount of the bond may be made in lieu of the execution of the bond ~~by sureties pursuant to paragraph (3)~~. *Except as provided in paragraph (5), such deposit shall be in the full amount of the bond and in no event shall a deposit of cash in less than the full amount of bond be permitted. Any person charged with a crime who is released on a cash bond shall be entitled to a refund of all moneys paid for the cash bond, after deduction of any outstanding restitution, costs, fines and fees, after the final disposition of the criminal case if the person complies with all requirements to appear in court. The court may not exclude the option of posting bond pursuant to paragraph (3).*

(5) *Except as provided further, the amount of the appearance bond shall be the same whether executed as described in subsection (3) or posted with a deposit of cash as described in subsection (4). When the appearance bond has been set at \$2,500 or less and the most serious charge against the person is a misdemeanor, a severity level 8, 9 or 10 nonperson felony, a drug severity level 4 felony or a violation of K.S.A. 8-1567, and amendments thereto, the magistrate may allow the person to deposit cash with the clerk in the amount of 10% of the bond, provided the person meets at least the following qualifications:*

- (A) *Is a resident of the state of Kansas;*
- (B) *has a criminal history score category of G, H or I;*
- (C) *has no prior history of failure to appear for any court appearances;*
- (D) *has no detainer or hold from any other jurisdiction;*
- (E) *has not been extradited from, and is not awaiting extradition to, another state; and*
- (F) *has not been detained for an alleged violation of probation.*

(6) *In the discretion of the court, a person charged with a crime may be released upon the person's own recognizance by guaranteeing payment of the amount of the bond for the person's failure to comply with all requirements to appear in court. The release of a person charged with a crime upon the person's own recognizance shall not require the deposit of any cash by the person.*

(7) *The court shall not impose any administrative fee.*

~~(8)~~ (8) In determining which conditions of release will reasonably assure appearance and the public safety, the magistrate shall, on the basis of available information, take into account the nature and circumstances of the crime charged; the weight of the evidence against the defendant; the defendant's family ties, employment, financial resources, character, mental condition, length of residence in the community, record of convictions, record of appearance or failure to appear at court proceedings or of flight to avoid prosecution; the likelihood or propensity of the defendant to commit crimes while on release, including whether the defendant will be likely to threaten, harass or cause injury to the victim of the crime or any witnesses thereto; and whether the defendant is on probation or parole from a previous offense at the time of the alleged commission of the subsequent offense.

~~(9)~~ (9) The appearance bond shall set forth all of the conditions of release.

~~(10)~~ (10) A person for whom conditions of release are imposed and who continues to be detained as a result of the person's inability to meet the conditions of release shall be entitled, upon application, to have the conditions reviewed without unnecessary delay by the magistrate who imposed them. If the magistrate who imposed conditions of release is not available, any other magistrate in the county may review such conditions.

~~(11)~~ (11) A magistrate ordering the release of a person on any conditions specified in this section may at any time amend the order to impose additional or different conditions of release. If the imposition of additional or different conditions results in the detention of the person, the provisions of subsection ~~(7)~~ (10) shall apply.

~~(9)~~ (12) Statements or information offered in determining the conditions of release need not conform to the rules of evidence. No statement or admission of the defendant made at such a proceeding shall be received as evidence in any subsequent proceeding against the defendant.

~~(10)~~ (13) The appearance bond and any security required as a condition of the defendant's release shall be deposited in the office of the magistrate or the clerk of the court where the release is ordered. If the defendant is bound to appear before a magistrate or court other than the one ordering the release, the order of release, together with the bond and security shall be transmitted to the magistrate or clerk of the court before whom the defendant is bound to appear.

~~(11)~~ (14) Proceedings before a magistrate as provided in this section to determine the release conditions of a person charged with a crime including release upon execution of an appearance bond may be conducted by two-way electronic audio-video communication between the defendant and the judge in lieu of personal presence of the defendant or defendant's counsel in the courtroom in the discretion of the court. The defendant may be accompanied by the defendant's counsel. The defendant shall be informed of the defendant's right to be personally present in the courtroom during such proceeding if the defendant so requests. Exercising the right to be present shall in no way prejudice the defendant.

~~(12)~~ (15) The magistrate may order the person to pay for any costs associated with the supervision of the conditions of release of the appearance bond in an amount not to exceed \$10 per week of such supervision.

Sec. 4. K.S.A. 22-2803 is hereby amended to read as follows: 22-2803. A person who remains in custody after review of such person's application pursuant to subsection ~~(6)~~ or ~~(7)~~ (9) or (10) of K.S.A. 22-2802 and amendments thereto by a district magistrate judge may apply to a district judge of the judicial district in which the charge is pending to modify the order fixing conditions of release. Such motion shall be determined promptly.

Sec. 5. K.S.A. 2006 Supp. 22-2807 is hereby amended to read as follows: 22-2807. (1) If ~~there is a breach of condition of a defendant fails to appear as directed by the court and guaranteed by~~ an appearance bond, the court in which the bond is deposited shall declare a forfeiture of the bail.

(2) *An appearance bond may only be forfeited by the court upon a failure to appear. If a defendant violates any other condition of bond, the bond may be revoked and the defendant remanded to custody. The magistrate shall forthwith set a new bond pursuant to requirements of K.S.A. 22-2802, and amendments thereto.*

(3) The court may direct that a forfeiture be set aside, upon such conditions as the court may impose, if it appears that justice does not require the enforcement of the forfeiture. *If the surety can prove that the defendant is incarcerated somewhere within the United States prior to judgment of default then the court shall set aside the forfeiture. Upon the defendant's return, the surety may be ordered to pay the costs of that return.*

~~(4)~~ (4) When a forfeiture has not been set aside, the court shall on motion enter a judgment of default and execution may issue thereon. If the forfeiture has been decreed by a district magistrate judge and the amount of the bond exceeds the limits of the civil jurisdiction prescribed by law for a district magistrate judge, the judge shall notify the chief judge in writing of the forfeiture and the matter shall be assigned to a district judge who, on motion, shall enter a judgment of default. By entering into a bond the obligors submit to the jurisdiction of any court having power to enter judgment upon default and irrevocably appoint the clerk of that court as their agent upon whom any papers affecting their liability may be served. Their liability may be enforced on motion without the necessity of an independent action. The motion and notice thereof may be served on the clerk of the court, who shall forthwith mail copies to the obligors to their last known addresses. No default judgment shall be entered against the obligor in an appearance bond until more than 10 days after notice is served as provided herein.

~~(5)~~ (5) After entry of such judgment, the court may remit it in whole or in part under the conditions applying to the setting aside of forfeiture in subsection ~~(2)~~ (3).";

And by renumbering the remaining sections accordingly;

On page 7, in line 16, after "21-2501" by inserting "and 22-2803"; also in line 16, by striking "and 21-2511a" and inserting ", 21-2511a, 22-2802, 22-2807";

On page 1, in the title, in line 10, by striking all after the semicolon; in line 11, by striking all preceding "amending"; also in line 11, after "21-2501" by inserting "and 22-2803"; in line 12, after "2511" by inserting " , 22-2802, 22-2807";

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

On motion of Rep. O'Neal to adopt the conference committee report on **H. Sub. for SB 103**, Rep. Peterson offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. O'Neal and the conference committee report was adopted.

On roll call, the vote was: Yeas 75; Nays 46; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Donohoe, Faber, Fund, George, Goico, Gordon, Goyle, Grange, Hayzlett, Hill, Hodge, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Patton, Peck, Powers, Proehl, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Ward, Watkins, Whitham, Wilk, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Grant, Hawk, Henderson, Henry, Holland, M. Holmes, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, Menghini, Palmer, Pauls, Peterson, Phelps, Pottorff, Powell, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Tietze, Treaster, Trimmer, Wetta, Williams, Winn, B. Wolf.

Present but not voting: None.

Absent or not voting: Merrick, Sharp, Spalding, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 333**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, in line 29, after the period by inserting " "Construction" shall not mean the design, construction, alteration, renovation, repair or maintenance of a road, highway or bridge.";

On page 4, in line 32, after "construction" by inserting "contract"; by striking all in lines 35 through 37; in line 38, by striking all before the period and inserting "construction projects which are required to comply with section 109 of the Kansas department of transportation special provisions to the standard specifications, 1990 edition (90P-205-R6) or any subsequent editions."; after line 38 by inserting:

"Sec. 9. K.S.A. 2006 Supp. 44-717 is hereby amended to read as follows: 44-717. (a) (1) *Penalties on past-due reports, interest on past-due contributions, payments in lieu of contributions and benefit cost payments.* Any employer or any officer or agent of an employer, who fails to file any wage report or contribution return by the last day of the month following the close of each calendar quarter to which they are related shall pay a penalty as provided by this subsection (a) for each month or fraction of a month until the report or return is

received by the secretary of labor. The penalty for each month or fraction of a month shall be an amount equal to .05% of the total wages paid by the employer during the quarter, except that no penalty shall be less than \$25 nor more than \$200 for each such report or return not timely filed. Contributions and benefit cost payments unpaid by the last day of the month following the last calendar quarter to which they are related and payments in lieu of contributions unpaid 30 days after the mailing of the statement of benefit charges, shall bear interest at the rate of 1% per month or fraction of a month until payment is received by the secretary of labor except that an employing unit, which is not theretofore subject to this law and which becomes an employer and does not refuse to make the reports, returns and contributions, payments in lieu of contributions and benefit cost payments required under this law, shall not be liable for such penalty or interest if the wage reports and contribution returns required are filed and the contributions, payments in lieu of contributions or benefit cost payments required are paid within 10 days following notification by the secretary of labor that a determination has been made fixing its status as an employer subject to this law. Upon written request and good cause shown, the secretary of labor may abate any penalty or interest or portion thereof provided for by this subsection (a). Interest amounting to less than \$1 shall be waived by the secretary of labor and shall not be collected. Penalties and interest collected pursuant to this subsection shall be paid into the special employment security fund. For all purposes under this section, amounts assessed as surcharges under subsection (j) or under K.S.A. 44-710a, and amendments thereto, shall be considered to be contributions and shall be subject to penalties and interest imposed under this section and to collection in the manner provided by this section. For purposes of this subsection, a wage report, a contribution return, a contribution, a payment in lieu of contribution or a benefit cost payment is deemed to be filed or paid as of the date it is placed in the United States mail.

(2) Notices of payment and reporting delinquency to Indian tribes or their tribal units shall include information that failure to make full payment within the prescribed time frame:

- (i) will cause the Indian tribe to be liable for taxes under FUTA;
- (ii) will cause the Indian tribe to lose the option to make payments in lieu of contributions;
- (iii) could cause the Indian tribe to be excepted from the definition of "employer," as provided in paragraph (h)(3) of K.S.A. 44-703, and amendments thereto, and services in the employ of the Indian tribe, as provided in paragraph (i)(3)(E) of K.S.A. 44-703, and amendments thereto, to be excepted from "employment."

(b) *Collection.* (1) If, after due notice, any employer defaults in payment of any penalty, contributions, payments in lieu of contributions, benefit cost payments, or interest thereon the amount due may be collected by civil action in the name of the secretary of labor and the employer adjudged in default shall pay the cost of such action. Civil actions brought under this section to collect contributions, payments in lieu of contributions, benefit cost payments, penalties, or interest thereon from an employer shall be heard by the district court at the earliest possible date and shall be entitled to preference upon the calendar of the court over all other civil actions except petitions for judicial review under this act and cases arising under the workmen's compensation act. All liability determinations of contributions due, payments in lieu of contributions or benefit cost payments due shall be made within a period of five years from the date such contributions, payments in lieu of contributions or benefit cost payments were due except such determinations may be made for any time when an employer has filed fraudulent reports with intent to evade liability.

(2) Any employing unit which is not a resident of this state and which exercises the privilege of having one or more individuals perform service for it within this state and any resident employing unit which exercises that privilege and thereafter removes from this state, shall be deemed thereby to appoint the secretary of state as its agent and attorney for the acceptance of process in any civil action under this subsection. In instituting such an action against any such employing unit the secretary of labor shall cause such process or notice to be filed with the secretary of state and such service shall be sufficient service upon such employing unit and shall be of the same force and validity as if served upon it personally within this state. The secretary of labor shall send notice immediately of the service of such process or notice, together with a copy thereof, by registered or certified mail, return receipt requested, to such employing unit at its last-known address and such return receipt, the

affidavit of compliance of the secretary of labor with the provisions of this section, and a copy of the notice of service, shall be appended to the original of the process filed in the court in which such civil action is pending.

(3) ~~Any contractor, who is or becomes an employer under the provisions of this act, who contracts with any subcontractor, who also is or becomes an employer under the provisions of this act, shall be directly liable for such contributions, penalties and interest due from the subcontractor and the secretary of labor shall have all of the remedies of collection against the contractor under the provisions of this act as though the services in question were performed directly for the contractor, unless the contractor requires the subcontractor to provide a good and sufficient bond guaranteeing payment of all contributions, penalties and interest due or to become due with respect to wages paid for employment on the contract. For the purpose of this subsection (b)(3), the words, "contractor" and "subcontractor" mean and include individuals, partnerships, firms or corporations, or other associations of persons engaged in the business of the construction, alteration, repairing, dismantling or demolition of buildings, roads, bridges, viaducts, sewers, water and gas mains, streets, disposal plants, water filters, tanks and towers, airports, dams, levees and canals, oil and gas wells, water wells, pipelines, and every other type of structure, project, development or improvement coming within the definition of real property.~~

~~(4) The district courts of this state shall entertain, in the manner provided in subsections (b)(1), (b)(2) and (b)(3) and (b)(2), actions to collect contributions, payments in lieu of contributions, benefit cost payments and other amounts owed including interest thereon for which liability has accrued under the employment security law of any other state or of the federal government.~~

(c) *Priorities under legal dissolutions or distributions.* In the event of any distribution of employer's assets pursuant to an order of any court under the laws of this state, including but not limited to any probate proceeding, interpleader, receivership, assignment for benefit of creditors, adjudicated insolvency, composition or similar proceedings, contributions or payments in lieu of contributions then or thereafter due shall be paid in full from the moneys which shall first come into the estate, prior to all other claims, except claims for wages of not more than \$250 to each claimant, earned within six months of the commencement of the proceedings. In the event of an employer's adjudication in bankruptcy, judicially confirmed extension proposal, or composition, under the federal bankruptcy act of 1898, as amended, contributions then or thereafter due shall be entitled to such priority as is provided in that act for taxes due any state of the United States.

(d) *Assessments.* If any employer fails to file a report or return required by the secretary of labor for the determination of contributions, or payments in lieu of contributions, or benefit cost payments, the secretary of labor may make such reports or returns or cause the same to be made, on the basis of such information as the secretary may be able to obtain and shall collect the contributions, payments in lieu of contributions or benefit cost payments as determined together with any interest due under this act. The secretary of labor shall immediately forward to the employer a copy of the assessment by registered or certified mail to the employer's address as it appears on the records of the agency, and such assessment shall be final unless the employer protests such assessment and files a corrected report or return for the period covered by the assessment within 15 days after the mailing of the copy of assessment. Failure to receive such notice shall not invalidate the assessment. Notice in writing shall be presumed to have been given when deposited as certified or registered matter in the United States mail, addressed to the person to be charged with notice at such person's address as it appears on the records of the agency.

(e) (1) *Lien.* If any employer or person who is liable to pay contributions, payments in lieu of contributions or benefit cost payments neglects or refuses to pay the same after demand, the amount, including interest and penalty, shall be a lien in favor of the state of Kansas, secretary of labor, upon all property and rights to property, whether real or personal, belonging to such employer or person. Such lien shall not be valid as against any mortgagee, pledgee, purchaser or judgment creditor until notice thereof has been filed by the secretary of labor in the office of register of deeds in any county in the state of Kansas, in which such property is located, and when so filed shall be notice to all persons claiming an interest in the property of the employer or person against whom filed. The register of deeds shall enter

such notices in the financing statement record and shall also record the same in full in miscellaneous record and index the same against the name of the delinquent employer. The register of deeds shall accept, file, and record such notice without prepayment of any fee, but lawful fees shall be added to the amount of such lien and collected when satisfaction is presented for entry. Such lien shall be satisfied of record upon the presentation of a certificate of discharge by the state of Kansas, secretary of labor. Nothing contained in this subsection (e) shall be construed as an invalidation of any lien or notice filed in the name of the unemployment compensation division or the employment security division and such liens shall be and remain in full force and effect until satisfied as provided by this subsection (e).

(2) *Authority of secretary or authorized representative.* If any employer or person who is liable to pay any contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, neglects or refuses to pay the same within 10 days after notice and demand therefor, the secretary or the secretary's authorized representative may collect such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, and such further amount as is sufficient to cover the expenses of the levy, by levy upon all property and rights to property which belong to the employer or person or which have a lien created thereon by this subsection (e) for the payment of such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty. As used in this subsection (e), "property" includes all real property and personal property, whether tangible or intangible, except such property which is exempt under K.S.A. 60-2301 *et seq.* and amendments thereto. Levy may be made upon the accrued salary or wages of any officer, employee or elected official of any state or local governmental entity which is subject to K.S.A. 60-723, and amendments thereto, by serving a notice of levy as provided in subsection (d) of K.S.A. 60-304 and amendments thereto. If the secretary or the secretary's authorized representative makes a finding that the collection of the amount of such contributions, payments in lieu of contributions or benefit cost payments, including interest and penalty, is in jeopardy, notice and demand for immediate payment of such amount may be made by the secretary or the secretary's authorized representative and, upon failure or refusal to pay such amount, immediate collection of such amount by levy shall be lawful without regard to the 10-day period provided in this subsection (e).

(3) *Seizure and sale of property.* The authority to levy granted under this subsection (e) includes the power of seizure by any means. A levy shall extend only to property possessed and obligations existing at the time thereof. In any case in which the secretary or the secretary's authorized representative may levy upon property or rights to property, the secretary or the secretary's authorized representative may seize and sell such property or rights to property.

(4) *Successive seizures.* Whenever any property or right to property upon which levy has been made under this subsection (e) is not sufficient to satisfy the claim of the secretary for which levy is made, the secretary or the secretary's authorized representative may proceed thereafter and as often as may be necessary, to levy in like manner upon any other property or rights to property which belongs to the employer or person against whom such claim exists or upon which a lien is created by this subsection (e) until the amount due from the employer or person, together with all expenses, is fully paid.

(f) *Warrant.* In addition or as an alternative to any other remedy provided by this section and provided that no appeal or other proceeding for review permitted by this law shall then be pending and the time for taking thereof shall have expired, the secretary of labor or an authorized representative of the secretary may issue a warrant certifying the amount of contributions, payments in lieu of contributions, benefit cost payments, interest or penalty, and the name of the employer liable for same after giving 15 days prior notice. Upon request, service of final notices shall be made by the sheriff within the sheriff's county, by the sheriff's deputy or some person specially appointed by the secretary for that purpose, or by the secretary's designee. A person specially appointed by the secretary or the secretary's designee to serve final notices may make service any place in the state. Final notices shall be served as follows:

(1) *Individual.* Service upon an individual, other than a minor or incapacitated person, shall be made by delivering a copy of the final notice to the individual personally or by

leaving a copy at such individual's dwelling house or usual place of abode with some person of suitable age and discretion then residing therein, by leaving a copy at the business establishment of the employer with an officer or employee of the establishment, or by delivering a copy to an agent authorized by appointment or by law to receive service of process, but if the agent is one designated by a statute to receive service, such further notice as the statute requires shall be given. If service as prescribed above cannot be made with due diligence, the secretary or the secretary's designee may order service to be made by leaving a copy of the final notice at the employer's dwelling house, usual place of abode or business establishment.

(2) *Corporations and partnerships.* Service upon a domestic or foreign corporation or upon a partnership or other unincorporated association, when by law it may be sued as such, shall be made by delivering a copy of the final notice to an officer, partner or resident managing or general agent thereof by leaving a copy at any business office of the employer with the person having charge thereof or by delivering a copy to any other agent authorized by appointment or required by law to receive service of process, if the agent is one authorized by law to receive service and, if the law so requires, by also mailing a copy to the employer.

(3) *Refusal to accept service.* In all cases when the person to be served, or an agent authorized by such person to accept service of petitions and summonses, shall refuse to receive copies of the final notice, the offer of the duly authorized process server to deliver copies thereof and such refusal shall be sufficient service of such notice.

(4) *Proof of service.* (A) Every officer to whom a final notice or other process shall be delivered for service within or without the state, shall make return thereof in writing stating the time, place and manner of service of such writ, and shall sign such officer's name to such return.

(B) If service of the notice is made by a person appointed by the secretary or the secretary's designee to make service, such person shall make an affidavit as to the time, place and manner of service thereof in a form prescribed by the secretary or the secretary's designee.

(5) *Time for return.* The officer or other person receiving a final notice shall make a return of service promptly and shall send such return to the secretary or the secretary's designee in any event within 10 days after the service is effected. If the final notice cannot be served it shall be returned to the secretary or the secretary's designee within 30 days after the date of issue with a statement of the reason for the failure to serve the same. The original return shall be attached to and filed with any warrant thereafter filed.

(6) *Service by mail.* (A) Upon direction of the secretary or the secretary's designee, service by mail may be effected by forwarding a copy of the notice to the employer by registered or certified mail to the employer's address as it appears on the records of the agency. A copy of the return receipt shall be attached to and filed with any warrant thereafter filed.

(B) The secretary of labor or an authorized representative of the secretary may file the warrant for record in the office of the clerk of the district court in the county in which the employer owing such contributions, payments in lieu of contributions, benefit cost payments, interest, or penalty has business property. The warrant shall certify the amount of contributions, payments in lieu of contributions, benefit cost payments, interest and penalty due, and the name of the employer liable for such amount. It shall be the duty of the clerk of the district court to file such warrant of record and enter the warrant in the records of the district court for judgment and decrees under the procedure prescribed for filing transcripts of judgment.

(C) The clerk shall enter, on the day the warrant is filed, the case on the appearance docket, together with the amount and the time of filing the warrant. From the time of filing such warrant, the amount of the contributions, payments in lieu of contributions, benefit cost payments, interest, and penalty, certified therein, shall have the force and effect of a judgment of the district court until the same is satisfied by the secretary of labor or an authorized representative or attorney for the secretary. Execution shall be issuable at the request of the secretary of labor, an authorized representative or attorney for the secretary, as is provided in the case of other judgments.

(D) Postjudgment procedures shall be the same as for judgments according to the code of civil procedure.

(E) Warrants shall be satisfied of record by payment to the clerk of the district court of the contributions, payments in lieu of contributions, benefit cost payments, penalty, interest to date, and court costs. Warrants may also be satisfied of record by payment to the clerk of the district court of all court costs accrued in the case and by filing a certificate by the secretary of labor, certifying that the contributions, payments in lieu of contributions, benefit cost payments, interest and penalty have been paid.

(g) *Remedies cumulative.* The foregoing remedies shall be cumulative and no action taken shall be construed as an election on the part of the state or any of its officers to pursue any remedy or action under this section to the exclusion of any other remedy or action for which provision is made.

(h) *Refunds.* If any individual, governmental entity or organization makes application for refund or adjustment of any amount paid as contributions, benefit cost payments or interest under this law and the secretary of labor determines that such amount or any portion thereof was erroneously collected, except for amounts less than \$1, the secretary of labor shall allow such individual or organization to make an adjustment thereof, in connection with subsequent contribution payments, or if such adjustment cannot be made the secretary of labor shall refund the amount, except for amounts less than \$1, from the employment security fund, except that all interest erroneously collected which has been paid into the special employment security fund shall be refunded out of the special employment security fund. No adjustment or refund shall be allowed with respect to a payment as contributions, benefit cost payments or interest unless an application therefor is made on or before whichever of the following dates is later: (1) One year from the date on which such payment was made; or (2) three years from the last day of the period with respect to which such payment was made. For like cause and within the same period adjustment or refund may be so made on the secretary's own initiative. The secretary of labor shall not be required to refund any contributions, payments in lieu of contributions or benefit cost payments based upon wages paid which have been used as base-period wages in a determination of a claimant's benefit rights when justifiable and correct payments have been made to the claimant as the result of such determination. For all taxable years commencing after December 31, 1997, interest at the rate prescribed in K.S.A. 79-2968, and amendments thereto, shall be allowed on a contribution or benefit cost payment which the secretary has determined was erroneously collected pursuant to this section.

(i) (1) *Cash deposit or bond.* If any contributing employer is delinquent in making payments under the employment security law during any two quarters of the most recent four-quarter period, the secretary or the secretary's authorized representative shall have the discretionary power to require such contributing employer either to deposit cash or to file a bond with sufficient sureties to guarantee the payment of contributions, penalty and interest owed by such employer.

(2) The amount of such cash deposit or bond shall be not less than the largest total amount of contributions, penalty and interest reported by the employer in two of the four calendar quarters preceding any delinquency. Such cash deposit or bond shall be required until the employer has shown timely filing of reports and payment of contributions for four consecutive calendar quarters.

(3) Failure to file such cash deposit or bond shall subject the employer to a surcharge of 2.0% which shall be in addition to the rate of contributions assigned to the employer under K.S.A. 44-710a and amendments thereto. Contributions paid as a result of this surcharge shall not be credited to the employer's experience rating account. This surcharge shall be effective during the next full calendar year after its imposition and during each full calendar year thereafter until the employer has filed the required cash deposit or bond or has shown timely filing of reports and payment of contributions for four consecutive calendar quarters.

(j) Any officer, major stockholder or other person who has charge of the affairs of an employer, which is an employing unit described in section 501(c)(3) of the federal internal revenue code of 1954 or which is any other corporate organization or association, or any member or manager of a limited liability company, or any public official, who willfully fails to pay the amount of contributions, payments in lieu of contributions or benefit cost pay-

ments required to be paid under the employment security law on the date on which such amount becomes delinquent, shall be personally liable for the total amount of the contributions, payments in lieu of contributions or benefit cost payments and any penalties and interest due and unpaid by such employing unit. The secretary or the secretary's authorized representative may assess such person for the total amount of contributions, payments in lieu of contributions or benefit cost payments and any penalties, and interest computed as due and owing. With respect to such persons and such amounts assessed, the secretary shall have available all of the collection remedies authorized or provided by this section.”;

And by renumbering remaining sections accordingly;

On page 5, in line 23, by striking “is” and inserting “and K.S.A. 2006 Supp. 44-717 are”;

On page 1, in the title, in line 12 by striking “public construction contracts” and inserting “contracting”; in line 14, after “75-6402” by inserting “and K.S.A. 2006 Supp. 44-717”; also in line 14, by striking “section” and inserting “sections”;

And your committee on conference recommends the adoption of this report.

STEVEN R. BRUNK

MIKE KIEGERL

Conferees on part of House

KARIN BROWNLEE

NICK JORDAN

Conferees on part of Senate

On motion of Rep. Brunk, the conference committee report on **SB 333** was adopted.

On roll call, the vote was: Yeas 118; Nays 5; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafaneli, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Flaharty, Flora, Lane, Menghini, Tietze.

Present but not voting: None.

Absent or not voting: Sharp, Swenson.

EXPLANATION OF VOTE

MR. SPEAKER: I vote YES on **SB 333** because the underlying bill is needed to provide for prompt payment on public construction contracts.

This body has expressed support for cracking down on unscrupulous employers who gain an unfair advantage over competitors by mis-classifying employees to avoid taxes and to hide the hiring of undocumented workers. An unemployment insurance provision added in conference will make it more difficult for the Department of Labor to identify those employers to enforce the law.

The provision also makes it easier for fly-by-night contractors to come into our state, take contracts from legitimate Kansas contractors, then leave the state without being tracked.— DENNIS MCKINNEY, VALDENIA WINN, ED TRIMMER, EBER PHELPS, BOB GRANT, MELODY MCCRAY MILLER, BILL FEUERBORN, MARTI CROW, MICHAEL PETERSON, LOUIS RUIZ, TOM HOLLAND

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2058**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, following the enacting clause by inserting the following:

“Section 1. K.S.A. 2006 Supp. 12-520 is hereby amended to read as follows: 12-520. (a) Except as hereinafter provided, the governing body of any city, by ordinance, may annex land to such city if any one or more of the following conditions exist:

(1) The land is platted, and some part of the land adjoins the city.

(2) The land is owned by or held in trust for the city or any agency thereof.

(3) The land adjoins the city and is owned by or held in trust for any governmental unit other than another city, ~~except that no city may annex land owned by a county which has primary use as a county-owned and operated airport, or other aviation related activity or which has primary use as a county owned and operated zoological facility, recreation park or exhibition and sports facility without the express permission of the board of county commissioners of the county~~ *except that no city may annex land owned by a county without the express permission of the board of county commissioners of the county other than as provided in subsection (f).*

(4) The land lies within or mainly within the city and has a common perimeter with the city boundary line of more than 50%.

(5) The land if annexed will make the city boundary line straight or harmonious and some part thereof adjoins the city, except no land in excess of 21 acres shall be annexed for this purpose.

(6) The tract is so situated that $\frac{2}{3}$ of any boundary line adjoins the city, except no tract in excess of 21 acres shall be annexed under this condition.

(7) The land adjoins the city and a written petition for or consent to annexation is filed with the city by the owner.

(b) No portion of any unplatted tract of land devoted to agricultural use of 21 acres or more shall be annexed by any city under the authority of this section without the written consent of the owner thereof.

(c) No city may annex, pursuant to this section, any improvement district incorporated and organized pursuant to K.S.A. 19-2753 et seq., and amendments thereto, or any land within such improvement district. The provisions of this subsection shall apply to such improvement districts for which the petition for incorporation and organization was presented on or before January 1, 1987.

(d) Subject to the provisions of this section and subsection (e) of K.S.A. 12-520a, and amendments thereto, a city may annex, pursuant to this section, any fire district or any land within such fire district.

(e) Whenever any city annexes any land under the authority of paragraph 2 of subsection (a) which does not adjoin the city, tracts of land adjoining the land so annexed shall not be deemed to be adjoining the city for the purpose of annexation under the authority of this section until the adjoining land or the land so annexed adjoins the remainder of the city by reason of the annexation of the intervening territory.

(f) No city may annex the right-of-way of any highway under the authority of this section unless at the time of the annexation the abutting property upon one or both sides thereof is already within the city or is annexed to the city in the same proceeding. The board of county commissioners may notify the city of the existence of any highway which has not become part of the city by annexation and which has a common boundary with the city. The notification shall include a legal description and a map identifying the location of the highway. The governing body of the city shall certify by ordinance that the certification is correct and declare the highway, or portion of the highway extending to the center line where another city boundary line abuts the opposing side of the highway, annexed to the city as of the date of the publication of the ordinance.

(g) The governing body of any city by one ordinance may annex one or more separate tracts or lands each of which conforms to any one or more of the foregoing conditions. The invalidity of the annexation of any tract or land in one ordinance shall not affect the validity of the remaining tracts or lands which are annexed by the ordinance and which conform to any one or more of the foregoing conditions.

Sec. 2. K.S.A. 12-3304 is hereby amended to read as follows: 12-3304. ~~Not less than three copies~~ *At least one copy* of such code incorporated by reference by a county resolution shall be marked or stamped "official copy as incorporated by resolution no. _____," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating resolution, such ~~copies~~ *copy* filed with the county clerk shall be open to inspection and available to the public at all reasonable business hours. Copies of such code, or part thereof which are incorporated by reference shall be furnished without charge to the courts and all administrative agencies charged with the enforcement of such code.

Sec. 3. K.S.A. 12-3010 is hereby amended to read as follows: 12-3010. The provisions of any standard or model code or ordinance, state regulation or statute or portions thereof incorporated in an ordinance by reference shall be as much a part of the ordinance as if the same had been set out in full therein when the ordinance shall have been passed by the governing body of the city and published in the manner provided by law, and any section, article, chapter, part or portion not incorporated shall be clearly and specifically described and declared to be omitted and any provisions changing or adding to the incorporated provisions shall be stated in full and published as a part of the ordinance. ~~Provided, That instead.~~ *Instead of incorporating with omissions, the incorporating ordinance may designate specifically the sections, articles, chapters, parts or portions of the standard or model code or ordinance, state regulation or statute that are incorporated.* ~~Provided further, That no.~~ *No* such ordinance shall be deemed to have incorporated therein any standard or model code or ordinance or state regulation unless the same shall be clearly described in the ordinance by name or title, the name or title of the agency, organization, or group or state officer, board or agency which prepared, compiled, published or promulgated the same, the year or edition of the work or other sufficiently identifying description, and statutes or portions thereof shall be identified by appropriate reference to Session Laws, ~~General Statutes or Supplements~~ *Kansas Statutes Annotated and acts amendatory thereof or supplemental thereto.* ~~Provided further, That not less than three (3) copies.~~ *At least one copy* of any such standard or model code or ordinance or state regulation shall be marked or stamped "official copy as incorporated by Ordinance No. _____," with all sections or portions thereof intended to be omitted clearly marked to show any such omission or showing the sections, articles, chapters, parts or portions that are incorporated, as the case may be, and to which shall be attached a copy of the incorporating ordinance, and filed with the city clerk to be open to inspection and available to the public at all reasonable business hours. ~~Provided further, That the.~~ *The* police department, police judge and all administrative departments of the city charged with the enforcement of any such ordinance shall be supplied, at the cost of the city, such number of official copies of any such standard or model code or ordinance or state regulation similarly marked as may be deemed expedient.”;

And by renumbering the remaining sections accordingly;

On page 2, in line 13, by striking "any county" and inserting "Crawford, Douglas, Franklin, Jefferson, Johnson, Miami, Riley, Sedgwick, Shawnee and Wyandotte counties,"; by striking all in lines 19 through 39; in line 40, by striking "In" and inserting "The board of county commissioners of"; also in line 40, by striking all following "county" in line 41, by striking all before "which" and inserting "which has not provided for the enforcement of county codes and resolutions in accordance with provisions of the code for enforcement of county codes and resolutions on or before July 1, 2007, and";

On page 3, in line 12, preceding "without" by inserting "may be made"; in line 15, by striking all following "election"; by striking all in line 16; in line 17 by striking all preceding the period and inserting "shall be called, noticed and held in the manner provided by K.S.A. 10-120, and amendments thereto"

On page 4, by striking all in line 6, and inserting the following:

"Sec. 5. K.S.A. 12-3010 and 12-3304 and K.S.A. 2006 Supp. 12-520 and 19-101d are hereby repealed."

Also on page 4, in line 8, by striking "statute book" and inserting "Kansas register";

In the title, in line 14, by striking all following "concerning"; in line 15, by striking all preceding the semicolon and inserting "municipalities"; also in line 15, following "K.S.A."

by inserting "12-3010 and 12-3304 and K.S.A."; also in line 15 following "Supp." by inserting "12-520 and"; in line 16, by striking "section" and inserting "sections";

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP
 ROGER P. REITZ
 DONALD BETTS, JR.
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
 TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2058** was adopted.

On roll call, the vote was: Yeas 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: M. Holmes, Knox, McKinney, Powell.

Present but not voting: None.

Absent or not voting: Merrick, Sharp, Spalding, Storm, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2081**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 4, by striking all in lines 38 through 41 and inserting the following:

"Sec. 3. K.S.A. 2006 Supp. 25-3601 is hereby amended to read as follows: 25-3601. (a) Subject to the provisions of subsection (d), if a petition is required or authorized as a part of the procedure applicable to the state as a whole or any legislative election district or to any county, city, school district or other municipality, or part thereof, the provisions of K.S.A. 25-3601 et seq., and amendments thereto, shall apply. The sufficiency of each signature and the number thereof on any such petition shall be determined in accordance with the provisions of K.S.A. 25-3601 to 25-3607, inclusive, and amendments thereto by the county election officer or such other official as designated in the applicable statute. Except as provided herein, a copy of any petition requesting an election in any political or taxing subdivision of the state shall be submitted to the office of the county attorney of the county or district attorney of the district in which all or the greater portion of the political or taxing subdivision is located. If a county counselor has been appointed in the county or district, the petition shall be submitted to the county counselor. The petition shall be submitted either by hand-delivery or by certified mail, return receipt requested. Such petition shall contain the question to be submitted at the election. Within five ~~calendar~~ *business* days following submission of the petition, the county counselor, county attorney or district attorney shall furnish a written advisory opinion as to the legality of the form of the question contained on the petition. There shall be a rebuttable presumption that the form of any question approved by the county counselor, county attorney or district attorney complies

with the requirements of this act. If such opinion is not furnished within five days of submission of the question, the form of the question shall be deemed in compliance with the requirements of this act.

If the advisory opinion states that the form of the question contained in the petition does not comply with the requirements of this act, such advisory opinion shall also state specific grounds to support such determination.

Nothing in this subsection shall be construed as prohibiting the circulation of a petition for signatures or the filing of such petition with the county election officer prior to obtaining the advisory opinion required by this subsection.

(b) Any person challenging the validity of the form of a question shall have the burden of proving in the district court that the form of the question is invalid.

(c) The form of any question in a petition requesting an election on or protesting an ordinance, or resolution, adopted by the governing body of any county, city, school district or other municipality shall be presumed to be valid and in compliance with the requirements of K.S.A. 25-3601, et seq., and amendments thereto, if such petition states the title, number and exact language of the ordinance, or resolution, and the title of such petition states:

“Shall the following ordinance, or resolution, become effective?”

(d) When any other statute imposes specific requirements which are different from the requirements imposed by K.S.A. 25-3601 et seq. and amendments thereto, the provisions of the specific statute shall control. The county election officer or other official with whom the petition is required to be filed in accordance with the applicable statute shall give to persons requesting information regarding the filing of petitions a copy of K.S.A. 25-620 and article 36 of chapter 25 of the Kansas Statutes Annotated, and amendments thereto.

(e) Any action challenging the validity of the form of a question in a petition shall be filed in the district court within 20 days after such petition has been filed with the county election officer.

The court shall render an opinion in any action filed to challenge the validity of the form of a question in a petition within 20 days after the date such action is filed with the court.

(f) The provisions of K.S.A. 25-3601 et seq., and amendments thereto, shall not apply to recall petitions as described in K.S.A. 25-4301 et seq., and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 25-4308 is hereby amended to read as follows: 25-4308. (a) The secretary of state shall review the application and shall either certify such application or notify the recall committee of the grounds of refusal. The secretary of state shall deny certification if the secretary of state determines that:

- (1) The facts do not support the grounds for recall as stated in the application;
- (2) the application is not substantially in the required form;
- (3) the application was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 200 days of the termination of the term of office of the state officer sought to be recalled;
- (4) the person named in the application is not a state officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the state officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(b) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the secretary of state's decision.

Sec. 5. K.S.A. 2006 Supp. 25-4322 is hereby amended to read as follows: 25-4322. (a) Before any petition for recall of a local officer is circulated, a copy thereof accompanied by names and addresses of the recall committee and sponsors shall be filed in the office of the county election officer with whom the petitions are required to be filed. The copy of the petition so filed shall be subscribed by the members of the recall committee in the presence of such county election officer. The recall committee shall represent all sponsors and subscribers in matters relating to the recall. Notice on all matters pertaining to the recall may be served on any member of the recall committee in person or by mail addressed to a committee member as indicated on the petition so filed. The county election officer, upon request, shall notify the recall committee of the official number of votes cast for all candi-

dates for the office of the local officer sought to be recalled, such percentage to be based upon the last general election for the current term of office of the officer sought to be recalled.

(b) Before any petition for recall of a local officer is circulated, the county election officer shall transmit a copy of such petition to the county or district attorney or to the attorney designated pursuant to subsection (c) for determination of the sufficiency of the grounds stated in the petition for recall. Within five days of receipt of the copy of the petition from the county election officer, the county or district attorney or the attorney designated pursuant to subsection (c) shall make such determination and notify the county election officer, *the officer sought to be recalled* and the recall committee of such determination. Such determination shall include whether:

- (1) The facts do not support the grounds for recall as stated in the petition for recall;
- (2) the petition is not substantially in the required form;
- (3) the petition was filed during the first 120 days of the term of office of the official sought to be recalled or within less than 180 days of the termination of the term of office of the officer sought to be recalled;
- (4) the person named in the petition is not a local officer;
- (5) there is an insufficient number of required signatures of any kind;
- (6) the local officer sought to be recalled has been or is being subjected to another recall election during such officer's current term of office; or
- (7) the application does not conform to any other requirement of this act.

(c) In the case of a recall of the county or district attorney, a judge of the district court of such county shall designate an attorney to determine the sufficiency of the grounds stated in the petition for recall. Such attorney shall perform the duties imposed on the county or district attorney in the recall of other local officers.

(d) All mandamus proceedings to compel a recall election and all injunction proceedings to restrain a recall election shall be commenced ~~not less than~~ *within* 30 days after the county or district attorney's decision.

Sec. 6. K.S.A. 25-2810 is hereby amended to read as follows: 25-2810. (a) Each election board shall have control of its voting place and election procedure under the sole supervision of the secretary of state, county election officer, deputy county election officers and the supervising judge. The election board shall open the polls at the time specified by the county election officer. The judges shall have charge of the ballots and the supervising judge shall designate one of their number to furnish them to voters as provided by law.

(b) Any election board of five or more members may be divided by the county election officer into a receiving board and a counting board, and the receiving board shall furnish and receive ballots and record the names of voters. The receiving board shall have control of the voting place and election procedure under the sole supervision and direction of the secretary of state, county election officer, deputy county election officers, and the supervising judge. The receiving board shall open and close the polls at the time specified by the county election officer.

(c) The counting board or boards, if any, shall proceed to their voting place after the opening of the polls at the hour specified by the county election officer.

(d) At national and state elections, both primary and general, the counting board, if any, shall take charge of one of the ballot boxes containing the national and state ballots already cast in that precinct. It shall retire to a partitioned room or space in the voting place provided for that purpose and there proceed to count and tabulate the ballots cast as it shall find them deposited in the national and state ballot box. The receiving board shall continue to receive the votes of electors in another national and state ballot box, and in a county and township ballot box until such time as the counting board shall have finished counting and tabulating the ballots cast in the first national and state ballot box. They shall then exchange the first box for the second national and state box, and so continue until they have counted and tabulated all the votes cast on that election day in the national and state ballot boxes. Counting boards may, in like manner, count the ballots in other ballot boxes when only an unsubstantial number of national and state ballots have been cast and are uncounted, and likewise at elections where there are no national and state ballots. Prior to the closing of the polls, no ballots shall be counted from any ballot box containing less than 50 ballots. No

result of the count shall be made known to any person not on the election board, except the county election officer or such officer's deputies, until after the time to close the polls.

(e) At city and school elections, both primary and general, the counting board, if any, shall take charge of a ballot box containing one kind of ballot. Such board shall then proceed, as in national and state elections, to count and tabulate the ballots cast. When the ballots in such ballot box have been counted, the box shall be exchanged for another ballot box and so continue until all of the ballots of every kind are counted and tabulated.

(f) When the hour arrives for closing the polls, the election board, including both the receiving and counting boards if any, shall continue in the work of counting, tabulating and summarizing the votes, and making their certificates as to the result of the election.

(g) All of the judges and clerks at the same voting place *on duty when the polls close* shall unite in certifying the election results as provided in K.S.A. 25-3006 and amendments thereto.

(h) (1) *In accordance with rules and regulations adopted by the secretary of state, the county election officer may allocate staffing resources as needed at the voting place except that two members of the election board, one of which is the supervising judge, shall be on duty for the entire time the polls are open.*

(2) *The secretary of state may adopt rules and regulations to implement the provisions of this section.*

New Sec. 7. The governmental ethics commission shall prescribe and provide forms for each report required to be made under the campaign finance act. After January 10, 2008, any information required to be filed pursuant to this section may be filed electronically with the secretary of state in a method authorized by the secretary of state. The provisions of this section shall be part of and supplemental to the Kansas campaign finance act.

Sec. 8. K.S.A. 25-4148 is hereby amended to read as follows: 25-4148. (a) Every treasurer shall file a report prescribed by this section. Reports filed by treasurers for candidates for state office, other than officers elected on a state-wide basis, shall be filed in both the office of the secretary of state and in the office of the county election officer of the county in which the candidate is a resident. Reports filed by treasurers for candidates for state-wide office shall be filed only with the secretary of state. Reports filed by treasurers for candidates for local office shall be filed in the office of the county election officer of the county in which the name of the candidate is on the ballot. Except as otherwise provided by subsection (h), all such reports shall be filed in time to be received in the offices required on or before each of the following days:

(1) The eighth day preceding the primary election, which report shall be for the period beginning on January 1 of the election year for the office the candidate is seeking and ending 12 days before the primary election, inclusive;

(2) the eighth day preceding a general election, which report shall be for the period beginning 11 days before the primary election and ending 12 days before the general election, inclusive;

(3) January 10 of the year after an election year, which report shall be for the period beginning 11 days before the general election and ending on December 31, inclusive;

(4) for any calendar year when no election is held, a report shall be filed on the next January 10 for the preceding calendar year;

(5) a treasurer shall file only the annual report required by subsection (4) for those years when the candidate is not participating in a primary or general election.

(b) Each report required by this section shall state:

(1) Cash on hand on the first day of the reporting period;

(2) the name and address of each person who has made one or more contributions in an aggregate amount or value in excess of \$50 during the election period together with the amount and date of such contributions, including the name and address of every lender, guarantor and endorser when a contribution is in the form of an advance or loan;

(3) the aggregate amount of all proceeds from bona fide sales of political materials such as, but not limited to, political campaign pins, buttons, badges, flags, emblems, hats, banners and literature;

(4) the aggregate amount of contributions for which the name and address of the contributor is not known;

- (5) each contribution, rebate, refund or other receipt not otherwise listed;
- (6) the total of all receipts;
- (7) the name and address of each person to whom expenditures have been made in an aggregate amount or value in excess of \$50, with the amount, date, and purpose of each; the names and addresses of all persons to whom any loan or advance has been made; when an expenditure is made by payment to an advertising agency, public relations firm or political consultants for disbursement to vendors, the report of such expenditure shall show in detail the name of each such vendor and the amount, date and purpose of the payments to each;
- (8) the name and address of each person from whom an in-kind contribution was received or who has paid for personal services provided without charge to or for any candidate, candidate committee, party committee or political committee, if the contribution is in excess of ~~\$50~~ \$100 and is not otherwise reported under subsection (b)(7), and the amount, date and purpose of the contribution;
- (9) the aggregate of all expenditures not otherwise reported under this section; and
- (10) the total of expenditures.
- (c) Treasurers of candidates and of candidate committees shall be required to itemize, as provided in subsection (b)(2), only the purchase of tickets or admissions to testimonial events by a person who purchases such tickets or admissions in an aggregate amount or value in excess of \$50 per event, or who purchases such a ticket or admission at a cost exceeding \$25 per ticket or admission. All other purchases of tickets or admissions to testimonial events shall be reported in an aggregate amount and shall not be subject to the limitations specified in K.S.A. 25-4154, and amendments thereto.
- (d) If a contribution or other receipt from a political committee is required to be reported under subsection (b), the report shall include the full name of the organization with which the political committee is connected or affiliated or, name or description sufficiently describing the affiliation or, if the committee is not connected or affiliated with any one organization, the trade, profession or primary interest of the political committee as reflected by the statement of purpose of such organization.
- (e) The commission may require any treasurer to file an amended report for any period for which the original report filed by such treasurer contains material errors or omissions, and notice of the errors or omissions shall be part of the public record. The amended report shall be filed within 30 days after notice by the commission.
- (f) The commission may require any treasurer to file a report for any period for which the required report is not on file, and notice of the failure to file shall be part of the public record. Such report shall be filed within five days after notice by the commission.
- (g) For the purpose of any report required to be filed pursuant to subsection (a) by the treasurer of any candidate seeking nomination by convention or caucus or by the treasurer of the candidate's committee or by the treasurer of any party committee or political committee, the date of the convention or caucus shall be considered the date of the primary election.
- (h) If a report is sent by certified or registered mail on or before the day it is due, the mailing shall constitute receipt by that office.
- (i) *Any report required by this section may be signed by the candidate in lieu of the candidate's treasurer or the treasurer of the candidate's committee.*

Sec. 9. K.S.A. 25-4151 is hereby amended to read as follows: 25-4151. (a) Every report or statement made under the campaign finance act shall be made on forms prescribed by the commission, and contain substantially the following:

"I declare that this (report) (statement), including any accompanying schedules and statements, has been examined by me and to the best of my knowledge and belief is true, correct and complete. I understand that the intentional failure to file this document or intentionally filing a false document is a class A misdemeanor."

(Date)

(Signature)

Every report or statement shall be dated and signed by: (1) The treasurer *or candidate* for any report required by K.S.A. 25-4148; (2) the candidate, for any report required by K.S.A. 25-4144; or (3) the chairperson of the committee, for any statement required by K.S.A. 25-

4145. If the form is not available, the report or statement to which it relates shall be made as required, but in such form as the person signing such report or statement chooses, and the commission may require any such report or statement to be replaced after filing by a report or statement on the forms provided by the commission.

(b) Records in support of every report or statement filed under the campaign finance act shall be maintained and preserved by the person who files it for a period of time to be designated by the commission.

(c) Delay in filing a report or statement beyond the time required by law shall not prevent the acceptance of the report or statement.

(d) No treasurer shall accept or permit to be accepted any contributions or make or permit to be made any expenditures unless all reports or statements required of such treasurer prior to the time of such contributions or expenditures have been filed.

Sec. 10. K.S.A. 25-4401 is hereby amended to read as follows: 25-4401. As used in this act unless the context otherwise requires:

(a) "Automatic tabulating equipment" includes apparatus necessary to examine automatically and count votes as designated on ballots and data processing machines which can be used for counting ballots and tabulating results.

~~(b) "Ballot card" means a ballot which is voted by the process of punching.~~

~~(c) "Ballot labels" means the cards, papers, booklet, pages or other material containing the names of offices and candidates and statements of measures to be voted on.~~

~~(d) "Ballot" may include ballot cards, ballot labels and paper ballots an electronic display or printed document containing the offices and questions on which voters in a specified voting area are eligible to vote.~~

~~(b) "Counting location" means the location in the county selected by the county election officer for the automatic processing or counting, or both, counting of ballots.~~

~~(c) "Electronic or electromechanical voting system" means a system of casting votes by use of marking devices and tabulating ballots employing automatic tabulating equipment or data processing equipment including a direct recording electronic system.~~

~~(d) "Direct recording electronic system" means a system that records votes by means of a ballot display provided with mechanical or electro-optical components that can be activated by the voter, that processes data by means of a computer program, that records voting data and ballot images in memory components, that produces a tabulation of the voting data stored in a removable memory component and as printed copy, and that may also provide a means for transmitting individual ballots or vote totals to a central location for consolidating and reporting results from precincts at the central location.~~

~~(g) "Marking device" means an apparatus in which ballots or ballot cards are inserted and used in connection with a punch apparatus for the piercing of ballots by the voter which will enable the ballot to be tabulated by means of automatic tabulating equipment. The hole made by such marking device may be in the form of a round dot, a rectangle, a square or any other shape that will clearly indicate the intent of the voter.~~

Sec. 11. K.S.A. 25-4403 is hereby amended to read as follows: 25-4403. (a) The board of county commissioners and the county election officer of any county may provide an electronic or electromechanical voting system to be used at voting places, or for advance voting in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using electronic or electromechanical voting systems in such county, signed by electors equal in number to not less than ten percent of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition shall be in favor thereof the board of county commissioners and the county election officer shall provide such a system to be used at voting places at national, state, county, township, city and school primary and general elections and in question submitted elections.

~~(c) The board of county commissioners of any county in which the board of county commissioners and county election officer have determined that an electronic or electro-~~

mechanical voting system shall be used ~~or in which a proposition to use electronic or electromechanical systems has been adopted~~ may issue bonds, ~~without an election~~, to finance and pay for purchase, lease or rental of such a system.

~~(b)~~ (c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any electronic or electromechanical system herein authorized and approved for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with *an optical scanning voting system or with regular paper ballots*. Whenever the secretary of state rescinds approval of any voting system, the board of county commissioners and the county election officer shall abandon such system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.

Sec. 12. K.S.A. 25-4404 is hereby amended to read as follows: 25-4404. The secretary of state shall examine and approve the kinds or makes of electronic or electromechanical voting systems, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it ~~received approval~~ *receives certification* by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 13. K.S.A. 25-4405 is hereby amended to read as follows: 25-4405. (a) Any person, firm or corporation desiring to sell any kind or make of electronic or electromechanical voting system to political subdivisions in Kansas may in writing request the secretary of state to examine the kind or make of the system which it desires to sell and shall accompany the request with a certified check in the sum of \$250 payable to the secretary of state to be used to defray a portion of the costs of such examination, and shall furnish at its own expense such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas~~, for use by ~~the secretary~~ in examining such ~~machine system~~. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that it ~~will do all the things required by article 44 of chapter 25 of Kansas Statutes Annotated and amendments thereto and can be safely used~~ *complies with state and federal laws*. The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such machine and to pay such persons reasonable compensation therefor. The costs of employment and any other costs associated with the approval of such system shall be paid ~~in advance~~ by the applicant.

(b) The secretary of state may require a review of any theretofore approved electronic or electromechanical voting system and the equipment and operation thereof. Such review shall be commenced by the secretary of state giving written notice thereof to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment thereof. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any electronic or electromechanical voting system and its equipment or the programs of such system.

Sec. 14. K.S.A. 25-4406 is hereby amended to read as follows: 25-4406. Electronic or electromechanical voting systems approved by the secretary of state:

(a) Shall provide ~~facilities~~ for voting for the candidates for nomination or election of ~~at least seven different~~ *all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto*;

(b) shall permit a voter to vote for any independent candidate for any office;

(c) shall provide for voting on constitutional amendments or other questions submitted;

(d) shall be so constructed that, as to primaries where candidates are nominated by political parties, the voter can vote only for the candidates ~~of the political party with which the voter is affiliated or, if not affiliated, according to the voter's declaration when applying to vote for whom the voter is qualified to vote according to articles 2 and 33 of chapter 25 of the Kansas Statutes Annotated and amendments thereto;~~

(e) shall afford the voter an opportunity to vote for any or all candidates for an office for whom the voter is by law entitled to vote and no more, and at the same time shall prevent the voter from voting for the same candidate twice for the same office;

(f) shall be so constructed that in presidential elections the presidential electors of any political party may be voted for by one ~~mark or punch action;~~

(g) shall provide ~~facilities for~~ "write-in" votes;

(h) shall provide for voting in absolute secrecy, except as to persons ~~entitled to assistance who request assistance due to temporary illness or disability or a lack of proficiency in reading the English language;~~

(i) shall reject all votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast; ~~and~~

(j) shall provide for instruction of voters on the operation of voting machines, illustrating the manner of voting by the use of such systems. The instruction may include printed materials or demonstration by election board workers; ~~and~~

~~(k) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.~~

Sec. 15. K.S.A. 25-4407 is hereby amended to read as follows: 25-4407. (a) ~~When a county has voted to use electronic or electromechanical voting systems or when a board of commissioners and county election officer have determined that such a voting system shall be used in a county, the board of county commissioners and the county election officer shall provide such number of units as shall be necessary to equip voting places for the use of voters. The board of county commissioners and the county election officer may purchase systems with payment by installments, may rent or lease systems or may lease machines with option to purchase with lease payments to be applied on the purchase price. Contracts for payment by installments, leases, rental agreements and leases with option to purchase may be for terms not exceeding ten 10 years, and the provisions of article 11 of chapter 10 of the Kansas Statutes Annotated and K.S.A. 79-2925 to 79-2940, inclusive, and amendments thereto, shall have no application to such contracts of purchase and lease or rental agreements, except that where payment is to be made from the general fund the budget shall provide for the raising of the necessary yearly amount to make installment or rental payments. Where the authorized maximum levy for the general fund is insufficient for all other yearly expenses chargeable against such fund and to pay installments or rentals on the voting systems, or where the aggregate limit for taxes is such that a sufficient tax for the general fund cannot be levied to pay all other yearly expenses chargeable against such fund and to pay installments or rentals on the systems, the board of county commissioners may levy a tax of sufficient millage to provide revenue to pay such installments or rentals and to pay a portion of the principal and interest on bonds issued under the authority of K.S.A. 12-1774, and amendments thereto, by cities located in the county and such levy shall not be within or limited by any aggregate limit of tax for such county.~~

~~—(b) For the use of voting systems the board of county commissioners may pay the same out of the general fund of such county, or issue time warrants bearing not to exceed five percent interest and payable by not more than three annual tax levies of not to exceed two mills which shall not be within or limited by any aggregate tax levy applying to such county or issue general obligation bonds of such county, such bonds not to be limited by any bonded debt limit and such bonds shall not be considered in determining the bonded debt of the county for the purpose of issuing bonds for other purposes.~~

~~—(c) (b) No tax shall be levied under this section, nor shall any moneys be paid from any fund under authority of this section for any contract to purchase, lease or rent any electronic or electromechanical voting system or equipment thereof, if approval of such system or equipment has been rescinded by the secretary of state.~~

(c) *The secretary of state may purchase, rent or lease voting equipment only for the purpose of providing such equipment to counties pursuant to the provisions of the help America vote act of 2002.*

Sec. 16. K.S.A. 25-4409 is hereby amended to read as follows: 25-4409. (a) ~~In any voting area where electronic or electromechanical voting systems are used, the county election officer shall provide an adequate number of units of the systems to allow all voters expected by the county election officer to vote at such voting place.~~

~~—(b) The ballot information, whether placed on the ballot or on the marking device, shall, as far as practicable, be in the order of arrangement provided for paper ballots except that such information may be in vertical or horizontal rows, or in a number of separate pages. Ballots for all questions must be provided in the same manner and where ballots are placed in a marking device, they must be arranged on or in the marking device in the places provided for such purpose. Voting squares or ovals may be before or after the names of candidates and statements of questions, and shall be of such size as is compatible with the type of system used. Ballots and ballot labels shall be printed. Ballot information shall be displayed in as plain clear type and size as the ballot spaces will reasonably permit. Tear-off stubs shall be of a size suitable for the ballots or ballot cards used and for the requirements of the marking device. Where candidate rotation is used, each type of ballot within a voting area shall be of the same rotation series. The ballots or ballot cards may contain special printed marks and holes as required for proper positioning and reading of the ballots by the automatic tabulating equipment. Where candidate rotation is used, the voting equipment shall be capable of meeting the requirements otherwise provided in law.~~

~~(c) A separate write-in ballot, which may be in the form of a paper ballot, card or envelope in which the elector places his or her ballot card after voting, shall be provided where necessary to permit electors to write in the names of persons whose names are not on the ballot.~~

~~—(d)(b) The county election officer shall cause the marking devices to be put in order, set, adjusted and made ready for voting when delivered to the election precincts. Before the opening of the polls the election judges shall compare the ballots or ballot labels with the sample ballots furnished, and see that the names, numbers and letters ballot information thereon agree agrees and shall certify thereto on forms provided for this purpose. The certification shall be filed with the election returns.~~

Sec. 17. K.S.A. 25-4410 is hereby amended to read as follows: 25-4410. (a) Insofar as applicable, the procedures provided for voting on paper ballots shall apply to electronic and electromechanical voting systems.

(b) The county election officer shall provide for each voting place sample ballot cards and ballot labels ballots which shall be exact copies of the official ballots for the particular election. Such sample ballot cards and labels shall be arranged in the form of a diagram showing the front of the marking device as it will appear after the ballots are arranged therein for voting on election day. Such sample ballot cards and labels shall be posted near the entrance of voting booths and shall be there open to for public inspection during the hours that the polls are open on election day.

(c) In addition to the instructions printed on the ballot or ballot labels, instructions to voters shall be posted in each voting booth or placed on the marking device. Each voter shall be instructed how to operate the voting device before such voter enters the voting booth. When a voter is handed a ballot or ballot card, such voter shall be instructed to use only the marking device provided for punching or slotting the cards and to not mark the ballot or ballot card in any other way except for write-ins. The voter shall also be instructed to place his or her ballots in an envelope or other container after voting, in order that no card upon which a choice is indicated is exposed.

—(d) For the instruction of voters on election day, there shall be provided for each voting place a mechanical model of the voting device. Such model shall be located in some place accessible to the voters. Each voter so desiring, before entering the voting booth, shall be instructed regarding the use of such model and shall be given an opportunity to use the model. The voter's attention may also be called to the ballot labels so that the voter may become familiar with the location of the questions submitted and the names of the offices and candidates.

~~—(e) Each voter shall be instructed how to operate the voting device before such voter enters the voting booth. In case any elector voter after entering the voting booth shall ask for further instruction concerning the manner of voting, two (2) judges election board members of opposite political parties shall give such instructions to such elector, but no judge or other election officer or person assisting an elector shall in any manner request, suggest, or seek to persuade or induce any such elector to vote any particular ticket, or for any particular candidate, or for or against any particular amendment, question or proposition. After receiving such instructions, such elector shall vote as in the case of an unassisted voter.~~

~~—(f) If a voter spoils or defaces a ballot card or marks it erroneously, such voter shall return the card with stub folded so as not to disclose any choices that such voter has made and receive another. The election judge shall immediately cancel the defective ballot card by writing on the back of the ballot card the word "SPOILED" in ink and without detaching the ballot stub, shall place the ballot in the container for voided ballots in a manner that does not expose the choices of the voter. The voter shall only be allowed to follow this procedure three (3) times at any election.~~

~~—(g) Where ballot cards are used, after the voter has marked his or her ballot card, such voter shall place it inside the envelope provided for this purpose and return it to the judge. The judge shall remove the ballot stub and deposit such stub and the envelope with the ballot card inside in the ballot box.~~

Sec. 18. K.S.A. 25-4411 is hereby amended to read as follows: 25-4411. (a) The vote tabulation equipment may be located at any place within the county approved by the county election officer.

(b) Within five (5) days prior to the date of the election, the county election officer shall have the automatic tabulating equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all ~~measures~~ questions submitted. Public notice of the time and place of the test shall be given at least ~~forty-eight (48)~~ 48 hours prior thereto by publication once in a newspaper of general circulation in the county or city where such equipment is to be used. The test shall be ~~observed by at least two (2) election inspectors, who shall not be of the same political party, and shall be open to representatives of the political parties, candidates, the press and the public.~~ The test shall be conducted by processing a preaudited group of ballots and punched or marked as marked to record a predetermined number of valid votes for each candidate and on each measure, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the automatic tabulating equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above. After the completion of the count the test shall be repeated after the completion of the canvass.~~ The equipment, programs used and ballots shall be sealed, retained and disposed of in the same manner as paper ballots secured and retained by the county election officer.

Sec. 19. K.S.A. 25-4412 is hereby amended to read as follows: 25-4412. (a) In voting areas where electronic or electromechanical voting systems are used, as soon as the polls are closed, the election supervising judge shall secure the marking devices against voting equipment to prevent further voting. The judge shall thereafter open the ballot box and count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots does not exceed equals the number of voters shown on the poll book. If there is an excess a discrepancy, this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~ The write-in votes shall then be counted by the election supervising judge and clerks. If ballot cards are used and separate write-in ballots or envelopes for recording write-in votes are used, all ballots or envelopes on which write-in votes have been recorded shall be serially numbered, starting with the number one, and the same number shall be placed on the ballot card of the voter. The election judge shall compare the write-in votes with the votes cast on the ballot card and if the total number of votes for any office exceeds the number allowed by law, a notation to that effect shall be entered on the back of the ballot card and it shall be returned to the counting location in an envelope marked "defective

ballots" and such invalid votes shall not be counted. So far as applicable, provisions relating to defective paper ballots shall apply.

(b) The ~~election supervising~~ judge shall place ~~all~~ any paper ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered forthwith by two election ~~judges~~ board members who shall not be of the same political party, to the counting location together with the *provisional*, unused, void and defective ballots and returns.

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~officials~~ board members who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. If any ballot card is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot card in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot card shall be made of a defective ballot which shall not include the invalid votes. All duplicate ballots or ballot cards shall be clearly labeled "duplicate," shall bear a serial number which shall be recorded on the damaged or defective ballot or ballot card and shall be counted in lieu of the damaged or defective ballot.

~~—If any ballot card, of the type where offices and questions are printed directly on the card, is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy may be made of the damaged ballot card, in the presence of witnesses and in the manner set forth above, or the valid votes on such ballot card may be manually counted at the counting center by at least two election officials in the manner which is best suited to the system used. If any paper ballot is damaged or defective so that it cannot properly be counted by the automatic tabulating equipment, such ballot shall be manually counted at the counting center. The totals for all such ballots or ballot cards manually counted shall be added to the totals for the respective precincts or election districts.~~

(d) ~~Advance voting ballots may be counted by the automatic tabulating equipment if they have been punched or marked in a manner which will enable them to be properly counted by such equipment.~~

~~—(e) The return printed by the automatic tabulating equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or election district. Upon completion of the count the returns shall be open to the public. A copy of the returns shall be posted at the central counting place or at the office of the election officer in lieu of the posting of returns at the individual precincts.~~

~~(f) (e) If for any reason it becomes impracticable to count all or a part of the ballots with tabulation equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.~~

Sec. 20. K.S.A. 25-4413 is hereby amended to read as follows: 25-4413. In the case of a recount, the ballots ~~or ballot cards~~ shall be recounted in the manner provided by K.S.A. 25-4412 and amendments thereto.

Sec. 21. K.S.A. 25-4414 is hereby amended to read as follows: 25-4414. Electronic or electromechanical voting system fraud is: (a) Being in unlawful or unauthorized possession of ~~ballot cards, ballot labels or voting equipment,~~ computer programs, *operating systems, firmware, software or ballots*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any electronic or electromechanical system or component part thereof, ~~any ballot, ballot card or ballot label or any ballot~~ used by such systems.

Electronic or electromechanical voting system fraud is a severity level ~~10~~ (9), nonperson felony.

New Sec. 22. The secretary of state may adopt rules and regulations:

(a) For the use of electronic and electromechanical voting systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 23. K.S.A. 25-4401 through 25-4414, inclusive, and amendments thereto, and sections 22 and 23, and amendments thereto, shall be known and may be cited as the electronic and electromechanical voting systems act.

Sec. 24. K.S.A. 25-4601 is hereby amended to read as follows: 25-4601. As used in this act unless the context otherwise requires:

(a) "Ballot" means a paper ballot ~~of at least three inches in width and seven inches in depth~~ on which candidates' names or questions are printed and ~~are~~ *which is* designed to receive opaque marks which can be detected by optical scanning equipment and which ~~are~~ *is* capable of being counted manually.

(b) ~~"Counting location" means the location or locations in the county selected by the county election officer for the automatic processing or counting, or both, of ballots.~~

~~(c) "Optical scanning equipment" means apparatus designed to examine and detect opaque marks on ballots which represent votes and count and tabulate those votes by electronic methods.~~

~~(d) (c) "System" means an optical scanning system of automatically counting and tabulating ballots with optical scanning equipment.~~

(d) "*Precinct count voting system*" means an optical scanning voting system that tabulates ballots at the polling place.

(e) "*Central count voting system*" means an optical scanning voting system that tabulates ballots from multiple precincts at a central location. Voted ballots are placed into secure storage at the polling place and transported to a central counting location.

Sec. 25. K.S.A. 25-4602 is hereby amended to read as follows: 25-4602. (a) The board of county commissioners and the county election officer of any county may provide for use of a system using optical scanning equipment to be used in the county at national, state, county, township, city and school primary and general elections and in question submitted elections.

(b) ~~When the board of county commissioners of any county is presented with a petition requesting a vote on the proposition of using a system using optical scanning equipment in such county, signed by electors equal in number to not less than 10% of the votes cast for secretary of state in the county at the last preceding general election at which the secretary of state was elected, such board of county commissioners shall submit the proposition to the voters of such county at the next succeeding state primary or general election. If a majority of the votes cast on the proposition are in favor of the proposition, the board of county commissioners and the county election officer shall provide such a system to be used at national, state, county, township, city and school primary and general elections and in question submitted elections.~~

~~(c) The board of county commissioners of any county in which the board and county election officer have determined that a system using optical scanning equipment shall be used or in which a proposition to use a system that uses optical scanning equipment has been adopted may issue bonds, without an election, to finance and pay for purchase, lease or rental of such a system and optical scanning equipment.~~

~~(d) (c) The board of county commissioners and the county election officer of any county may adopt, experiment with or abandon any system using optical scanning equipment authorized under this act and approved by the secretary of state for use in the state and may use such a system in all or any part of the voting areas within the county or in combination with an electronic or electromechanical voting system or with regular paper ballots. Whenever the secretary of state rescinds approval of any such system or optical scanning equipment, the board of county commissioners and the county election officer shall abandon such system until changes therein required by the secretary of state have been made, or if the secretary of state advises that acceptable changes cannot be made therein, such abandonment shall be permanent.~~

Sec. 26. K.S.A. 25-4603 is hereby amended to read as follows: 25-4603. The secretary of state shall examine and approve the kinds or makes of systems using optical scanning equipment, *including operating systems, firmware and software*, and no kind or make of such system shall be used at any election unless and until it receives ~~approval~~ *certification* by the secretary of state and a statement thereof is filed in the office of the secretary of state.

Sec. 27. K.S.A. 25-4604 is hereby amended to read as follows: 25-4604. (a) Any person, firm or corporation desiring to sell any kind or make of system using optical scanning equip-

ment to counties in this state may make a request in writing of the secretary of state to examine the kind or make of the system using optical scanning equipment which it desires to sell and shall accompany the request with a certified check in the amount of \$250 payable to the secretary of state, and shall furnish at its own expense such optical scanning equipment and other items necessary for operation of such system to the secretary of state ~~at the capitol in the city of Topeka, Kansas,~~ for use ~~by the secretary~~ in examining such equipment and system. The secretary of state may require such person, firm or corporation to furnish a competent person to explain the system and demonstrate by the operation of such system that ~~it will do all the things required by this act and applicable Kansas Statutes Annotated, and amendments thereto, and can be safely used~~ *such system complies with state and federal laws.* The secretary of state may employ a competent person or persons to assist in the examination and to advise the secretary as to the sufficiency of such system and equipment and to pay such persons reasonable compensation therefor. The costs of employment and other costs associated with the approval of such system shall be paid ~~in advance~~ by the applicant.

(b) The secretary of state may require a review of any theretofore approved system using optical scanning equipment and the operation thereof. Such review shall be commenced by the secretary of state giving written notice to the person, firm or corporation which sought approval of the system and to each county election officer and county commissioner of counties known to have purchased, leased or rented any such system or equipment. Such notice shall fix a time and place of hearing at which those persons wishing to be heard may appear and give oral or written testimony and explanation of the system, its optical scanning equipment and operation and experience had therewith. After such hearing date and after such review as the secretary of state deems appropriate, the secretary of state may renew approval of the system and such equipment, require changes therein for continued approval thereof or rescind approval previously given on either a conditioned or permanent basis.

(c) The secretary of state may appoint persons to assist county election officers or county commissioners in the testing of any system using optical scanning equipment and the programs of the system.

Sec. 28. K.S.A. 25-4607 is hereby amended to read as follows: 25-4607. The ballot information shall be in the order of arrangement provided for in article 6, chapter 25 of Kansas Statutes Annotated for official ballots. Such information may be printed on both sides of one ballot or on more than one ballot. Nothing in this act shall be construed as prohibiting the use of multiple ballots when the information for any election exceeds the capacity of a single ballot. Voting squares *or ovals* may be placed before or after the names of candidates and statements of questions or on a separate paper corresponding to the ballot upon which the names of candidates and statements of questions appear. Voting squares *or ovals* shall be of such size as is compatible with the system used. Ballots shall be printed on paper and with ink compatible with the system used and the information printed in as plain clear type and size as the ballot spaces permit. ~~At the bottom of~~ *On* each ballot shall be printed a box, which shall be placed on the ballot in such a manner so as not to interfere with the scanning of the ballot. *Such box shall be provided to allow for the insertion of a unique mark designated by the county election officer to verify the authenticity of the ballot.*

Sec. 29. K.S.A. 25-4609 is hereby amended to read as follows: 25-4609. (a) ~~When a voter is handed a ballot, such~~ *Each* voter shall be instructed *how* to mark the ballot ~~as directed,~~ and to not mark the ballot in any other way *before such voter enters the voting booth.* The voter shall also be instructed to place such person's ballot or ballots in a ballot sleeve or other container after voting, in order that no ~~ballot upon which a choice is indicated is~~ *votes are* exposed.

(b) In case any elector after entering the voting booth asks for further instruction concerning the manner of voting, two ~~judges~~ *election board members* of opposite political parties shall give such instruction to such elector, but no ~~judge~~ *election board member* or other election officer or person assisting an elector shall in any manner request, suggest or seek to persuade or induce any elector to vote for or against any candidate, question or ticket. ~~After receiving such instruction, such elector shall vote as in the case of an unassisted voter.~~

(c) After the voter has marked the ballot or ballots, the voter shall place it or them in the ballot sleeve provided for this purpose and return it to the judge. The judge shall verify the unique mark on the ballot and deposit the ballot in the ballot box.

Sec. 30. K.S.A. 25-4610 is hereby amended to read as follows: 25-4610. (a) The optical scanning equipment may be located at any place within the county approved by the county election officer.

(b) Within five days prior to the date of the election, the county election officer shall have the optical scanning equipment tested to ascertain that the equipment will correctly count the votes cast for all offices and on all questions submitted. Public notice of the time and place of the test shall be given at least 48 hours prior thereto by publication once in a newspaper of general circulation in the county where such equipment is to be used. The test shall be ~~observed by at least two election inspectors, who shall not be of the same political party, and shall be~~ open to representatives of the political parties, candidates, the press and the public. The test shall be conducted by processing a preaudited group of ballots marked as to record a predetermined number of valid votes for each candidate and on each question submitted, and shall include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the optical scanning equipment to reject such votes. If any error is detected, the cause therefor shall be ascertained and corrected and an errorless count shall be made before the optical scanning equipment is approved. ~~The test shall be repeated immediately before the start of the official count of the ballots, and at the conclusion of the official count in the same manner as set forth above. After~~ *The test shall be repeated after the completion of the count, the canvass.* ~~The programs used and ballots and ballot stubs and ballots shall be sealed, retained and disposed of in the same manner as paper ballots.~~

Sec. 31. K.S.A. 25-4611 is hereby amended to read as follows: 25-4611. (a) As soon as the polls are closed, ~~an election~~ *the supervising* judge shall ~~open the ballot box and~~ count the number of ballots or envelopes containing ballots that have been cast to determine that the number of ballots ~~does not exceed~~ *equals* the number of voters shown on the poll book. If there is ~~an excess a discrepancy,~~ this fact shall be reported in writing to the county election officer with the reasons therefor if known. ~~The total number of voters shall be entered on the tally sheets.~~

(b) The election judge shall place all ballots that have been cast in the container provided for the purpose, which shall be sealed and delivered by two election ~~judges~~ *board members* who shall not be of the same political party, to the counting location together with the *provisional, unused, void and defective ballots and returns.*

(c) All proceedings at the counting location shall be under the direction of the county election officer and under the observation of two election ~~judges~~ *board members* who shall not be of the same political party and shall be open to the public, but no persons except those employed and authorized for the purpose shall touch any ballot, ballot container or return. If any ballot is damaged or defective so that it cannot properly be counted by the optical scanning equipment, it shall be counted manually.

(d) Advance voting ballots may be counted by the optical scanning equipment if they have been marked in a manner which will enable them to be properly counted by such equipment. *If any advance voting ballot is damaged or defective so that it cannot properly be counted by the optical scanning equipment, it shall be counted manually.*

(e) The return printed by the optical scanning equipment, to which has been added the return of write-in and advance voting votes and manually counted votes, shall constitute the official return of each precinct or voting area. Upon completion of the count the returns shall be open to the public. A copy of the returns shall be posted at the office of the county election officer.

(f) If for any reason it becomes impracticable to count all or a part of the ballots with optical scanning equipment, the county election officer may direct that they be counted manually, following as far as practicable the provisions governing the counting of paper ballots.

Sec. 32. K.S.A. 25-4612 is hereby amended to read as follows: 25-4612. Optical scanning equipment fraud is:

(a) Being in unlawful or unauthorized possession of ballots ~~or programs~~, *optical scanning equipment, computer programs, operating systems, firmware or software*; or

(b) intentionally tampering with, altering, disarranging, defacing, impairing or destroying any optical scanning equipment or component part thereof, or any ballot, *operating system, firmware or software* used by a system.

Optical scanning equipment fraud is a severity level ~~10~~ (9), nonperson felony.

Sec. 33. K.S.A. 25-4613 is hereby amended to read as follows: 25-4613. Optical scanning equipment and systems using optical scanning equipment approved by the secretary of state:

(a) Shall be capable of being tested to ascertain that the equipment will correctly count votes cast for all offices and on all questions submitted; and

(b) shall be capable of printing in legible form, reports and summaries of the election results as required by articles 30 and 31 of chapter 25 of Kansas Statutes Annotated; and

(c) shall be capable of tabulating votes for candidates for nomination or election of ~~at least seven different~~ *all political parties officially recognized pursuant to K.S.A. 25-302a, and amendments thereto*; and

(d) shall be capable of tabulating votes for any independent candidate of any office; and

(e) shall be capable of tabulating votes for constitutional amendments or other questions submitted; and

(f) shall be capable of tabulating the number of "write-in" votes cast for any office; ~~and~~

(g) shall not count any votes for an office or upon a question submitted when the voter has cast more votes for such office or upon such question than the voter is entitled to cast;

~~—(h) shall provide notification when the voter has cast more votes for such office or upon such question than the voter is entitled to cast, and~~

~~—(i) shall meet the requirements of the help America vote act of 2002 and other federal statutes and regulations governing voting equipment.~~

New Sec. 34. The secretary of state may adopt rules and regulations:

(a) For the use of optical scanning systems to count votes under the election laws of this state; and

(b) necessary for the administration of this act.

New Sec. 35. K.S.A. 25-4601 through 25-4613, inclusive, and amendments thereto, and sections 34 and 35, and amendments thereto, shall be known and may be cited as the optical scanning voting systems act.

Sec. 36. K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341, 25-1343, 25-2810, 25-4148, 25-4151, 25-4153a, 25-4156, 25-4308, 25-4322, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4605, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and K.S.A. 2006 Supp. 25-3601, 25-4308 and 25-4322 are hereby repealed.

Sec. 37. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 13, preceding “amending” by inserting “pertaining to petitions; pertaining to electronic filing of campaign finance reports; pertaining to election boards; pertaining to campaign treasurer’s reports; pertaining to the optical scan voting systems to count votes; pertaining to electronic and electromechanical voting systems;”; in line 14, by striking “25-4153a and 25-4156” and inserting “25-2810, 25-4148, 25-4151, 25-4153a, 25-4156, 25-4401, 25-4403, 25-4404, 25-4405, 25-4406, 25-4407, 25-4409, 25-4410, 25-4411, 25-4412, 25-4413, 25-4414, 25-4601, 25-4602, 25-4603, 25-4604, 25-4607, 25-4609, 25-4610, 25-4611, 25-4612 and 25-4613 and K.S.A. 2006 Supp. 25-3601, 25-4308 and 25-4322”; also in line 14, before the period, by inserting “; also repealing K.S.A. 25-1307, 25-1308, 25-1309, 25-1310, 25-1311, 25-1312, 25-1313, 25-1314, 25-1315, 25-1317, 25-1318, 25-1319, 25-1320, 25-1321, 25-1322, 25-1324, 25-1325, 25-1326, 25-1327, 25-1328, 25-1329, 25-1330, 25-1331, 25-1332, 25-1333, 25-1334, 25-1335, 25-1336, 25-1337, 25-1338, 25-1339, 25-1341, 25-1343 and 25-4605”;

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP
 ROGER P. REITZ
 DONALD BETTS, JR.
Conferees on part of Senate

MICHAEL B. BURGESS
 TED POWERS
 TOM SAWYER
Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2081** was adopted.
 Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Beamer, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2214**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 6, following line 27, by inserting the following:

“Sec. 4. K.S.A. 2006 Supp. 65-1456 is hereby amended to read as follows: 65-1456. (a) The board may suspend or revoke the license of any dentist who shall permit any dental hygienist operating under such dentist's supervision to perform any operation other than that permitted under the provisions of article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof, and may suspend or revoke the license of any hygienist found guilty of performing any operation other than those permitted under article 14 of chapter 65 of the Kansas Statutes Annotated, or acts amendatory thereof. No license of any dentist or dental hygienist shall be suspended or revoked in any administrative proceedings without first complying with the notice and hearing requirements of the Kansas administrative procedure act.

(b) The practice of dental hygiene shall include those educational, preventive, and therapeutic procedures which result in the removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci. Included among those educational, preventive and therapeutic procedures are the instruction of the patient as to daily personal care, protecting the teeth from dental caries, the scaling and polishing of the crown surfaces and the planing of the root surfaces, in addition to the curettage of those soft tissues lining the free gingiva to the depth of the gingival sulcus and such additional educational, preventive and therapeutic procedures as the board may establish by rules and regulations.

(c) Subject to such prohibitions, limitations and conditions as the board may prescribe by rules and regulations, any licensed dental hygienist may practice dental hygiene and may also perform such dental service as may be performed by a dental assistant under the provisions of K.S.A. 65-1423 and amendments thereto.

(d) Except as otherwise provided in this section, the practice of dental hygiene shall be performed under the direct or general supervision of a licensed dentist at the office of such licensed dentist. The board shall designate by rules and regulations the procedures which may be performed by a dental hygienist under direct supervision and the procedures which may be performed under general supervision of a licensed dentist. As used in this section: (1) "Direct supervision" means that the dentist is in the dental office, personally diagnoses the condition to be treated, personally authorizes the procedure and before dismissal of the patient evaluates the performance; and (2) "general supervision" means a Kansas licensed dentist may delegate verbally or by written authorization the performance of a service, task or procedure to a licensed dental hygienist under the supervision and responsibility of the dentist, if the dental hygienist is licensed to perform the function, and the supervising dentist examines the patient at the time the dental hygiene procedure is performed, or during the 12 calendar months preceding the performance of the procedure, except that the licensed hygienist shall not be permitted to diagnose a dental disease or ailment, prescribe any treatment or a regimen thereof, prescribe, order or dispense medication or perform any procedure which is irreversible or which involves the intentional cutting of the soft or hard tissue by any means. A dentist is not required to be on the premises at the time a hygienist performs a function delegated under part (2) of this subsection.

(e) The practice of dental hygiene may be performed at an adult care home, hospital long-term care unit, state institution, local health department or indigent health care clinic on a resident of a facility, client or patient thereof so long as:

- (1) A licensed dentist has delegated the performance of the service, task or procedure;
- (2) the dental hygienist is under the supervision and responsibility of the dentist;
- (3) either the supervising dentist is personally present or the services, tasks and procedures are limited to the cleaning of teeth, education and preventive care;
- (4) the supervising dentist examines the patient at the time the dental hygiene procedure is performed or has examined the patient during the 12 calendar months preceding performance of the procedure; and

(f) The practice of dental hygiene may be performed ~~at a public school or accredited nonpublic school, as defined in K.S.A. 72-89b02, and amendments thereto, and any head start program with consent of the parent or legal guardian, on children participating in residential and nonresidential centers for therapeutic services, on all children in families which are receiving family preservation services, on all children in the custody of the secretary of social and rehabilitation services or the commissioner of juvenile justice authority and in an out-of-home placement residing in foster care homes, on children being served by runaway youth programs and homeless shelters; and on children birth to five and children in public and nonpublic schools kindergarten through grade 12 regardless of the time of year and children participating in youth organizations, so long as such children birth to five, in public or nonpublic schools or participating in youth organizations also meet the requirements of medicaid, healthwave, or free or reduced lunch programs or Indian health services; at any state correctional institution, local health department or indigent health care clinic, as defined in K.S.A. 65-1466, and amendments thereto, on a person who meets the requirements of medicaid, healthwave or the federal free and reduced lunch program, an inmate, client or patient thereof and at any federally qualified health center, federally qualified health center look-alike or a community health center that receives funding from section 330 of the health center consolidation act, on a person, inmate, client or patient thereof and on other persons as may be defined by the board;~~ so long as:

- (1) The dental hygienist has received an "extended care permit" from the Kansas dental board specifying that the dental hygienist has performed ~~1,800~~ 1,200 hours of dental hygiene care *within the past three years* or has been an instructor at an accredited dental hygiene program for ~~four semesters during the three years prior two academic years within the past three years;~~
- (2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit;

(4) the tasks and procedures are limited to: (A) removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) *the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board*; ~~(B)(C)~~ the application of fluoride; ~~(C)~~ (D) dental hygiene instruction; ~~(D)~~ (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and ~~(E)~~ (F) other duties as may be delegated verbally or in writing by the sponsoring dentists consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute a comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection; and

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection.

(g) The practice of dental hygiene may be performed ~~at~~ *on persons with developmental disabilities and on persons who are 65 years and older who live in a residential center, an adult care home, subsidized housing, hospital long-term care unit, state institution or are served in a community senior service center, elderly nutrition program or at the home of a homebound person who qualifies for the federal home and community based service (HCBS) waiver on a resident of a facility, client or patient thereof so long as:*

(1) The dental hygienist has received an "extended care permit II" from the Kansas dental board specifying that the dental hygienist has: (A) performed 1,800 hours of dental hygiene care or has been an instructor at an accredited dental hygiene program for ~~four semesters during two academic years within the past three years prior~~; and (B) completed six hours of training on the care of special needs patients or other training as may be accepted by the board;

(2) the dental hygienist shows proof of professional liability insurance;

(3) the dental hygienist is sponsored by a dentist licensed in the state of Kansas, including a signed agreement stating that the dentist shall monitor the dental hygienist's activities, except such dentist shall not monitor more than five dental hygienists with an extended care permit II;

(4) the tasks and procedures are limited to: (A) removal of extraneous deposits, stains and debris from the teeth and the rendering of smooth surfaces of the teeth to the depths of the gingival sulci; (B) *the application of topical anesthetic if the dental hygienist has completed the required course of instruction approved by the dental board*; ~~(B)~~ (C) the application of fluoride; ~~(C)~~ (D) dental hygiene instruction; ~~(D)~~ (E) assessment of the patient's apparent need for further evaluation by a dentist to diagnose the presence of dental caries and other abnormalities; and ~~(E)~~ (F) other duties as may be delegated verbally or in writing by the sponsoring dentist consistent with this act;

(5) the dental hygienist advises the patient and legal guardian that the services are preventive in nature and do not constitute comprehensive dental diagnosis and care;

(6) the dental hygienist provides a copy of the findings and the report of treatment to the sponsoring dentist and any other dental or medical supervisor at a participating organization found in this subsection;

(7) any payment to the dental hygienist for dental hygiene services is received from the sponsoring dentist or the participating organization found in this subsection; and

(8) the dental hygienist completes a minimum of six hours of education in the area of special needs care within the board's continuing dental education requirements for relicensure.

(h) In addition to the duties specifically mentioned in subsection (b) of K.S.A. 65-1456, and amendments thereto, any duly licensed dental hygienist may:

(1) Give fluoride treatments as a prophylactic measure, as defined by the United States public health service and as recommended for use in dentistry;

(2) remove overhanging restoration margins and periodontal surgery materials by hand scaling instruments; and

(3) administer local block and infiltration anaesthesia and nitrous oxide. (A) The administration of local anaesthesia shall be performed under the direct supervision of a licensed dentist *except that topically applied local anaesthesia, as defined by the board, may be administered under the general supervision of a licensed dentist.* (B) Each dental hygienist who administers local anaesthesia *regardless of the type* shall have completed courses of instruction in local anaesthesia and nitrous oxide which have been approved by the board.

(i) (1) The courses of instruction required in subsection (h)(3)(B) shall provide a minimum of 12 hours of instruction at a teaching institution accredited by the American dental association.

(2) The courses of instruction shall include courses which provide both didactic and clinical instruction in: (A) Theory of pain control; (B) anatomy; (C) medical history; (D) pharmacology; and (E) emergencies and complications.

(3) Certification in cardiac pulmonary resuscitation shall be required in all cases.

(j) The board is authorized to issue to a qualified dental hygienist an extended care permit or extended care permit II as provided in subsections (f) and (g) of this section.

(k) Nothing in this section shall be construed to prevent a dental hygienist from providing dental hygiene instruction or visual oral health care screenings *or fluoride applications* in a school or community based setting *regardless of the age of the patient.*

New Sec. 5. A dental hygienist who meets the requirements of subsections (f)(1) or (g)(1)(A) of K.S.A. 65-1456, and amendments thereto, prior to a period of retirement or disability, but not within the past three years, and is returning to active practice after such period of retirement or disability under K.S.A. 65-1431(i), and amendments thereto, or who has retained a license to practice but has not practiced in the past three or more years may qualify for an extended care permit by completing a refresher course approved by the board under K.A.R. 71-3-8 or performing 200 hours of dental hygiene care within the last 12 months under the supervision of dentists licensed in the state of Kansas and provides the board with a letter of endorsement from one of the supervising dentists.”;

And by renumbering the remaining sections accordingly;

Also on page 6, in line 28, by striking “and 65-”; in line 29, by striking “1447” and inserting “, 65-1447 and 65-1456”;

In the title, in line 12, by striking “sedation”; in line 13, by striking “and” where it appears for the second time and inserting a comma; in line 14, following “65-1447” by inserting “and 65-1456”;

And your committee on conference recommends the adoption of this report.

JIM BARNETT
VICKI SCHMIDT
DAVID HALEY
Conferees on part of Senate

BRENDA K. LANDWEHR
PEGGY MAST
GERALDINE FLAHARTY
Conferees on part of House

On motion of Rep. Landwehr, the conference committee report on **HB 2214** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill,

Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Wimm, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2283**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 7;

On page 8, by striking all in lines 1 through 18 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 8-135, as amended by section 1, of 2007 House Bill No. 2373, is hereby amended to read as follows: 8-135. (a) Upon the transfer of ownership of any vehicle registered under this act, the registration of the vehicle and the right to use any license plate thereon shall expire and thereafter there shall be no transfer of any registration, and the license plate shall be removed by the owner thereof. Except as provided in K.S.A. 8-172, and amendments thereto, and 8-1,147, and amendments thereto, it shall be unlawful for any person, other than the person to whom the license plate was originally issued, to have possession thereof. When the ownership of a registered vehicle is transferred, the original owner of the license plate may register another vehicle under the same number, upon application and payment of a fee of \$1.50, if such other vehicle does not require a higher license fee. If a higher license fee is required, then the transfer may be made upon the payment of the transfer fee of \$1.50 and the difference between the fee originally paid and that due for the new vehicle.

(b) Subject to the provisions of subsection (a) of K.S.A. 8-198, and amendments thereto, upon the transfer or sale of any vehicle by any person or dealer, or upon any transfer in accordance with K.S.A. 59-3511, and amendments thereto, the new owner thereof, within 30 days, inclusive of weekends and holidays, from date of such transfer shall make application to the division for registration or reregistration of the vehicle, but no person shall operate the vehicle on any highway in this state during the thirty-day period without having applied for and obtained temporary registration from the county treasurer or from a dealer. After the expiration of the thirty-day period, it shall be unlawful for the owner or any other person to operate such vehicle upon the highways of this state unless the vehicle has been registered as provided in this act. For failure to make application for registration as provided in this section, a penalty of \$2 shall be added to other fees. When a person has a current motorcycle or passenger vehicle registration and license plate, including any registration decal affixed thereto, for a vehicle and has sold or otherwise disposed of the vehicle and has acquired another motorcycle or passenger vehicle and intends to transfer the registration and the license plate to the motorcycle or passenger vehicle acquired, but has not yet had the registration transferred in the office of the county treasurer, such person may operate the motorcycle or passenger vehicle acquired for a period of not to exceed 30 days by displaying the license plate on the rear of the vehicle acquired. If the acquired vehicle is a new vehicle such person also must carry the assigned certificate of title or manufacturer's statement of origin when operating the acquired vehicle, except that a dealer may operate such vehicle by displaying such dealer's dealer license plate.

(c) Certificate of title: No vehicle required to be registered shall be registered or any license plate or registration decal issued therefor, unless the applicant for registration shall present satisfactory evidence of ownership and apply for an original certificate of title for such vehicle. The following paragraphs of this subsection shall apply to the issuance of a certificate of title for a nonhighway vehicle, salvage vehicle or rebuilt salvage vehicle, as defined in K.S.A. 8-197, and amendments thereto, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 8-198, and amendments thereto, and to any electronic certificate of title, except to the extent such paragraphs are made inapplicable by or are inconsistent with K.S.A. 2006 Supp. 8-135d, and amendments thereto, or with rules and regulations adopted pursuant to K.S.A. 2006 Supp. 8-135d, and amendments thereto.

The provisions of paragraphs (1) through (14) shall apply to any certificate of title issued prior to January 1, 2003, which indicates that there is a lien or encumbrance on such vehicle.

(1) An application for certificate of title shall be made by the owner or the owner's agent upon a form furnished by the division and shall state all liens or encumbrances thereon, and such other information as the division may require. Notwithstanding any other provision of this section, no certificate of title shall be issued for a vehicle having any unreleased lien or encumbrance thereon, unless the transfer of such vehicle has been consented to in writing by the holder of the lien or encumbrance. Such consent shall be in a form approved by the division. In the case of members of the armed forces of the United States while the United States is engaged at war with any foreign nation and for a period of six months next following the cessation of hostilities, such application may be signed by the owner's spouse, parents, brother or sister. The county treasurer shall use reasonable diligence in ascertaining whether the facts stated in such application are true, and if satisfied that the applicant is the lawful owner of such vehicle, or otherwise entitled to have the same registered in such applicant's name, shall so notify the division, who shall issue an appropriate certificate of title. The certificate of title shall be in a form approved by the division, and shall contain a statement of any liens or encumbrances which the application shows, and such other information as the division determines.

(2) The certificate of title shall contain upon the reverse side a form for assignment of title to be executed by the owner. This assignment shall contain a statement of all liens or encumbrances on the vehicle at the time of assignment. The certificate of title shall also contain on the reverse side blank spaces so that an abstract of mileage as to each owner will be available. The seller at the time of each sale shall insert and certify the mileage and the purchase price on the form filed for application or reassignment of title, and the division shall insert such mileage on the certificate of title when issued to purchaser or assignee. The signature of the purchaser or assignee is required on the form filed for application or reassignment of title, acknowledging the odometer and purchase price certification made by the seller, except that vehicles which are 10 model years or older and trucks with a gross vehicle weight of more than 16,000 pounds shall be exempt from the mileage acknowledgment requirement of the purchaser or assignee. Such title shall indicate whether the vehicle for which it is issued has been titled previously as a nonhighway vehicle or salvage vehicle. In addition, the reverse side shall contain two forms for reassignment by a dealer, stating the liens or encumbrances thereon. The first form of reassignment shall be used only when a dealer sells the vehicle to another dealer. The second form of reassignment shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle. The reassignment by a dealer shall be used only where the dealer resells the vehicle, and during the time that the vehicle remains in the dealer's possession for resale, the certificate of title shall be dormant. When the ownership of any vehicle passes by operation of law, or repossession upon default of a lease, security agreement, or executory sales contract, the person owning such vehicle, upon furnishing satisfactory proof to the county treasurer of such ownership, may procure a certificate of title to the vehicle. When a vehicle is registered in another state and is repossessed in another state, the owner of such vehicle shall not be entitled to obtain a valid Kansas title or registration, except that when a vehicle is registered in another state, but is financed originally by a financial institution chartered in the state of Kansas or when a financial institution chartered in Kansas purchases a pool of motor vehicle loans from the resolution trust corporation or a federal regulatory agency, and the vehicle

is repossessed in another state, such Kansas financial institution shall be entitled to obtain a valid Kansas title or registration. In addition to any other fee required for the issuance of a certificate of title, any applicant obtaining a certificate of title for a repossessed vehicle shall pay a fee of \$3.

(3) Dealers shall execute, upon delivery to the purchaser of every new vehicle, a manufacturer's statement of origin stating the liens and encumbrances thereon. Such statement of origin shall be delivered to the purchaser at the time of delivery of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays. The agreement of the parties shall be executed on a form approved by the division. In the event delivery of title cannot be made personally, the seller may deliver the manufacturer's statement of origin by restricted mail to the address of purchaser shown on the purchase agreement. The manufacturer's statement of origin may include an attachment containing assignment of such statement of origin on forms approved by the division. Upon the presentation to the division of a manufacturer's statement of origin, by a manufacturer or dealer for a new vehicle, sold in this state, a certificate of title shall be issued if there is also an application for registration, except that no application for registration shall be required for a travel trailer used for living quarters and not operated on the highways.

(4) The fee for each original certificate of title shall be \$10 in addition to the fee for registration of such vehicle, trailer or semitrailer. The certificate of title shall be good for the life of the vehicle, trailer or semitrailer while owned or held by the original holder of the certificate of title.

(5) Except for a vehicle registered by a federally recognized Indian tribe, as provided in paragraph (16), upon sale and delivery to the purchaser of every vehicle subject to a purchase money security interest as provided in article 9 of chapter 84 of the Kansas Statutes Annotated, and amendments thereto, the dealer or secured party may complete a notice of security interest and when so completed, the purchaser shall execute the notice, in a form prescribed by the division, describing the vehicle and showing the name and address of the secured party and of the debtor and other information the division requires. On and after July 1, 2007, only one lien shall be taken or accepted for vehicles with a gross vehicle weight rating of 26,000 pounds or less. As used in this section "gross vehicle weight rating" shall have the meaning ascribed thereto in K.S.A. 66-1,108, and amendments thereto. The dealer or secured party, within 30 days of the sale and delivery, may mail or deliver the notice of security interest, together with a fee of \$2.50, to the division. The notice of security interest shall be retained by the division until it receives an application for a certificate of title to the vehicle and a certificate of title is issued. The certificate of title shall indicate any security interest in the vehicle. Upon issuance of the certificate of title, the division shall mail or deliver confirmation of the receipt of the notice of security interest, the date the certificate of title is issued and the security interest indicated, to the secured party at the address shown on the notice of security interest. The proper completion and timely mailing or delivery of a notice of security interest by a dealer or secured party shall perfect a security interest in the vehicle ~~described, as referenced in K.S.A. 84-9-311, and amendments thereto,~~ on the date of such mailing or delivery. The county treasurers shall mail a copy of the title application to the Kansas lienholder. Each county treasurer shall charge the Kansas lienholder a \$1.50 service fee for processing and mailing a copy of the title application to the Kansas lienholder.

(6) It shall be unlawful for any person to operate in this state a vehicle required to be registered under this act, or to transfer the title to any such vehicle to any person or dealer, unless a certificate of title has been issued as herein provided. In the event of a sale or transfer of ownership of a vehicle for which a certificate of title has been issued, which certificate of title is in the possession of the transferor at the time of delivery of the vehicle, the holder of such certificate of title shall endorse on the same an assignment thereof, with warranty of title in a form prescribed by the division and printed thereon and the transferor shall deliver the same to the buyer at the time of delivery to the buyer of the vehicle or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery. The agreement of the parties shall be executed on a form provided by the division. The requirements of this paragraph concerning delivery of an assigned title are satisfied if the transferor mails to the transferee by restricted mail the assigned certificate

of title within the 30 days, and if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such transferor shall be deemed to have possession of the certificate of title if the transferor has made application therefor to the division. The buyer shall then present such assigned certificate of title to the division at the time of making application for registration of such vehicle. A new certificate of title shall be issued to the buyer, upon payment of the fee of \$10. If such vehicle is sold to a resident of another state or country, the dealer or person making the sale shall notify the division of the sale and the division shall make notation thereof in the records of the division. When a person acquires a security interest that such person seeks to perfect on a vehicle subsequent to the issuance of the original title on such vehicle, such person shall require the holder of the certificate of title to surrender the same and sign an application for a mortgage title in form prescribed by the division. Upon such surrender such person shall immediately deliver the certificate of title, application, and a fee of \$10 to the division. *Delivery of the surrendered title, application and tender of the required fee shall perfect a security interest in the vehicle as referenced in K.S.A. 84-9-311, and amendments thereto.* On and after July 1, 2007, only one lien may be taken or accepted for security for an obligation to be secured by a lien to be shown on a certificate of title for vehicles with a gross vehicle weight rating, as defined in K.S.A. 66-1,108, and amendments thereto, of 26,000 pounds or less. A refinancing shall not be subject to the limitations of this act. A refinancing is deemed to occur when the original obligation is satisfied and replaced by a new obligation. Lien obligations created before July 1, 2007, which are of a continuing nature shall not be subject to the limitations of this act until the obligation is satisfied. A lien in violation of this provision is void. Upon receipt thereof of *the surrendered title, application and fee*, the division shall issue a new certificate of title showing the liens or encumbrances so created, but only one lien or encumbrance may be shown upon a title for vehicles with a gross vehicle rating of 26,000 pounds or less, and not more than two liens or encumbrances may be shown upon a title for vehicles in excess of 26,000 pounds gross vehicle weight rating. When a prior lienholder's name is removed from the title, there must be satisfactory evidence presented to the division that the lien or encumbrance has been paid. When the indebtedness to a lienholder, whose name is shown upon a title, is paid in full, such lienholder shall comply with the provisions of K.S.A. 2006 Supp. 8-1,157, and amendments thereto.

(7) It shall be unlawful for any person to buy or sell in this state any vehicle required to be registered, unless, at the time of delivery thereof or at a time agreed upon by the parties, not to exceed 30 days, inclusive of weekends and holidays, after the time of delivery, there shall pass between the parties a certificate of title with an assignment thereof. The sale of a vehicle required to be registered under the laws of this state, without assignment of the certificate of title, is fraudulent and void, unless the parties shall agree that the certificate of title with assignment thereof shall pass between them at a time other than the time of delivery, but within 30 days thereof. The requirements of this paragraph concerning delivery of an assigned title shall be satisfied if (A) the seller mails to the purchaser by restricted mail the assigned certificate of title within 30 days, or (B) if the transferor is a dealer, as defined by K.S.A. 8-2401, and amendments thereto, such seller shall be deemed to have possession of the certificate of title if such seller has made application therefor to the division, or (C) if the transferor is a dealer and has assigned a title pursuant to paragraph (9) of this subsection (c).

(8) In cases of sales under the order of a court of a vehicle required to be registered under this act, the officer conducting such sale shall issue to the purchaser a certificate naming the purchaser and reciting the facts of the sale, which certificate shall be prima facie evidence of the ownership of such purchaser for the purpose of obtaining a certificate of title to such motor vehicle and for registering the same. Any such purchaser shall be allowed 30 days, inclusive of weekends and holidays, from the date of sale to make application to the division for a certificate of title and for the registering of such motor vehicle.

(9) Any dealer who has acquired a vehicle, the title for which was issued under the laws of and in a state other than the state of Kansas, shall not be required to obtain a Kansas certificate of title therefor during the time such vehicle remains in such dealer's possession and at such dealer's place of business for the purpose of sale. The purchaser or transferee

shall present the assigned title to the division of vehicles when making application for a certificate of title as provided in subsection (c)(1).

(10) Motor vehicles may be held and titled in transfer-on-death form.

(11) Notwithstanding the provisions of this act with respect to time requirements for delivery of a certificate of title, or manufacturer's statement of origin, as applicable, any person who chooses to reaffirm the sale in writing on a form approved by the division which advises them of their rights pursuant to paragraph (7) of subsection (c) and who has received and accepted assignment of the certificate of title or manufacturer's statement of origin for the vehicle in issue may not thereafter void or set aside the transaction with respect to the vehicle for the reason that a certificate of title or manufacturer's statement of origin was not timely delivered, and in such instances the sale of a vehicle shall not be deemed to be fraudulent and void for that reason alone.

(12) The owner of any vehicle assigning a certificate of title in accordance with the provisions of this section may file with the division a form indicating that such owner has assigned such certificate of title. Such forms shall be furnished by the division and shall contain such information as the division may require. Any owner filing a form as provided in this paragraph shall pay a fee of \$10. The filing of such form shall be prima facie evidence that such certificate of title was assigned and shall create a rebuttable presumption. If the assignee of a certificate of title fails to make application for registration, an owner assigning such title and filing the form in accordance with the provisions of this paragraph shall not be held liable for damages resulting from the operation of such vehicle.

(13) Application for a certificate of title on a boat trailer with a gross weight over 2,000 pounds shall be made by the owner or the owner's agent upon a form to be furnished by the division and shall contain such information as the division shall determine necessary. The division may waive any information requested on the form if it is not available. The application together with a bill of sale for the boat trailer shall be accepted as prima facie evidence that the applicant is the owner of the boat trailer, provided that a Kansas title for such trailer has not previously been issued. If the application and bill of sale are used to obtain a certificate of title for a boat trailer under this paragraph, the certificate of title shall not be issued until an inspection in accordance with subsection (a) of K.S.A. 8-116a, and amendments thereto, has been completed.

(14) In addition to the two forms for reassignment under paragraph (2) of subsection (c), a dealer may attach one additional reassignment form to a certificate of title. The director of vehicles shall prescribe and furnish such reassignment forms. The reassignment form shall be used by a dealer when selling the vehicle to another dealer or the ultimate owner of the vehicle only when the two reassignment forms under paragraph (2) of subsection (c) have already been used. The fee for a reassignment form shall be \$6.50. A dealer may purchase reassignment forms in multiples of five upon making proper application and the payment of required fees.

(15) A first stage manufacturer, as defined in K.S.A. 8-2401, and amendments thereto, who manufactures a motor vehicle in this state, and who sells such motor vehicles to dealers located in a foreign country, may execute a manufacturer's statement of origin to the division of vehicles for the purpose of obtaining an export certificate of title. The motor vehicle issued an export certificate of title shall not be required to be registered in this state. An export certificate of title shall not be used to register such vehicle in the United States.

(16) A security interest in a vehicle registered by a federally recognized Indian tribe shall be deemed valid under Kansas law if validly perfected under the applicable tribal law and the lien is noted on the face of the tribal certificate of title.”;

On page 13, in line 24, by striking “8-135e” and inserting “as amended by section 1 of 2007 House Bill No. 2373,”;

On page 1, in the title, in line 11, after “8-135” by inserting “, as amended by section 1 of 2007 House Bill No. 2373,”; in line 12, by striking all following “sections”; in line 13, by striking all preceding the period;

And your committee on conference recommends the adoption of this report.

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

MICHAEL R. O'NEAL
LANCE KINZER
JANICE L. PAULS
Conferees on part of House

On motion of Rep. O'Neal, the conference committee report on **HB 2283** was adopted.
Call of the House was demanded.

On roll call, the vote was: Yeas 123; Nays 0; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2526**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee amendments, as follows:

On page 1, in line 35, before "Mercury", by inserting "At least two such sites shall be located to measure mercury deposition entering the state from the direction of prevailing winds.";

And your committee on conference recommends the adoption of this report.

CAROLYN MCGINN
RALPH OSTMEYER
MARCI FRANCISCO
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
VAUGHN L. FLORA
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on **HB 2526** was adopted.

On roll call, the vote was: Yeas 111; Nays 9; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon,

Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Carlson, Hodge, Huebert, Kelley, Kinzer, Mast, Siegfried.

Present but not voting: None.

Absent or not voting: Horst, Merrick, O'Neal, Sharp, Swenson.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Burgess to concur in Senate amendments to **HB 2019**, the motion did not prevail and the bill remains in conference.

On roll call, the vote was: Yeas 61; Nays 61; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Colloton, Colyer, Crum, Dahl, Donohoe, Faber, Fund, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O'Neal, Olson, Otto, Patton, Peck, Pottorff, Powell, Powers, Rhoades, Schroeder, Schwartz, Siegfried, Spalding, Tafanelli, Vickrey, Watkins, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Bowers, Burroughs, Carlin, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, Johnson, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peterson, Phelps, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Shultz, Sloan, Svaty, Swanson, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Wilk, Williams, Winn.

Present but not voting: None.

Absent or not voting: Sharp, Storm, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 115**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 18 through 43;

By striking all on page 2 and inserting the following:

New Section 1. (a) Sections 1 through 5, and amendments thereto, shall be known and may be cited as the Johnson county education research triangle authority act.

(b) The powers conferred by this act are for public uses or purposes for which public money may be expended.

(c) Powers granted pursuant to this act shall be in addition to any other power provided by law.

New Sec. 2. Within two years after the effective date of this act, the board of county commissioners of Johnson county shall determine whether to submit to the electors of Johnson county during a primary, general or special election a proposition to create the Johnson county education research triangle authority and to impose a sales tax pursuant to the provisions of this act in an amount not to exceed .2%, or levy an annual tax at the rate of not more than two mills on the dollar on all real property within such county, or a combination of both with any such combination not to exceed the lesser of the .2% sales tax or the two mills of property tax, for the purpose of supporting in equal shares the undergraduate and graduate programs at the Edwards campus of the university of Kansas,

the research and education programs in animal health and food safety and security at the Johnson county location of Kansas state university, and the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations. Alternatively, such proposition, within two years after the effective date of this act, may be placed before the Johnson county voters through the county's established petition process.

New Sec. 3. (a) If a majority of the electors voting at the election provided in section 2, and amendments thereto, shall approve such proposition to create the Johnson county education research triangle authority and to grant authority to impose a retailers' sales or levy an annual tax on real property within the county, or combination of both, the authority shall be created and the board of county commissioners shall provide by resolution for the imposition of the sales tax or levy of the annual tax on real property, or combination of both, and pledging the revenues received therefrom for such purposes as specified in this section. With regard to the retailers' sales tax, Johnson county shall utilize the services of the state department of revenue to administer, enforce and collect such tax. The sales tax shall be administered, enforced and collected in the same manner and by the same procedure as other countywide retailers' sales taxes are levied and collected and shall be in addition to any other sales tax authorized by law. Upon receipt of a certified copy of a resolution authorizing the levy of a countywide retailers' sales tax pursuant to this act, the state director of taxation shall cause such tax to be collected within and outside the boundaries of Johnson county at the same time and in the same manner provided for the collection of the state retailers' sales tax and local retailers' sales tax. All retailers' sales tax moneys collected by the director of taxation under the provisions of this act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the Johnson county education research triangle authority retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from retailers' sales tax revenue collected pursuant to this act. All retailers' sales tax revenue collected within any county pursuant to this act shall be remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of Johnson county.

(b) Any such sales tax imposed or tax levy on real property enacted by the voters of Johnson county shall be subject to voter recall upon proper petition and submission of the issue to a recall ballot in a general election.

New Sec. 4. If the creation of the Johnson county education research triangle authority is approved as provided by this act, the board of directors of the authority shall consist of seven voting members, who shall be elected officials of Johnson county and who shall be appointed as follows: (a) One member appointed by the governor of the state of Kansas;

(b) one member appointed by the board of regents of the state of Kansas;

(c) one member appointed upon majority vote of the board of commissioners of Johnson county;

(d) one member appointed by the board of trustees of Johnson county community college;

(e) two members appointed by the chancellor of the university of Kansas from nominees submitted by the executive vice chancellor of the university of Kansas medical center and the vice chancellor of the edwards campus of the university of Kansas, respectively; and

(f) one member appointed by the president of Kansas state university.

Each such member shall have one vote, and shall serve for a maximum of two terms of four years duration each. The board shall select its chairperson by vote of the members. Vacancies shall be filled in the same manner as the original appointment. Employees of the university of Kansas, Kansas state university and the university of Kansas medical center shall not be eligible for appointment to the board. All members of the board and any employees of the authority shall submit an annual statement of substantial interests to the secretary of state. Any appointees to the board who lose or resign the elected office upon which such appointee's appointment is based shall vacate such appointee's positions effective as of the date of departure from such elected office. The chancellor of the university of Kansas or the chancellor's designee, the president of Kansas state university or the presi-

dent's designee, the president of Johnson county community college or the president's designee and the executive vice chancellor of the university of Kansas medical center or the vice chancellor's designee shall serve as ex officio, non-voting members of the board.

New Sec. 5. (a) All revenue received by the county treasurer pursuant to this act shall be appropriated by the county to the Johnson county education research triangle authority. The authority shall remit such funds for expenditure in equal shares by designated officials for the edwards campus of the university of Kansas, the Johnson county location of Kansas state university and the university of Kansas medical center's Johnson county locations. All such funds shall be spent for building construction, academic and research program development and growth, faculty and staff recruitment and retention, and operations and maintenance in support of: (1) The undergraduate and graduate programs at the edwards campus of the university of Kansas;

(2) the research and education programs in animal health and food safety and security at the Johnson county location of Kansas state university; and

(3) the medical education and life sciences and cancer research programs at the university of Kansas medical center's Johnson county locations.

(b) All such expenditures shall be in compliance with the purposes of this act and shall be certified as such to the authority and to the Kansas state board of regents by appropriate officials at the university of Kansas, Kansas state university and the university of Kansas medical center. Such expenditures shall also comply with the policies of the Kansas state board of regents and applicable state and federal laws.

(c) No more than two percent of funds so collected in any fiscal year shall be used for the administrative expenses of the authority or its board of directors.

(d) The authority shall have no authority to issue bonds or to exercise the power of eminent domain.

(e) The authority shall issue an annual report to the board of regents, the legislature and the board of commissioners of Johnson county.

(f) The authority shall be subject to legislative post audit and audit by the board of commissioners of the Johnson county internal auditor.

(g) Meetings of the board of directors of the authority shall be subject to the Kansas open meetings act and records of the authority and the board shall be subject to the Kansas open records act.

(h) Unless state general fund appropriations for the university of Kansas, Kansas state university, and the university of Kansas medical center are reduced by action of the legislature or the governor, state general fund support of such institutions shall not be reduced below the level of support in effect on the effective date of this act.

(i) The Kansas board of regents shall remain responsible for the governance of these institutions, including approval of any academic programs and the regulation thereof, and shall be responsible to the authority for institutional compliance with the purposes of this act.

Sec. 6. K.S.A. 2006 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) ~~(1)~~ No city shall impose a retailers' sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers' sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

(2) The governing body of any class B city located in any county which does not impose a countywide retailers' sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive

health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers' sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, *Franklin*, Jefferson, *Linn*, Lyon, Marion, *Miami*, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers' sales tax and pledging the revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be

paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) *The board of county commissioners of Wabaunsee county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 15 years from the date such tax is first collected.*

(19) *The board of county commissioners of Jefferson county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after six years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this paragraph may be extended or reenacted for additional six-year periods upon the board of county commissioners of Jefferson county submitting such question to the electors at an election called and held thereon for each additional six-year period as provided by law.*

(20) *The board of county commissioners of Riley county may submit the question of imposing a countywide retailers' sales tax at the rate of up to 1% and pledging the revenue received therefrom for the purpose of financing the costs of bridge and roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.*

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than 2/3 of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions requesting such an election passed by 2/3 of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax ~~in the amount of .5% being levied by a city on prior to July 1, 1990~~ ~~2006~~, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance ~~so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990,~~ any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%, provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax ~~for such repeal~~. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) ~~A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .125%, .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for public infrastructure projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof, except that any such tax imposed by any class D city after the effective date of this act shall expire no later than 10 years from the date of imposition thereof.~~

~~(f) Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon~~

at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

~~(e)~~ (f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

~~(h)~~ (g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 7. K.S.A. 2006 Supp. 12-189 is hereby amended to read as follows: 12-189. ~~Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, The rate of any class A, class B or class C city retailers' sales tax shall be fixed in increments of .05% and in the amount of .25%, .5%, .75% or 1% not to exceed 2% for general purposes and not to exceed 1% for special purposes which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. For any retailers' sales tax imposed by a city for special purposes, such city shall specify the purposes for which such tax is imposed. All such special purpose retailers' sales taxes imposed by a city shall expire after 10 years from the date such tax is first collected. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:~~

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; ~~and~~ the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%; ~~and the board of county commissioners of Franklin, Linn and Miami counties, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the respective board of county commissioners on July 1, 2007, plus up to 1.0%;~~

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county

commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%; ~~and~~

(o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%;

(p) the board of county commissioners of Wabaunsee county, for the purpose of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Wabaunsee county on July 1, 2007, plus .5%;

(q) the board of county commissioners of Jefferson county, for the purpose of paragraph (19) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%; and

(r) the board of county commissioners of Riley county, for the purpose of paragraph (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Riley county on July 1, 2007, plus up to 1%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within

or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 8. K.S.A. 2006 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) As an alternative and in lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75% or 1% after the effective date of this act may be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible

property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (6), (7), (8), (9), (12), (14), (15), (16) ~~or~~, (17), (18), (19) or (20) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 9. K.S.A. 2006 Supp. 19-101a is hereby amended to read as follows: 19-101a. (a) The board of county commissioners may transact all county business and perform all powers of local legislation and administration it deems appropriate, subject only to the following limitations, restrictions or prohibitions:

(1) Counties shall be subject to all acts of the legislature which apply uniformly to all counties.

(2) Counties may not affect the courts located therein.

(3) Counties shall be subject to acts of the legislature prescribing limits of indebtedness.

(4) In the exercise of powers of local legislation and administration authorized under provisions of this section, the home rule power conferred on cities to determine their local affairs and government shall not be superseded or impaired without the consent of the governing body of each city within a county which may be affected.

(5) Counties may not legislate on social welfare administered under state law enacted pursuant to or in conformity with public law No. 27174th congress, or amendments thereof.

(6) Counties shall be subject to all acts of the legislature concerning elections, election commissioners and officers and their duties as such officers and the election of county officers.

(7) Counties shall be subject to the limitations and prohibitions imposed under K.S.A. 12-187 to 12-195, inclusive, and amendments thereto, prescribing limitations upon the levy of retailers' sales taxes by counties.

(8) Counties may not exempt from or effect changes in statutes made nonuniform in application solely by reason of authorizing exceptions for counties having adopted a charter for county government.

(9) No county may levy ad valorem taxes under the authority of this section upon real property located within any redevelopment project area established under the authority of K.S.A. 12-1772, and amendments thereto, unless the resolution authorizing the same specifically authorized a portion of the proceeds of such levy to be used to pay the principal of and interest upon bonds issued by a city under the authority of K.S.A. 12-1774, and amendments thereto.

(10) Counties shall have no power under this section to exempt from any statute authorizing or requiring the levy of taxes and providing substitute and additional provisions on the same subject, unless the resolution authorizing the same specifically provides for a portion of the proceeds of such levy to be used to pay a portion of the principal and interest on bonds issued by cities under the authority of K.S.A. 12-1774, and amendments thereto.

(11) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4601 through 19-4625, and amendments thereto.

(12) Except as otherwise specifically authorized by K.S.A. 12-1,101 through 12-1,109, and amendments thereto, counties may not levy and collect taxes on incomes from whatever source derived.

(13) Counties may not exempt from or effect changes in K.S.A. 19-430, and amendments thereto.

(14) Counties may not exempt from or effect changes in K.S.A. 19-302, 19-502b, 19-503, 19-805 or 19-1202, and amendments thereto.

(15) (A) Counties may not exempt from or effect changes in K.S.A. 13-13a26, and amendments thereto.

- (B) This provision shall expire on June 30, 2006.
- (16) (A) Counties may not exempt from or effect changes in K.S.A. 71-301a, and amendments thereto.
- (B) This provision shall expire on June 30, 2006.
- (17) Counties may not exempt from or effect changes in K.S.A. 19-15,139, 19-15,140 and 19-15,141, and amendments thereto.
- (18) Counties may not exempt from or effect changes in the provisions of K.S.A. 12-1223, 12-1225, 12-1225a, 12-1225b, 12-1225c and 12-1226, and amendments thereto, or the provisions of K.S.A. 12-1260 through 12-1270 and 12-1276, and amendments thereto.
- (19) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-211, and amendments thereto.
- (20) Counties may not exempt from or effect changes in the provisions of K.S.A. 19-4001 through 19-4015, and amendments thereto.
- (21) Counties may not regulate the production or drilling of any oil or gas well in any manner which would result in the duplication of regulation by the state corporation commission and the Kansas department of health and environment pursuant to chapter 55 and chapter 65 of the Kansas Statutes Annotated, and amendments thereto, and any rules and regulations adopted pursuant thereto. Counties may not require any license or permit for the drilling or production of oil and gas wells. Counties may not impose any fee or charge for the drilling or production of any oil or gas well.
- (22) Counties may not exempt from or effect changes in K.S.A. 79-41a04, and amendments thereto.
- (23) Counties may not exempt from or effect changes in K.S.A. 79-1611, and amendments thereto.
- (24) Counties may not exempt from or effect changes in K.S.A. 79-1494, and amendments thereto.
- (25) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-202, and amendments thereto.
- (26) Counties may not exempt from or effect changes in subsection (b) of K.S.A. 19-204, and amendments thereto.
- (27) Counties may not levy or impose an excise, severance or any other tax in the nature of an excise tax upon the physical severance and production of any mineral or other material from the earth or water.
- (28) Counties may not exempt from or effect changes in K.S.A. 79-2017 or 79-2101, and amendments thereto.
- (29) Counties may not exempt from or effect changes in K.S.A. 2-3302, 2-3305, 2-3307, 2-3318, 17-5904, 17-5908, 47-1219, 65-171d, 65-1,178 through 65-1,199, and amendments thereto.
- (30) Counties may not exempt from or effect changes in K.S.A. 2006 Supp. 80-121, and amendments thereto.
- (31) Counties may not exempt from or effect changes in K.S.A. 19-228, and amendments thereto.
- (32) Counties may not exempt from or effect changes in the wireless enhanced 911 act, *in the VoIP enhanced 911 act* or in the provisions of K.S.A. 12-5301 through 12-5308, and amendments thereto.
- (33) Counties may not exempt from or effect changes in K.S.A. 2006 Supp. 26-601, and amendments thereto.
- (34) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas liquor control act except as provided by paragraph (B).
- (B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas liquor control act.
- (35) (A) From and after November 15, 2005, counties may not exempt from or effect changes in the Kansas cereal malt beverage act except as provided by paragraph (B).
- (B) From and after November 15, 2005, counties may adopt resolutions which are not in conflict with the Kansas cereal malt beverage act.
- (36) *Counties may neither exempt from nor effect changes to the eminent domain procedure act.*

(37) Any county granted authority pursuant to the provisions of sections 1 through 5, and amendments thereto, shall be subject to the limitations and prohibitions imposed under sections 1 through 5, and amendments thereto.

(38) Except as otherwise specifically authorized by sections 1 through 5, and amendments thereto, counties may not exercise any authority granted pursuant to sections 1 through 5, and amendments thereto, including the imposition or levy of any retailers' sales tax.

(b) Counties shall apply the powers of local legislation granted in subsection (a) by resolution of the board of county commissioners. If no statutory authority exists for such local legislation other than that set forth in subsection (a) and the local legislation proposed under the authority of such subsection is not contrary to any act of the legislature, such local legislation shall become effective upon passage of a resolution of the board and publication in the official county newspaper. If the legislation proposed by the board under authority of subsection (a) is contrary to an act of the legislature which is applicable to the particular county but not uniformly applicable to all counties, such legislation shall become effective by passage of a charter resolution in the manner provided in K.S.A. 19-101b, and amendments thereto.

(c) Any resolution adopted by a county which conflicts with the restrictions in subsection (a) is null and void.

Sec. 10. K.S.A. 2006 Supp. 12-187, 12-187b, 12-189, 12-189f, 12-192, 19-101a, 19-101a, as amended by section 4 of chapter 192 of the 2006 Session Laws of Kansas, and 19-1011 are hereby repealed.

Sec. 11. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 12, by striking all after “concerning”; by striking all in lines 13 through 15, and inserting “taxation; relating to countywide retailers’ sales tax; creating the Johnson county education research triangle authority; amending K.S.A. 2006 Supp. 12-187, 12-189, 12-192 and 19-101a and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b, 12-189f, 19-101a, as amended by section 4 of chapter 192 of the 2006 Session Laws of Kansas, and 19-1011.”;

And your committee on conference recommends the adoption of this report.

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Wilk to adopt the conference committee report on **SB 115**, Rep. Merrick offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The substitute motion did not prevail.

The question then reverted back to the original motion of Rep. Wilk and the conference committee report was adopted.

On roll call, the vote was: Yeas 75; Nays 44; Present but not voting: 0; Absent or not voting: 6.

Yeas: Ballard, Burgess, Burroughs, Carlin, Carlson, Colloton, Craft, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, Kuether, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Moxley, Neighbor, O’Neal, Owens, Palmer, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Schwartz, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitam, Wilk, Williams, Winn, K. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bowers, Brown, Brunk, Crum, Dahl, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, King,

Kinzer, Knox, Lane, Mast, Masterson, McLeland, Merrick, Jim Morrison, Judy Morrison, Myers, Neufeld, Olson, Otto, Patton, Pauls, Peck, Powell, Powers, Rhoades, Schroeder, Shultz, Siegfried, Watkins, B. Wolf.

Present but not voting: None.

Absent or not voting: Bethell, Colyer, Henry, Landwehr, Sharp, Swenson.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2014** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **HB 2093** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

On motion of Rep. C. Holmes, the House nonconcurred in Senate amendments to **S. Sub. for HB 2127** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Olson and Kuether as conferees on the part of the House.

On motion of Rep. Jim Morrison, the House nonconcurred in Senate amendments to **S. Sub. for Sub. HB 2457** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Jim Morrison, Kelley and Loganbill as conferees on the part of the House.

On motion of Rep. Landwehr, the House nonconcurred in Senate amendments to **S. Sub. for HB 2531** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Landwehr, Mast and Flaharty as conferees on the part of the House.

On motion of Rep. Aurand, the House nonconcurred in Senate amendments to **S. Sub. for HB 2556** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Aurand, Horst and Storm as conferees on the part of the House.

MESSAGES FROM THE SENATE

The Senate adopts conference committee report on **SB 88**.

The Senate adopts conference committee report on **Sub. SB 208**.

The Senate adopts conference committee report on **HB 2032**.

The Senate adopts conference committee report on **HB 2080**.

The Senate adopts conference committee report on **S. Sub. for HB 2145**.

The Senate adopts conference committee report on **HB 2487**.

The Senate nonconcurrs in House amendments to **S. Sub. for Sub. SB 316**, requests a conference and has appointed Senators Brownlee, Jordan and Barone as conferees on the part of the Senate.

Also, the Senate concurs in House amendments to **SB 34**, and requests return of the bill.

The Senate concurs in House amendments to **SB 249**, and requests return of the bill.

The Senate concurs in House amendments to **SCR 1603**, and requests return of the resolution.

The Senate adopts conference committee report on **HB 2111**.

The Senate adopts conference committee report on **S. Sub. for HB 2171**.

Also, the President announced the appointment of Senator Francisco as a member of the conference committee on **HB 2019**, **HB 2128**, **HB 2129**, **HB 2217**, **HB 2267**, **HB 2280**, **HB 2332** to replace Senator Betts.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **S. Sub. for Sub. SB 316**.

Speaker pro tem Dahl thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. Merrick, the House recessed until 8:00 p.m.

EVENING SESSION

The House met pursuant to recess with Speaker pro tem Dahl in the chair.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2171**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for Substitute for House Bill No. 2171, as follows:

On page 11, in line 41, by striking "as";

On page 15, in line 23, by striking "communications" and inserting "telecommunications services"; in line 24, by striking "sources" and inserting "services";

On page 21, in line 39, by striking "or" the third time it appears and inserting a comma; in line 40, after the comma, by inserting "state correctional institution including a privately constructed correctional institution contracted for state use and ownership."; in line 42, by striking "or" and inserting a comma; also in line 42, after "institution" by inserting "or a state correctional institution";

On page 22, in line 19, by striking "or" the third time it appears and inserting a comma; in line 20, after "institution" by inserting ", state correctional institution including a privately constructed correctional institution contracted for state use and ownership"; in line 30, by striking "or" and inserting a comma; also in line 30, after "institution" by inserting "or department of corrections";

On page 23, in line 5, by striking "or" the second time it appears and inserting a comma; in line 6, after "institution" by inserting "or the contractor contracting with the department of corrections for a correctional institution";

On page 26, in line 27, after the period by inserting " "Farm machinery and equipment" includes precision farming equipment that is portable or is installed or purchased to be installed on farm machinery and equipment. "Precision farming equipment" includes the following items used only in computer-assisted farming, ranching or aquaculture production operations: Soil testing sensors, yield monitors, computers, monitors, software, global positioning and mapping systems, guiding systems, modems, data communications equipment and any necessary mounting hardware, wiring and antennas.";

On page 36, in line 7, by striking "and" the second time it appears; after line 10, by inserting the following:

(17) the Dream Factory, Inc., for the purpose of granting the dreams of children with critical and chronic illnesses;

(18) the Ottawa Suzuki Strings, Inc., for the purpose of providing students and families with education and resources necessary to enable each child to develop fine character and musical ability to the fullest potential;

(19) the International Association of Lions Clubs for the purpose of creating and fostering a spirit of understanding among all people for humanitarian needs by providing voluntary services through community involvement and international cooperation;

(20) the Johnson county young matrons, inc., for the purpose of promoting a positive future for members of the community through volunteerism, financial support and education through the efforts of an all volunteer organization;

(21) the American Cancer Society, Inc., for the purpose of eliminating cancer as a major health problem by preventing cancer, saving lives and diminishing suffering from cancer, through research, education, advocacy and service;

(22) the community services of shawnee, inc., for the purpose of providing food and clothing to those in need; and

(23) the angel babies association, for the purpose of providing assistance, support and items of necessity to teenage mothers and their babies;”;

On page 46, in line 37, by striking “and”;

On page 47, in line 40, by striking the period and inserting a semicolon; after line 40, by inserting the following:

“(vvv) all sales of tangible personal property or services, including the renting and leasing of tangible personal property or services, by Jazz in the Woods, Inc., a Kansas corporation which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code, for the purpose of providing Jazz in the Woods, an event benefiting children-in-need and other nonprofit charities assisting such children, and all sales of any such property by or on behalf of such organization for such purpose;

(www) all sales of tangible personal property purchased by or on behalf of the Frontenac Education Foundation, which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code, for the purpose of providing education support for students, and all sales of any such property by or on behalf of such organization for such purpose;

(xxx) all sales of personal property and services purchased by the booth theatre foundation, inc., an organization which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such personal property and services are used by any such organization in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling of the booth theatre, and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling the booth theatre for such organization, which would be exempt from taxation under the provisions of this section if purchased directly by such organization. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for any such organization. When any such organization shall contract for the purpose of constructing, equipping, reconstructing, maintaining, repairing, enlarging, furnishing or remodeling facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to such organization concerned a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in such facilities or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be so incorporated in such facilities reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, such organization concerned shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto. Sales tax paid on and after January 1, 2007, but prior to the effective date of this act upon the gross receipts received from any sale which would have been exempted by the provisions of this subsection had such sale occurred after the effective date of this act shall be refunded. Each claim for a sales tax refund shall be verified and submitted to the director of taxation upon forms furnished by the director and shall be accompanied by any additional documentation re-

quired by the director. The director shall review each claim and shall refund that amount of sales tax paid as determined under the provisions of this subsection. All refunds shall be paid from the sales tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director or the director's designee;

(yyy) all sales of tangible personal property and services purchased by TLC charities foundation, inc., hereinafter referred to as TLC charities, which is exempt from federal income taxation pursuant to section 501(c)(3) of the federal internal revenue code of 1986, and which such property and services are used for the purpose of encouraging private philanthropy to further the vision, values, and goals of TLC for children and families, inc.; and all sales of such property and services by or on behalf of TLC charities for any such purpose and all sales of tangible personal property or services purchased by a contractor for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling facilities for the operation of services for TLC charities for any such purpose which would be exempt from taxation under the provisions of this section if purchased directly by TLC charities. Nothing in this subsection shall be deemed to exempt the purchase of any construction machinery, equipment or tools used in the constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities for TLC charities. When TLC charities contracts for the purpose of constructing, maintaining, repairing, enlarging, furnishing or remodeling such facilities, it shall obtain from the state and furnish to the contractor an exemption certificate for the project involved, and the contractor may purchase materials for incorporation in such project. The contractor shall furnish the number of such certificate to all suppliers from whom such purchases are made, and such suppliers shall execute invoices covering the same bearing the number of such certificate. Upon completion of the project the contractor shall furnish to TLC charities a sworn statement, on a form to be provided by the director of taxation, that all purchases so made were entitled to exemption under this subsection. All invoices shall be held by the contractor for a period of five years and shall be subject to audit by the director of taxation. If any materials purchased under such a certificate are found not to have been incorporated in the building or other project or not to have been returned for credit or the sales or compensating tax otherwise imposed upon such materials which will not be incorporated into the building or other project reported and paid by such contractor to the director of taxation not later than the 20th day of the month following the close of the month in which it shall be determined that such materials will not be used for the purpose for which such certificate was issued, TLC charities shall be liable for tax on all materials purchased for the project, and upon payment thereof it may recover the same from the contractor together with reasonable attorney fees. Any contractor or any agent, employee or subcontractor thereof, who shall use or otherwise dispose of any materials purchased under such a certificate for any purpose other than that for which such a certificate is issued without the payment of the sales or compensating tax otherwise imposed upon such materials, shall be guilty of a misdemeanor and, upon conviction therefor, shall be subject to the penalties provided for in subsection (g) of K.S.A. 79-3615, and amendments thereto;

(zzz) all sales of tangible personal property purchased by the rotary club of shawnee foundation which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code of 1986, as amended, used for the purpose of providing contributions to community service organizations and scholarships; and

(aaaa) all sales of personal property and services purchased by or on behalf of victory in the valley, inc., which is exempt from federal income taxation pursuant to section 501 (c)(3) of the federal internal revenue code, for the purpose of providing a cancer support group and services for persons with cancer, and all sales of any such property by or on behalf of any such organization for any such purpose.”;

On page 66, after line 8, by inserting the following:

“Sec. 18. K.S.A. 2006 Supp. 79-3608 is hereby amended to read as follows: 79-3608. (a) Except as otherwise provided, it shall be unlawful for any person to engage in the business of selling tangible personal property at retail or furnishing taxable services in this state without a registration certificate from the director of taxation. Application for such certificate shall be made to the director upon forms furnished by the director, and shall state the name of the applicant, the address or addresses at which the applicant proposes to engage in such

business, and the character of such business. Utilities taxable under this act shall not be required to register but shall comply with all other provisions of this act. The taxpayer may be registered by an agent. Such appointment of the agent by the taxpayer shall be in writing and submitted to the director. The taxpayer shall be issued a registration certificate to engage in the business for which application is made unless the applicant at the time of making such application owes any sales tax, penalty or interest, and in such case, before a registration certificate is issued, the director of taxation shall require the applicant to pay the amount owed.

(b) A separate registration certificate shall be issued for each place of business, and shall be conspicuously displayed therein.

(c) A seller registering under the agreement is considered registered in this state and shall not be required to pay any registration fees or other charges to register in this state if the seller has no legal requirement to register. A written signature from the seller registering under the agreement is not required. An agent may register a seller under uniform procedures determined by the secretary. A seller may cancel its registration under the system at any time under uniform procedures determined by the secretary. Cancellation does not relieve the seller of its liability for remitting to this state any taxes collected.

(d) *The secretary may suspend or revoke the registration certificate of any taxpayer found in default for a period of at least 60 days in the payment of any retailer's sales tax or in the filing of any return. Prior to taking any action, the secretary shall provide the taxpayer 30 days' notice of the time and place of a hearing to be conducted pursuant to the Kansas administrative procedure act to show cause why such registration certificate should not be suspended or revoked. A suspended or revoked registration certificate shall not be reinstated until all outstanding tax, penalty and interest liabilities are satisfied. A suspension or revocation pursuant to this subsection shall be applicable to any individual who is a responsible party for the collection or payment of retailer's sales tax as provided by subsection (a) of K.S.A. 79-3643, and amendments thereto.*

(e) *It shall be unlawful for any person to engage in the business of selling tangible personal property at retail or furnishing taxable services in this state after such person's registration certificate has been suspended or revoked.*”;

And by renumbering the remaining sections accordingly;

Also on page 66, in line 9, after “79-3606,” by inserting “79-3608,”;

On page 1, in the title, in line 13, after the semicolon, by inserting “registration certificates, certain unlawful acts and penalties therefor;” in line 14, after “3606,” by inserting “79-3608,”;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
LES DONOVAN
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2171** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 84; Nays 38; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Bethell, Bowers, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gateway, George, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelsey, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Jim Morrison, Moxley, Neighbor, Neufeld, O'Neal, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Proehl,

Rardin, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Tietze, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Beamer, Brown, Brunk, Burgess, Burroughs, Carlson, Colyer, Dahl, Donohoe, Faber, Goico, Gordon, Grange, Hodge, Huebert, Humerickhouse, Kelley, Kiegerl, King, Kinzer, Knox, Landwehr, Mast, Masterson, McLeland, Merrick, Judy Morrison, Myers, Olson, Otto, Patton, Peck, Powell, Rhoades, Siegfried, Tafanelli, Watkins, Yoder.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 112**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 16 through 43;

By striking all on pages 2 through 4;

On page 5, by striking all in lines 1 through 6 and inserting the following:

“Section 1. K.S.A. 2006 Supp. 12-187 is hereby amended to read as follows: 12-187. (a) (†) No city shall impose a retailers’ sales tax under the provisions of this act without the governing body of such city having first submitted such proposition to and having received the approval of a majority of the electors of the city voting thereon at an election called and held therefor. The governing body of any city may submit the question of imposing a retailers’ sales tax and the governing body shall be required to submit the question upon submission of a petition signed by electors of such city equal in number to not less than 10% of the electors of such city.

~~(2) The governing body of any class B city located in any county which does not impose a countywide retailers’ sales tax pursuant to paragraph (5) of subsection (b) may submit the question of imposing a retailers’ sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city, county or district hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home health care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.~~

(b) (1) The board of county commissioners of any county may submit the question of imposing a countywide retailers’ sales tax to the electors at an election called and held thereon, and any such board shall be required to submit the question upon submission of a petition signed by electors of such county equal in number to not less than 10% of the electors of such county who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within such county which contains a population of not less than 25% of the entire population of the county, or upon receiving resolutions requesting such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within such county which levy not less than 25% of the property taxes levied by all taxing subdivisions within the county.

(2) The board of county commissioners of Anderson, Atchison, Barton, Butler, Chase, Cowley, Cherokee, Crawford, Ford, Jefferson, Lyon, Marion, Montgomery, Neosho, Osage, Ottawa, Reno, Riley, Saline, Seward, Sumner, Wabaunsee, Wilson and Wyandotte counties may submit the question of imposing a countywide retailers’ sales tax and pledging the

revenue received therefrom for the purpose of financing the construction or remodeling of a courthouse, jail, law enforcement center facility or other county administrative facility, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire when sales tax sufficient to pay all of the costs incurred in the financing of such facility has been collected by retailers as determined by the secretary of revenue. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Butler, Chase, Cowley, Lyon, Montgomery, Neosho, Riley, Sumner or Wilson county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189, and amendments thereto.

(3) (A) Except as otherwise provided in this paragraph, the result of the election held on November 8, 1988, on the question submitted by the board of county commissioners of Jackson county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the Banner Creek reservoir project. The tax imposed pursuant to this paragraph shall take effect on the effective date of this act and shall expire not later than five years after such date.

(B) The result of the election held on November 8, 1994, on the question submitted by the board of county commissioners of Ottawa county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be expended solely for the purpose of financing the erection, construction and furnishing of a law enforcement center and jail facility.

(C) Except as otherwise provided in this paragraph, the result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Sedgwick county for the purpose of increasing its countywide retailers' sales tax by 1% is hereby declared valid, and the revenue received therefrom by the county shall be used only to pay the costs of: (i) Acquisition of a site and constructing and equipping thereon a new regional events center, associated parking and infrastructure improvements and related appurtenances thereto, to be located in the downtown area of the city of Wichita, Kansas, (the "downtown arena"); (ii) design for the Kansas coliseum complex and construction of improvements to the pavilions; and (iii) establishing an operating and maintenance reserve for the downtown arena and the Kansas coliseum complex. The tax imposed pursuant to this paragraph shall commence on July 1, 2005, and shall terminate not later than 30 months after the commencement thereof.

(4) The board of county commissioners of Finney and Ford counties may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing all or any portion of the cost to be paid by Finney or Ford county for construction of highway projects identified as system enhancements under the provisions of paragraph (5) of subsection (b) of K.S.A. 68-2314, and amendments thereto, to the electors at an election called and held thereon. Such election shall be called and held in the manner provided by the general bond law. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Finney or Ford county pursuant to this paragraph to exceed the maximum rate prescribed in K.S.A. 12-189, and amendments thereto. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Finney county, the state treasurer shall remit such funds to the treasurer of Finney county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund. If any funds remain upon the payment of all costs authorized pursuant to this paragraph in the financing of such highway projects in Ford county, the state treasurer shall remit such funds to the treasurer of Ford county and upon receipt of such moneys shall be deposited to the credit of the county road and bridge fund.

(5) The board of county commissioners of any county may submit the question of imposing a retailers' sales tax at the rate of .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the provision of health care services, as enumerated in the question, to the electors at an election called and held thereon. Whenever any county imposes a tax pursuant to this paragraph, any tax imposed pursuant to paragraph (2) of

subsection (a) by any city located in such county shall expire upon the effective date of the imposition of the countywide tax, and thereafter the state treasurer shall remit to each such city that portion of the countywide tax revenue collected by retailers within such city as certified by the director of taxation. The tax imposed pursuant to this paragraph shall be deemed to be in addition to the rate limitations prescribed in K.S.A. 12-189, and amendments thereto. As used in this paragraph, health care services shall include but not be limited to the following: Local health departments, city or county hospitals, city or county nursing homes, preventive health care services including immunizations, prenatal care and the postponement of entry into nursing homes by home care services, mental health services, indigent health care, physician or health care worker recruitment, health education, emergency medical services, rural health clinics, integration of health care services, home health services and rural health networks.

(6) The board of county commissioners of Allen county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of operation and construction of a solid waste disposal area or the modification of an existing landfill to comply with federal regulations to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon the payment of all costs incurred in the financing of the project undertaken. Nothing in this paragraph shall be construed to allow the rate of tax imposed by Allen county pursuant to this paragraph to exceed or be imposed at any rate other than the rates prescribed in K.S.A. 12-189 and amendments thereto.

(7) The board of county commissioners of Clay, Dickinson and Miami county may submit the question of imposing a countywide retailers' sales tax at the rate of .50% in the case of Clay and Dickinson county and at a rate of up to 1% in the case of Miami county, and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. Except as otherwise provided, the tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected. The result of the election held on November 2, 2004, on the question submitted by the board of county commissioners of Miami county for the purpose of extending for an additional five-year period the countywide retailers' sales tax imposed pursuant to this subsection in Miami county is hereby declared valid. The countywide retailers' sales tax imposed pursuant to this subsection in Clay and Miami county may be extended or reenacted for additional five-year periods upon the board of county commissioners of Clay and Miami county submitting such question to the electors at an election called and held thereon for each additional five-year period as provided by law.

(8) The board of county commissioners of Sherman county may submit the question of imposing a countywide retailers' sales tax at the rate of 1% and pledging the revenue received therefrom for the purpose of financing the costs of street and roadway improvements to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(9) The board of county commissioners of Cowley, Crawford, Russell and Woodson county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% in the case of Crawford, Russell and Woodson county and at a rate of up to .25%, in the case of Cowley county and pledging the revenue received therefrom for the purpose of financing economic development initiatives or public infrastructure projects. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(10) The board of county commissioners of Franklin county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing recreational facilities. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(11) The board of county commissioners of Douglas county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purposes of preservation, access and management of open space, and for industrial and business park related economic development.

(12) The board of county commissioners of Shawnee county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom to the city of Topeka for the purpose of financing the costs of rebuilding the Topeka boulevard bridge and other public infrastructure improvements associated with such project to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such project.

(13) The board of county commissioners of Jackson county may submit the question of imposing a countywide retailers' sales tax at a rate of .4% and pledging the revenue received therefrom as follows: 50% of such revenues for the purpose of financing for economic development initiatives; and 50% of such revenues for the purpose of financing public infrastructure projects to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after seven years from the date such tax is first collected.

(14) The board of county commissioners of Neosho county may submit the question of imposing a countywide retailers' sales tax at the rate of .5% and pledging the revenue received therefrom for the purpose of financing the costs of roadway construction and improvement to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized pursuant to this paragraph in the financing of such project.

(15) The board of county commissioners of Saline county may submit the question of imposing a countywide retailers' sales tax at the rate of up to .5% and pledging the revenue received therefrom for the purpose of financing the costs of construction and operation of an expo center to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after five years from the date such tax is first collected.

(16) The board of county commissioners of Harvey county may submit the question of imposing a countywide retailers' sales tax at the rate of 1.0% and pledging the revenue received therefrom for the purpose of financing the costs of property tax relief, economic development initiatives and public infrastructure improvements to the electors at an election called and held thereon.

(17) The board of county commissioners of Atchison county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the costs of construction and maintenance of sports and recreational facilities to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire upon payment of all costs authorized in financing such facilities.

(18) *The board of county commissioners of Johnson county may submit the question of imposing a countywide retailers' sales tax at the rate of .25% and pledging the revenue received therefrom for the purpose of financing the construction and operation costs of public safety projects, including, but not limited to, a jail, detention center, sheriff's resource center, crime lab or other county administrative or operational facility dedicated to public safety, to the electors at an election called and held thereon. The tax imposed pursuant to this paragraph shall expire after 10 years from the date such tax is first collected. The countywide retailers' sales tax imposed pursuant to this subsection may be extended or reenacted for additional periods not exceeding 10 years upon the board of county commissioners of Johnson county submitting such question to the electors at an election called and held thereon for each additional ten-year period as provided by law.*

(c) The boards of county commissioners of any two or more contiguous counties, upon adoption of a joint resolution by such boards, may submit the question of imposing a retailers' sales tax within such counties to the electors of such counties at an election called and held thereon and such boards of any two or more contiguous counties shall be required to submit such question upon submission of a petition in each of such counties, signed by a number of electors of each of such counties where submitted equal in number to not less than 10% of the electors of each of such counties who voted at the last preceding general election for the office of secretary of state, or upon receiving resolutions requesting such an election passed by not less than $\frac{2}{3}$ of the membership of the governing body of each of one or more cities within each of such counties which contains a population of not less than 25% of the entire population of each of such counties, or upon receiving resolutions re-

questing such an election passed by $\frac{2}{3}$ of the membership of the governing body of each of one or more taxing subdivisions within each of such counties which levy not less than 25% of the property taxes levied by all taxing subdivisions within each of such counties.

(d) Any city retailers' sales tax ~~in the amount of .5% being levied by a city on prior to July 1, 1990~~ shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax or until repealed by the adoption of an ordinance ~~so providing. In addition to any city retailers' sales tax being levied by a city on July 1, 1990; any such city may adopt an additional city retailers' sales tax in the amount of .25% or .5%;~~ provided that such additional tax is adopted and approved in the manner provided for the adoption and approval of a city retailers' sales tax ~~for such repeal~~. Any countywide retailers' sales tax in the amount of .5% or 1% in effect on July 1, 1990, shall continue in effect until repealed in the manner provided herein for the adoption and approval of such tax.

(e) ~~A class D city shall have the same power to levy and collect a city retailers' sales tax that a class A city is authorized to levy and collect and in addition, the governing body of any class D city may submit the question of imposing an additional city retailers' sales tax in the amount of .125%, .25%, .5% or .75% and pledging the revenue received therefrom for economic development initiatives, strategic planning initiatives or for public infrastructure projects including buildings to the electors at an election called and held thereon. Any additional sales tax imposed pursuant to this paragraph shall expire no later than five years from the date of imposition thereof, except that any such tax imposed by any class D city after the effective date of this act shall expire no later than 10 years from the date of imposition thereof.~~

~~(f)~~ Any city or county proposing to adopt a retailers' sales tax shall give notice of its intention to submit such proposition for approval by the electors in the manner required by K.S.A. 10-120, and amendments thereto. The notices shall state the time of the election and the rate and effective date of the proposed tax. If a majority of the electors voting thereon at such election fail to approve the proposition, such proposition may be resubmitted under the conditions and in the manner provided in this act for submission of the proposition. If a majority of the electors voting thereon at such election shall approve the levying of such tax, the governing body of any such city or county shall provide by ordinance or resolution, as the case may be, for the levy of the tax. Any repeal of such tax or any reduction or increase in the rate thereof, within the limits prescribed by K.S.A. 12-189, and amendments thereto, shall be accomplished in the manner provided herein for the adoption and approval of such tax except that the repeal of any such city retailers' sales tax may be accomplished by the adoption of an ordinance so providing.

~~(f)~~ (f) The sufficiency of the number of signers of any petition filed under this section shall be determined by the county election officer. Every election held under this act shall be conducted by the county election officer.

~~(g)~~ (g) The governing body of the city or county proposing to levy any retailers' sales tax shall specify the purpose or purposes for which the revenue would be used, and a statement generally describing such purpose or purposes shall be included as a part of the ballot proposition.

Sec. 2. K.S.A. 2006 Supp. 12-189 is hereby amended to read as follows: 12-189. ~~Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto; The rate of any class A, class B or class C city retailers' sales tax shall be fixed in increments of .05% and in the an amount of .25%, .5%, .75% or 1% not to exceed 2% for general purposes and not to exceed 1% for special purposes which amount shall be determined by the governing body of the city. Except as otherwise provided by paragraph (2) of subsection (a) of K.S.A. 12-187, and amendments thereto, the rate of any class D city retailers' sales tax shall be fixed in the amount of .10%, .25%, .5%, .75%, 1%, 1.125%, 1.25%, 1.5% or 1.75%. The rate of any countywide retailers' sales tax shall be fixed in an amount of either .25%, .5%, .75% or 1% which amount shall be determined by the board of county commissioners, except that:~~

(a) The board of county commissioners of Wabaunsee county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%; the board of county commissioners of Osage or Reno county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such

rate at 1.25% or 1.5%; the board of county commissioners of Cherokee, Crawford, Ford, Saline, Seward or Wyandotte county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%; the board of county commissioners of Atchison county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5% or 1.75%; the board of county commissioners of Anderson, Barton, Jefferson or Ottawa county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%; and the board of county commissioners of Marion county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.5%;

(b) the board of county commissioners of Jackson county, for the purposes of paragraph (3) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(c) the boards of county commissioners of Finney and Ford counties, for the purposes of paragraph (4) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at .25%;

(d) the board of county commissioners of any county for the purposes of paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by a board of county commissioners on the effective date of this act plus .25%, .5%, .75% or 1%, as the case requires;

(e) the board of county commissioners of Dickinson county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%, and the board of county commissioners of Miami county, for the purposes of paragraph (7) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%, 1.5%, 1.75% or 2%;

(f) the board of county commissioners of Sherman county, for the purposes of paragraph (8) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.25%;

(g) the board of county commissioners of Crawford or Russell county for the purposes of paragraph (9) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.5%;

(h) the board of county commissioners of Franklin county, for the purposes of paragraph (10) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.75%;

(i) the board of county commissioners of Douglas county, for the purposes of paragraph (11) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.25%;

(j) the board of county commissioners of Jackson county, for the purposes of subsection (b)(13) of K.S.A. 12-187 and amendments thereto, may fix such rate at 1.4%;

(k) the board of county commissioners of Sedgwick county, for the purposes of paragraph (3)(C) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2%;

(l) the board of county commissioners of Neosho county, for the purposes of paragraph (14) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 1.0% or 1.5%;

(m) the board of county commissioners of Saline county, for the purposes of subsection (15) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%;

(n) the board of county commissioners of Harvey county, for the purposes of paragraph (16) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at 2.0%;

~~and~~

(o) the board of county commissioners of Atchison county, for the purpose of paragraph (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Atchison county on the effective date of this act plus .25%; and

(p) the board of county commissioners of Johnson county for the purposes of paragraph (18) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at a percentage which is equal to the sum of the rate allowed to be imposed by the board of county commissioners of Johnson county on July 1, 2007, plus .25%.

Any county or city levying a retailers' sales tax is hereby prohibited from administering or collecting such tax locally, but shall utilize the services of the state department of revenue to administer, enforce and collect such tax. Except as otherwise specifically provided in K.S.A. 12-189a, and amendments thereto, such tax shall be identical in its application, and exemptions therefrom, to the Kansas retailers' sales tax act and all laws and administrative rules and regulations of the state department of revenue relating to the Kansas retailers' sales tax shall apply to such local sales tax insofar as such laws and rules and regulations may be made applicable. The state director of taxation is hereby authorized to administer, enforce and collect such local sales taxes and to adopt such rules and regulations as may be necessary for the efficient and effective administration and enforcement thereof.

Upon receipt of a certified copy of an ordinance or resolution authorizing the levy of a local retailers' sales tax, the director of taxation shall cause such taxes to be collected within or without the boundaries of such taxing subdivision at the same time and in the same manner provided for the collection of the state retailers' sales tax. Such copy shall be submitted to the director of taxation within 30 days after adoption of any such ordinance or resolution. All moneys collected by the director of taxation under the provisions of this section shall be credited to a county and city retailers' sales tax fund which fund is hereby established in the state treasury. Any refund due on any county or city retailers' sales tax collected pursuant to this act shall be paid out of the sales tax refund fund and reimbursed by the director of taxation from collections of local retailers' sales tax revenue. Except for local retailers' sales tax revenue required to be deposited in the redevelopment bond fund established under K.S.A. 74-8927, and amendments thereto, all local retailers' sales tax revenue collected within any county or city pursuant to this act shall be apportioned and remitted at least quarterly by the state treasurer, on instruction from the director of taxation, to the treasurer of such county or city.

Revenue that is received from the imposition of a local retailers' sales tax which exceeds the amount of revenue required to pay the costs of a special project for which such revenue was pledged shall be credited to the city or county general fund, as the case requires.

The director of taxation shall provide, upon request by a city or county clerk or treasurer or finance officer of any city or county levying a local retailers' sales tax, monthly reports identifying each retailer doing business in such city or county or making taxable sales sourced to such city or county, setting forth the tax liability and the amount of such tax remitted by each retailer during the preceding month and identifying each business location maintained by the retailer and such retailer's sales or use tax registration or account number. Such report shall be made available to the clerk or treasurer or finance officer of such city or county within a reasonable time after it has been requested from the director of taxation. The director of taxation shall be allowed to assess a reasonable fee for the issuance of such report. Information received by any city or county pursuant to this section shall be confidential, and it shall be unlawful for any officer or employee of such city or county to divulge any such information in any manner. Any violation of this paragraph by a city or county officer or employee is a class A misdemeanor, and such officer or employee shall be dismissed from office. Reports of violations of this paragraph shall be investigated by the attorney general. The district attorney or county attorney and the attorney general shall have authority to prosecute violations of this paragraph.

Sec. 3. K.S.A. 2006 Supp. 12-192 is hereby amended to read as follows: 12-192. (a) Except as otherwise provided by subsection (b), (d) or (h), all revenue received by the director of taxation from a countywide retailers' sales tax shall be apportioned among the county and each city located in such county in the following manner: (1) One-half of all revenue received by the director of taxation shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year, and (2) $\frac{1}{2}$ of all revenue received by the director of taxation from such countywide retailers' sales tax shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county, except

that no persons residing within the Fort Riley military reservation shall be included in the determination of the population of any city located within Riley county. All revenue apportioned to a county shall be paid to its county treasurer and shall be credited to the general fund of the county.

(b) (1) ~~As an alternative and~~ In lieu of the apportionment formula provided in subsection (a), all revenue received by the director of taxation from a countywide retailers' sales tax imposed within Johnson county at the rate of .75% ~~or~~, 1% ~~or~~ 1.25% after ~~the effective date of this act may~~ July 1, 2007, shall be apportioned among the county and each city located in such county in the following manner: (A) The revenue received from the first .5% rate of tax shall be apportioned in the manner prescribed by subsection (a) and (B) the revenue received from the rate of tax exceeding .5% shall be apportioned as follows: (i) One-fourth shall be apportioned among the county and each city located in such county in the proportion that the total tangible property tax levies made in such county in the preceding year for all funds of each such governmental unit bear to the total of all such levies made in the preceding year and (ii) one-fourth shall be apportioned among the county and each city located in such county, first to the county that portion of the revenue equal to the proportion that the population of the county residing in the unincorporated area of the county bears to the total population of the county, and second to the cities in the proportion that the population of each city bears to the total population of the county and (iii) one-half shall be retained by the county for its sole use and benefit.

(2) In lieu of the apportionment formula provided in subsection (a), all money received by the director of taxation from a countywide sales tax imposed within Montgomery county pursuant to the election held on November 8, 1994, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged. All revenue apportioned and paid from the imposition of such tax to the treasurer of any city prior to the effective date of this act shall be remitted to the county treasurer and expended only for the purpose for which the revenue received from the tax was pledged.

(3) In lieu of the apportionment formula provided in subsection (a), on and after the effective date of this act, all moneys received by the director of taxation from a countywide retailers' sales tax imposed within Phillips county pursuant to the election held on September 20, 2005, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(c) (1) Except as otherwise provided by paragraph (2) of this subsection, for purposes of subsections (a) and (b), the term "total tangible property tax levies" means the aggregate dollar amount of tax revenue derived from ad valorem tax levies applicable to all tangible property located within each such city or county. The ad valorem property tax levy of any county or city district entity or subdivision shall be included within this term if the levy of any such district entity or subdivision is applicable to all tangible property located within each such city or county.

(2) For the purposes of subsections (a) and (b), any ad valorem property tax levied on property located in a city in Johnson county for the purpose of providing fire protection service in such city shall be included within the term "total tangible property tax levies" for such city regardless of its applicability to all tangible property located within each such city. If the tax is levied by a district which extends across city boundaries, for purposes of this computation, the amount of such levy shall be apportioned among each city in which such district extends in the proportion that such tax levied within each city bears to the total tax levied by the district.

(d) (1) All revenue received from a countywide retailers' sales tax imposed pursuant to paragraphs (2), (3)(C), (6), (7), (8), (9), (12), (14), (15), (16) or (17) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(2) Except as otherwise provided in paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, all revenues received from a countywide retailers' sales tax imposed pursuant to paragraph (5) of subsection (b) of K.S.A. 12-187, and amendments thereto, shall

be remitted to and shall be retained by the county and expended only for the purpose for which the revenue received from the tax was pledged.

(e) All revenue apportioned to the several cities of the county shall be paid to the respective treasurers thereof and deposited in the general fund of the city. Whenever the territory of any city is located in two or more counties and any one or more of such counties do not levy a countywide retailers' sales tax, or whenever such counties do not levy countywide retailers' sales taxes at a uniform rate, the revenue received by such city from the proceeds of the countywide retailers' sales tax, as an alternative to depositing the same in the general fund, may be used for the purpose of reducing the tax levies of such city upon the taxable tangible property located within the county levying such countywide retailers' sales tax.

(f) Prior to March 1 of each year, the secretary of revenue shall advise each county treasurer of the revenue collected in such county from the state retailers' sales tax for the preceding calendar year.

(g) Prior to December 31 of each year, the clerk of every county imposing a countywide retailers' sales tax shall provide such information deemed necessary by the secretary of revenue to apportion and remit revenue to the counties and cities pursuant to this section.

(h) The provisions of subsections (a) and (b) for the apportionment of countywide retailers' sales tax shall not apply to any revenues received pursuant to a county or countywide retailers' sales tax levied or collected under K.S.A. 74-8929, and amendments thereto. All such revenue collected under K.S.A. 74-8929, and amendments thereto, shall be deposited into the redevelopment bond fund established by K.S.A. 74-8927, and amendments thereto, for the period of time set forth in K.S.A. 74-8927, and amendments thereto.

Sec. 4. K.S.A. 2006 Supp. 12-187, 12-187b, 12-189, 12-189f and 12-192 are hereby repealed.”;

And by renumbering section 4 as section 5;

On page 1, in the title, in line 10, by striking all after “concerning”; by striking all in lines 11 through 13 and by inserting “sales taxation; relating to countywide retailers' sales tax in Johnson county; amending K.S.A. 2006 Supp. 12-187, 12-189 and 12-192 and repealing the existing sections; also repealing K.S.A. 2006 Supp. 12-187b and 12-189f.”;

And your committee on conference recommends the adoption of this report.

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Wilk, the conference committee report on **SB 112** was adopted.

On roll call, the vote was: Yeas 81; Nays 38; Present but not voting: 1; Absent or not voting: 5.

Yeas: Aurand, Ballard, Bethell, Burgess, Burroughs, Carlin, Colloton, Craft, Crow, Crum, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goyle, Grange, Hawk, Henderson, Henry, Hill, Holland, Horst, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McLachlan, Menghini, Metsker, Jim Morrison, Moxley, Neighbor, O'Neal, Owens, Palmer, Peck, Peterson, Phelps, Pottorff, Proehl, Rardin, Roth, Ruff, Ruiz, Sawyer, Sloan, Spalding, Storm, Svaty, Swanson, Tietze, Treaster, Trimmer, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Bowers, Brown, Brunk, Carlson, Colyer, Dahl, Donohoe, Gordon, Grant, Hayzlett, Hodge, C. Holmes, M. Holmes, Huebert, Kelley, Kinzer, Knox, Mast, Masterson, McKinney, McLeland, Merrick, Judy Morrison, Myers, Neufeld, Olson, Otto, Patton, Pauls, Powell, Rhoades, Schroeder, Schwartz, Shultz, Siegfried, Tafanelli, Vickrey.

Present but not voting: Faber.

Absent or not voting: Goico, Landwehr, Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2032**, submits the following report:

The Senate recedes from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

JAY SCOTT EMLER
PAT APPLE
JANIS K. LEE
Conferees on part of Senate

CARL DEAN HOLMES
ROBERT OLSON
MARGARET E. LONG
Conferees on part of House

On motion of Rep. C. Holmes, the conference committee report on **HB 2032** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Landwehr, Pottorff, Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2111**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 30 through 43;

On page 2, by striking all in lines 1 through 37 and inserting the following:

“Sec. 2. K.S.A. 2006 Supp. 79-2401a is hereby amended to read as follows: 79-2401a. (a) (1) Except as provided by paragraph (2) and subsection (b), real estate bid off by the county for both delinquent taxes and special assessments, as defined by subsection (c), shall be held by the county until the expiration of two years from the date of the sale, subject only to the right of redemption as provided by this section. Any owner or holder of the record title, the owner's or holder's heirs, devisees, executors, administrators, assigns or any mortgagee or the owner's or holder's assigns may redeem the real estate sold in the sale at any time within two years after the sale by paying to the county treasurer the amount for which the real estate was sold plus the interest accrued, all delinquent taxes and special assessments and interest thereon that have accrued after the date of such sale which remain unpaid as of the date of redemption and costs and expenses of the sale and redemption, including but not limited to, abstracting costs incurred in anticipation of a tax sale.

(2) Any abandoned building or structure and the land accommodating such building or structure bid off by the county for ~~both either~~ delinquent taxes ~~and or~~ special assessments, ~~or both~~, as defined by subsection (c), shall be held by the county until the expiration of one year from the date of the sale, subject only to the right of redemption as provided by this section. Any owner or holder of the record title, the owner's or holder's heirs, devisees, executors, administrators, assigns or any mortgagee or the owner's or holder's assigns may redeem the real estate sold in the sale at any time within one year after the sale by paying to the county treasurer the amount for which the real estate was sold plus the interest accrued, all delinquent taxes and special assessments and interest thereon that have accrued after the date of such sale which remain unpaid as of the date of redemption and costs and expenses of the sale and redemption, including but not limited to abstracting costs incurred in anticipation of a tax sale.

When used in this subsection "abandoned building or structure and the land accommodating such building or structure" shall mean a building or structure which, for a period of at least one year, has been unoccupied and which there has been a failure to perform reasonable maintenance of such building or structure and the land accommodating such building or structure.

(b) (1) Except as provided by paragraph (2), real estate which is a homestead under section 9 of article 15 of the Kansas Constitution and all real estate not described in subsection (a) shall be held by the county until the expiration of three years from the date of the sale and may be redeemed partially by paying to the county treasurer the amount of taxes for which the real estate was sold for one or more years, beginning with the first year for which the real estate was carried on the tax-sale book of the county plus interest at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on the amount from the date the same was carried on the sale book. Upon payment and partial redemption, the time when a tax foreclosure sale may be commenced shall be extended by the number of years paid in the partial redemption.

(2) In Johnson county, real estate which is a homestead under section 9 of article 15 of the Kansas constitution and all real estate not described in subsection (a) shall be held by the county until the expiration of three years from the date of the sale and may be redeemed partially by paying to the county treasurer the amount of taxes for which the real estate was sold for one or more years, beginning with the most recent year for which the real estate was carried on the tax-sale book of the county plus interest at the rate prescribed by K.S.A. 79-2004, and amendments thereto, on the amount from the date the same was carried on the sale book.

(c) For the purpose of this act, the ~~term~~ terms "real estate bid off by the county for both delinquent taxes and special assessments" and "*real estate bid off by the county for either delinquent taxes or special assessments*", ~~or both~~, shall include only real estate on which there are delinquent taxes of a general ad valorem property tax nature ~~and or~~ delinquent special assessments, ~~or both~~, or other special taxes levied by a city, county or other municipality in response to a petition or request of the landowners. Upon publication of the listing of real estate subject to sale under the provisions of K.S.A. 79-2302, and amendments thereto, the clerk of any city, county or other municipality which has levied special assessments during the past 10 years shall certify to the county treasurer those listed parcels of real estate which are located within a special assessment district, but no parcel shall be so certified unless the public improvement was constructed pursuant to a petition or request of one or more landowners sufficient to authorize the improvement under the applicable statutory special assessment procedure used by the city, county or other municipality.

(d) If at the expiration of the redemption period, the real estate has not been redeemed, the real estate shall be disposed of by foreclosure and sale in the manner provided by K.S.A. 79-2801 et seq., and amendments thereto.;

Also on page 2, in line 38, by striking "K.S.A. 79-3102 and"; also in line 38, after "58-2344" by inserting "and 79-2401a";

On page 1, in the title, in line 14, by striking "mortgages of real property" and inserting "real estate"; in line 15, by striking all after "to"; in line 16, by striking all before the semicolon and inserting "foreclosure and sale of real estate"; also in line 16, by striking "K.S.A. 79-3102 and"; also in line 16, after "58-2344" by inserting "and 79-2401a";

And your committee on conference recommends the adoption of this report.

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

On motion of Rep. Shultz, the conference committee report on **HB 2111** was adopted.

On roll call, the vote was: Yeas 118; Nays 3; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Dillmore, Lane, Ward.

Present but not voting: None.

Absent or not voting: Bethell, Powers, Sharp, Swenson.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 115**.

The Senate adopts conference committee report on **SB 333**.

The Senate adopts conference committee report on **S. Sub. for HB 2476**.

The Senate accedes to the request of the House for a conference on **HB 2014** and has appointed Senators Schodorf, Teichman and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2093** and has appointed Senators Schodorf, Vratil and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2127** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2457** and has appointed Senators Umbarger, Wysong and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2556** and has appointed Senators Schodorf, Teichman and Lee as conferees on the part of the Senate.

The Senate adopts the conference committee report to agree to disagree on **H. Sub. for SB 14** and has appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2476**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2476, as follows:

On page 1, by striking all in lines 13 through 43;

By striking all on pages 2 through 5;

On page 6, by striking all in lines 1 through 37 and inserting:

“New Section 1. A person owning or occupying a homestead that is not rental property and for which the appraised valuation for property tax purposes exceeds \$350,000 in any year shall not be entitled to claim a refund of property taxes under the homestead property tax refund act for any such year. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.

New Sec.2. If there are delinquent property taxes on the claimant’s homestead, the refund shall be paid to the county treasurer of the county in which such homestead is located and applied first to the oldest of such delinquent property taxes and applied forward to the most recent delinquent property taxes and then to any other property taxes due on the claimant’s homestead. The provisions of this section shall be part of and supplemental to the homestead property tax refund act.

Sec. 3. K.S.A. 2006 Supp. 79-4502 is hereby amended to read as follows: 79-4502. As used in this act, unless the context clearly indicates otherwise:

(a) “Income” means the sum of adjusted gross income under the Kansas income tax act, maintenance, support money, cash public assistance and relief, not including any refund granted under this act, the gross amount of any pension or annuity, including all monetary retirement benefits from whatever source derived, including but not limited to, all payments received under the railroad retirement act, except disability payments ~~and all payments received under the federal social security act except disability payments~~, *payments received under the federal social security act, except that for determination of what constitutes income such amount shall not exceed 50% of any such social security payments*, all dividends and interest from whatever source derived not included in adjusted gross income, workers compensation and the gross amount of “loss of time” insurance. Income does not include gifts from nongovernmental sources or surplus food or other relief in kind supplied by a governmental agency, nor shall net operating losses and net capital losses be considered in the determination of income. Income does not include veterans disability pensions. *Income does not include disability payments received under the federal social security act.*

(b) “Household” means a claimant, a claimant and spouse who occupy the homestead or a claimant and one or more individuals not related as husband and wife who together occupy a homestead.

(c) “Household income” means all income received by all persons of a household in a calendar year while members of such household.

(d) “Homestead” means the dwelling, or any part thereof, whether owned or rented, which is occupied as a residence by the household and so much of the land surrounding it, as defined as a home site for ad valorem tax purposes, and may consist of a part of a multi-dwelling or multi-purpose building and a part of the land upon which it is built or a manufactured home or mobile home and the land upon which it is situated. “Owned” includes a vendee in possession under a land contract, a life tenant, a beneficiary under a trust and one or more joint tenants or tenants in common.

(e) “Claimant” means a person who has filed a claim under the provisions of this act and was, during the entire calendar year preceding the year in which such claim was filed for refund under this act, except as provided in K.S.A. 79-4503, and amendments thereto, both domiciled in this state and was: (1) A person having a disability; (2) a person who is 55 years of age or older or (3) a person other than a person included under (1) or (2) having one or more dependent children under 18 years of age residing at the person’s homestead during the calendar year immediately preceding the year in which a claim is filed under this act.

When a homestead is occupied by two or more individuals and more than one of the individuals is able to qualify as a claimant, the individuals may determine between them as to whom the claimant will be. If they are unable to agree, the matter shall be referred to the secretary of revenue whose decision shall be final.

(f) “Property taxes accrued” means property taxes, exclusive of special assessments, delinquent interest and charges for service, levied on a claimant’s homestead in 1979 or any calendar year thereafter by the state of Kansas and the political and taxing subdivisions of the state. When a homestead is owned by two or more persons or entities as joint tenants or tenants in common and one or more of the persons or entities is not a member of

claimant's household, "property taxes accrued" is that part of property taxes levied on the homestead that reflects the ownership percentage of the claimant's household. For purposes of this act, property taxes are "levied" when the tax roll is delivered to the local treasurer with the treasurer's warrant for collection. When a claimant and household own their homestead part of a calendar year, "property taxes accrued" means only taxes levied on the homestead when both owned and occupied as a homestead by the claimant's household at the time of the levy, multiplied by the percentage of 12 months that the property was owned and occupied by the household as its homestead in the year. When a household owns and occupies two or more different homesteads in the same calendar year, property taxes accrued shall be the sum of the taxes allocable to those several properties while occupied by the household as its homestead during the year. Whenever a homestead is an integral part of a larger unit such as a multi-purpose or multi-dwelling building, property taxes accrued shall be that percentage of the total property taxes accrued as the value of the homestead is of the total value. For the purpose of this act, the word "unit" refers to that parcel of property covered by a single tax statement of which the homestead is a part.

(g) "Disability" means:

(1) Inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment which can be expected to result in death or has lasted or can be expected to last for a continuous period of not less than 12 months, and an individual shall be determined to be under a disability only if the physical or mental impairment or impairments are of such severity that the individual is not only unable to do the individual's previous work but cannot, considering age, education and work experience, engage in any other kind of substantial gainful work which exists in the national economy, regardless of whether such work exists in the immediate area in which the individual lives or whether a specific job vacancy exists for the individual, or whether the individual would be hired if application was made for work. For purposes of the preceding sentence (with respect to any individual), "work which exists in the national economy" means work which exists in significant numbers either in the region where the individual lives or in several regions of the country; for purposes of this subsection, a "physical or mental impairment" is an impairment that results from anatomical, physiological or psychological abnormalities which are demonstrable by medically acceptable clinical and laboratory diagnostic techniques; or

(2) blindness and inability by reason of blindness to engage in substantial gainful activity requiring skills or abilities comparable to those of any gainful activity in which the individual has previously engaged with some regularity and over a substantial period of time.

(h) "Blindness" means central visual acuity of $\frac{20}{200}$ or less in the better eye with the use of a correcting lens. An eye which is accompanied by a limitation in the fields of vision such that the widest diameter of the visual field subtends an angle no greater than 20 degrees shall be considered for the purpose of this paragraph as having a central visual acuity of $\frac{20}{200}$ or less.

(i) "Rent constituting property taxes accrued" means ~~20%~~ 15% of the gross rent actually paid in cash or its equivalent in ~~1979~~ 2007 or any taxable year thereafter by a claimant and claimant's household solely for the right of occupancy of a Kansas homestead on which ad valorem property taxes were levied in full for that year. When a household occupies two or more different homesteads in the same calendar year, rent constituting property taxes accrued shall be computed by adding the rent constituting property taxes accrued for each property rented by the household while occupied by the household as its homestead during the year.

(j) "Gross rent" means the rental paid at arm's length solely for the right of occupancy of a homestead or space rental paid to a landlord for the parking of a mobile home, exclusive of charges for any utilities, services, furniture and furnishings or personal property appliances furnished by the landlord as a part of the rental agreement, whether or not expressly set out in the rental agreement. Whenever the director of taxation finds that the landlord and tenant have not dealt with each other at arms length and that the gross rent charge was excessive, the director may adjust the gross rent to a reasonable amount for the purposes of the claim.

Sec. 4. K.S.A. 2006 Supp. 79-4504 is hereby amended to read as follows: 79-4504. Subject to the limitations provided in this act or the provisions of K.S.A. 79-4530, and amendments thereto, as the case requires, a claimant may claim property tax relief under the homestead property tax refund act or the provisions of K.S.A. 79-4530, and amendments thereto, with respect to property taxes accrued, and after audit by the division of taxation with respect to homestead property tax refund act, the allowable amount of such claim shall be paid, except as otherwise provided in K.S.A. 79-4506, 79-4521 and section 2, and amendments thereto, to the claimant from the income tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation or by any person designated by the claimant, but no warrant issued hereunder shall be drawn in an amount of less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

Sec. 5. K.S.A. 79-4509 is hereby amended to read as follows: 79-4509. In the event property taxes accrued, rent constituting property taxes accrued or their sum exceeds ~~\$600~~ \$700 for a household in any one year, the amount thereof shall, for purposes of this act, be deemed to have been ~~\$600~~ \$700.

Sec. 6. K.S.A. 79-4511 is hereby amended to read as follows: 79-4511. (a) Every claimant under this act shall supply to the division, in support of a claim, reasonable proof of age or disability, and changes of homestead, household membership, household income, and size and nature of property claimed as the homestead. A claim alleging disability shall be supported by a report of the examining physician of the claimant with a statement or certificate that the applicant has a disability within the meaning of subsection (g) of K.S.A. 79-4502 and amendments thereto.

(b) Every claimant who is a homestead owner, or whose claim is based wholly or partly upon homestead ownership at some time during the calendar year, shall supply to the division, in support of a claim, ~~a copy of the statement~~ the amount of property taxes levied upon the property claimed as a homestead and a statement that the property taxes accrued used for purposes of this act have been or will be paid by the claimant ~~and that there are no delinquent property taxes on the homestead.~~ Upon request by the division, such claimant shall provide a copy of the statement of property taxes levied upon the property claimed as a homestead. The amount of personal property taxes levied on a manufactured home or mobile home shall be set out on the personal property tax statement showing the amount of such tax as a separate item.

(c) Every claimant who is a homestead renter, or whose claim is based wholly or partly upon homestead rental at some time during the calendar year, shall supply to the division, in support of a claim, a statement prescribed by the director certifying the amount of gross rent paid and that ad valorem property taxes were levied in full for that year on the property, all or a part of which was rented by the claimant. *When such claimant reports household income that is 150% or less of the homestead rental amount and such claimant has failed to provide any documentation or information requested by the division to verify such household income in support of a claim as required pursuant to subsection (a), within 30 days of such request, such homestead property tax refund claim shall be denied.*

(d) The information required to be furnished under subsections (b) or (c) shall be in addition to that required under subsection (a).

Sec. 7. K.S.A. 79-4509 and 79-4511 and K.S.A. 2006 Supp. 79-4502 and 79-4504 are hereby repealed.”;

And by renumbering section 4 as section 8;

On page 1, in the title, in line 9, by striking all after “concerning”; by striking all in line 10 and inserting the following: “taxation; relating to homestead property tax refunds; amending K.S.A. 79-4509 and 79-4511 and K.S.A. 2006 Supp. 79-4502 and 79-4504 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN

DEREK SCHMIDT

JANIS K. LEE

Conferees on part of Senate

KENNY A. WILK
 RICHARD CARLSON
 TOM HOLLAND

Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2476** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Brunk, the House concurred in Senate amendments to **HB 2316**, An act relating to employment; concerning certain methods of payments; amending K.S.A. 44-314 and K.S.A. 2006 Supp. 44-712 and repealing the existing sections; also repealing K.S.A. 75- 5540.

(The House requested the Senate to return the bill, which was in conference).

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Henderson, Winn.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2080**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate committee amendments, as follows:

On page 1, in line 22, preceding "all" by inserting "the governor's spouse;

(4)";

Also on page 1, in line 24, by striking "(4)" and inserting "(5)";

On page 2, in line 14, by striking "and"; in line 22, before the period, by inserting the following:

“; and

(7) meals provided to the governor’s spouse and members of the governor’s immediate family at the event or meeting at which the meal is provided serve a legitimate state purpose or interest”;

In the title, in line 12, by striking “provided to”; in line 13, by striking all before the semicolon;

And your committee on conference recommends the adoption of this report.

TIM HUELSKAMP

ROGER P. REITZ

DONALD BETTS, JR.

Conferees on part of Senate

MICHAEL B. BURGESS

TED POWERS

TOM SAWYER

Conferees on part of House

On motion of Rep. Burgess, the conference committee report on **HB 2080** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurrand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treasurer, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 8**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, after line 16, by inserting the following:

“New Section 1. (a) On and after January 1, 2008, any owner or lessee of one or more passenger vehicles, trucks of a gross weight of 20,000 pounds or less or motorcycles, who is a resident of the state of Kansas, and who submits satisfactory proof to the director of vehicles that such person is an emergency medical services attendant, as defined in K.S.A. 65-6112, and amendments thereto, upon compliance with the provisions of this section, may be issued one emergency medical services license plate for each such passenger vehicle, truck or motorcycle. Such license plates shall be issued for the same period of time as other license plates upon proper registration and payment of the regular license fee as provided in K.S.A. 8-143, and amendments thereto.

(b) Any applicant for a license plate authorized by this section may make application for such distinctive license plates, not less than 60 days prior to such applicant's renewal of registration date, on a form prescribed and furnished by the director of vehicles, and any applicant for the distinctive license plates shall furnish the director with proof as the director shall require under subsection (a). Application for the registration of a passenger vehicle, truck or motorcycle and issuance of the license plates under this section shall be made by the owner or lessee in a manner prescribed by the director of vehicles upon forms furnished by the director.

(c) No registration or distinctive license plates issued under the authority of this section shall be transferable to any other person.

(d) Renewals of registration under this section shall be made annually, upon payment of the fee prescribed in subsection (a), in the manner prescribed in subsection (b) of K.S.A. 8-132, and amendments thereto. No renewal of registration shall be made to any applicant until such applicant has filed with the director a form as provided in subsection (b). If such form is not filed, the applicant shall be required to comply with K.S.A. 8-143, and amendments thereto, and return the distinctive license plates to the county treasurer.;

And by renumbering the remaining sections accordingly;

Also on page 1, after line 43, by inserting the following:

"New Sec. 3. (a) On and after July 1, 2007, it shall be unlawful for any person to operate a work-site utility vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of any city unless authorized by such city. Work-site utility vehicles may be operated incidentally upon a federal highway or state highway.

(b) No work-site utility vehicle shall be operated on any public highway, street or road unless such vehicle complies with the equipment requirements under the provisions of article 17 of chapter 8 of the Kansas Statutes Annotated.

(c) This section shall be part of and supplemental to the uniform act regulating traffic on highways.

New Sec. 4. "Work-site utility vehicle" means any motor vehicle which is not less than 48 inches in width, has an overall length, including the bumper, of not more than 135 inches, has an unladen weight, including fuel and fluids, of more than 800 pounds and is equipped with four or more low pressure tires, a steering wheel and bench or bucket-type seating allowing at least two people to sit side-by-side, and may be equipped with a bed or cargo box for hauling materials.

Sec. 5. On and after July 1, 2007, K.S.A. 2006 Supp. 8-128 is hereby amended to read as follows: 8-128. (a) The following need not be registered under this act, any:

- (1) Implement of husbandry;
- (2) all-terrain vehicle;
- (3) *work-site utility vehicle*;
- ~~(4)~~ (4) road roller or road machinery temporarily operated or moved upon the highways;
- ~~(5)~~ (5) municipally owned fire truck;
- ~~(6)~~ (6) privately owned fire truck subject to a mutual aid agreement with a municipality;
- ~~(7)~~ (7) school bus owned and operated by a school district or a nonpublic school which has the name of the municipality, school district or nonpublic school plainly painted thereon;
- ~~(8)~~ (8) farm trailer used in carrying not more than 6,000 pounds owned by a person engaged in farming, which trailer is used exclusively by the owner to transport agricultural products produced by such owner or commodities purchased by the owner for use on the farm owned or rented by the owner of such trailer and the weight of any such farm trailer, plus the cargo weight of 6,000 pounds or less, shall not be considered in determining the gross weight for which the truck or truck tractor propelling the same shall be registered; or
- ~~(9)~~ (9) farm trailer used and designed for transporting hay or forage from a field to a storage area or from a storage area to a feedlot, which is only incidentally moved or operated upon the highways, except that this paragraph shall not apply to a farm semitrailer.

(b) Self-propelled cranes where the crane operator on a job site operates the controls of such crane from a permanent housing or module on the crane and the crane is not used for the transportation of property, except the property that is required for the operation of the crane itself and earth moving equipment which are equipped with pneumatic tires may be moved on the highways of this state from one job location to another, or to or from places

of storage, delivery or repair, without complying with the provisions of the law relating to registration and display of license plates but shall comply with all the other requirements of the law relating to motor vehicles.

(c) Oil well servicing, oil well clean-out or oil well drilling machinery or equipment need not be registered under this act but shall comply with all the other requirements of the law relating to motor vehicles.

(d) A truck permanently mounted with a hydraulic concrete pump and placing boom may be moved on the highways of this state from one job location to another, or to or from places of storage delivery or repair, without being registered under this act, but shall comply with all the other requirements of the law relating to motor vehicles. The provisions of this subsection shall not apply to ready-mix concrete trucks.

Sec. 6. On and after July 1, 2007, K.S.A. 2006 Supp. 8-1486 is hereby amended to read as follows: 8-1486. K.S.A. 8-1402a, 8-1414a, 8-1439c, 8-1458a, 8-1459a, 8-1475a, 8-1487, 8-1488, 8-1489 and 8-1490 and amendments thereto, and K.S.A. 2006 Supp. 8-1491 ~~and~~, 8-1492, *and section 4*, and amendments thereto, shall be a part of, and supplemental to, the uniform act regulating traffic on highways.

Sec. 7. On and after July 1, 2007, K.S.A. 8-15,100 is hereby amended to read as follows: 8-15,100. (a) Except as provided in subsection (b), it shall be unlawful for any person to operate an all-terrain vehicle: (1) On any interstate highway, federal highway or state highway; or (2) within the corporate limits of ~~a any city of the first class unless authorized by such city.~~

(b) Notwithstanding the provisions of subsection (a), all-terrain vehicles owned and operated by a county noxious weed department, or all-terrain vehicles owned and operated by persons contracting with a county noxious weed department or the Kansas department of transportation may be allowed to operate such all-terrain vehicles upon the right-of-way of any federal highway or state highway for the purpose of eradicating noxious weeds and such all-terrain vehicles may be operated incidentally upon such federal highway or state highway.

(c) No all-terrain vehicle shall be operated on any public highway, street or road between sunset and sunrise unless equipped with lights as required by law for motorcycles.

(d) This section shall be part of and supplemental to the uniform act regulating traffic on highways.”;

And by renumbering the remaining sections accordingly;

On page 8, after line 43, by inserting the following:

“Unlawful operation of work-site utility vehicle section 3 \$60”;

On page 10, by striking all in line 10;

On page 12, before line 1, by inserting the following:

“Sec. 9. On and after July 1, 2007, K.S.A. 8-2502 is hereby amended to read as follows: 8-2502. As used in this act, “passenger car” means a motor vehicle, manufactured or assembled after January 1, 1968, or a motor vehicle manufactured or assembled prior to 1968 which was manufactured or assembled with safety belts, with motive power designed for carrying 10 passengers or fewer, including vans, but does not include a motorcycle, ~~a trailer or a vehicle constructed either on a truck chassis registered for a gross weight of more than 12,000 pounds or a farm truck registered for a gross weight of more than 16,000 pounds or a vehicle constructed with special features for occasional off-road operation or a motor-driven cycle.~~

Sec. 10. On and after July 1, 2007, K.S.A. 8-2503 is hereby amended to read as follows: 8-2503. (a) Except as provided in K.S.A. 8-1344 and 8-1345, and amendments thereto, and in subsection (b) *or* (c), each front seat occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, *who is 18 years of age or older*, shall have a safety belt properly fastened about such person’s body at all times when the ~~vehicle~~ *passenger car* is in motion.

(b) *Each occupant of a passenger car manufactured with safety belts in compliance with federal motor vehicle safety standard no. 208, who is at least 14 years of age but less than 18 years of age, shall have a safety belt properly fastened about such person’s body at all times when the passenger car is in motion.*

~~(c)~~ (c) This section does not apply to:

(1) An occupant of a passenger car who possesses a written statement from a licensed physician that such person is unable for medical reasons to wear a safety belt system;

(2) carriers of United States mail while actually engaged in delivery and collection of mail along their specified routes;

(3) newspaper delivery persons while actually engaged in delivery of newspapers along their specified routes; or

(4) an occupant of a passenger car required to be protected by a safety restraining system under the child passenger safety act.

~~(c)~~ (d) The secretary of transportation shall initiate an educational program designed to encourage compliance with the safety belt usage provisions of this act.

~~(d)~~ (e) The secretary shall evaluate the effectiveness of this act and shall include a report of its findings in the annual evaluation report on its highway safety plan that it submits under 23 U.S.C. 402.

~~(e)~~ (f) Law enforcement officers shall not stop drivers for violations of ~~this act subsection (a)~~ in the absence of another violation of law. A citation for violation of ~~this act subsection (a)~~ shall not be issued without citing the violation that initially caused the officer to effect the enforcement stop.

Sec. 11. On and after July 1, 2007, K.S.A. 8-2504 is hereby amended to read as follows: 8-2504. ~~(a) (1) From and after the effective date of this act, and prior to July 1, 1987, a law enforcement officer shall issue a warning citation to anyone violating subsection (a) of K.S.A. 8-2503; and~~

~~(2) from and after July 1, 1987, persons violating subsection (a) of K.S.A. 8-2503 shall be fined not more than \$10 including court costs; (a) (1) From and after July 1, 2007, and prior to January 1, 2008, a law enforcement officer shall issue a warning citation to anyone violating subsection (b) of K.S.A. 8-2503, and amendments thereto;~~

~~(2) persons violating subsection (a) of K.S.A. 8-2503, and amendments thereto, shall be fined \$30 including court costs; and~~

~~(3) from and after January 1, 2008, persons violating subsection (b) of K.S.A. 8-2503, and amendments thereto, shall be fined \$60 including court costs.~~

(b) No court shall report violation of this act to the department of revenue.

(c) Evidence of failure of any person to use a safety belt shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

New Sec. 12. There is hereby created in the state treasury the traffic records enhancement fund. All moneys credited to the traffic records enhancement fund shall be used by the department of transportation for the purpose of enhancing and upgrading the traffic records systems in the state. All expenditures from traffic records enhancement fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of transportation or the secretary's designee.

New Sec. 13. There is hereby created in the state treasury the EMS revolving fund. All moneys credited to the EMS revolving fund shall be used by the emergency medical services board to improve and enhance emergency medical services in the state. All expenditures from the EMS revolving fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the chairperson of the emergency medical services board or by a person or persons designated by such chairperson.

Sec. 14. On and after July 1, 2007, K.S.A. 2006 Supp. 8-1345 is hereby amended to read as follows: 8-1345. (a) It shall be unlawful for any driver to violate the provisions of K.S.A. 8-1344, and amendments thereto, and upon conviction such driver shall be punished by a fine of \$60. ~~Notwithstanding any provision of law to the contrary, of each such fine received from clerks of the district court, the state treasurer shall credit \$40 to the children's advocacy center fund established pursuant to K.S.A. 2006 Supp. 20-370, and amendments thereto.~~ The failure to provide a child safety restraining system or safety belt for more than one child in the same passenger car at the same time shall be treated as a single violation. Any conviction under the provisions of this subsection shall not be construed as a moving traffic violation for the purpose of K.S.A. 8-255, and amendments thereto.

(b) The \$60 fine provided for in subsection (a) shall be waived if the driver convicted of violating subsection (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, provides proof to the court that such driver has purchased or acquired the appropriate and approved child passenger safety restraining system. At the time of issuing the citation for a violation of subsection (a)(1) or (a)(2) of K.S.A. 8-1344, and amendments thereto, the law enforcement officer shall notify the driver of the waiver provisions of this subsection.

(c) No driver charged with violating the provisions of this act shall be convicted if such driver produces in the office of the arresting officer or in court proof that the child was 14 years of age or older at the time the violation was alleged to have occurred.

(d) Evidence of failure to secure a child in a child passenger safety restraining system or a safety belt under the provisions of K.S.A. 8-1344, and amendments thereto, shall not be admissible in any action for the purpose of determining any aspect of comparative negligence or mitigation of damages.

(e) From and after the effective date of this act, and prior to July 1, 2007, a law enforcement officer shall issue a warning citation to anyone violating subsection (a)(2) of K.S.A. 8-1344, and amendments thereto.

Sec. 15. On and after July 1, 2007, K.S.A. 2006 Supp. 20-350 is hereby amended to read as follows: 20-350. (a) Except for fines and penalties authorized to be paid to counties pursuant to K.S.A. 19-101e, and amendments thereto, and subsection (b), and amendments thereto, all moneys received by the clerk of the district court from the payment of fines, penalties and forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund, except as provided in K.S.A. 74-7336, and amendments thereto; ~~or K.S.A. 8-1345, and amendments thereto.~~

(b) Except as provided by K.S.A. 2006 Supp. 20-368, and amendments thereto, all moneys received by the clerk of the district court from the payment of bail forfeitures shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury and shall credit equal portions of such remittance to the indigents' defense services fund and the state general fund.

(c) The chief judge may invest any moneys on deposit in the district court account if the moneys are not immediately required for the purposes for which they were collected or received. Such moneys may be invested in: (1) Time deposits, open account or certificates of deposit, for periods not to exceed six months, or savings deposits, in commercial banks located in the county, except that amounts invested which are not insured by the United States government shall be secured in the manner and amounts provided by K.S.A. 9-1402, and amendments thereto; (2) United States treasury bills or notes with maturities not to exceed six months; or (3) savings and loan associations located in the county. No investment of more than the amount insured by the federal deposit insurance corporation shall be made in any one savings and loan association. Interest received from the investment of moneys pursuant to this subsection shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund.

(d) Upon application of a party to an action in which such party claims ownership of moneys held by the district court, the chief judge may invest such moneys in the same manner as provided by subsection (c). Interest received from the investment of moneys pursuant to this subsection shall become the property of the person found to be the owner of the moneys.

Sec. 16. On and after July 1, 2007, K.S.A. 2006 Supp. 74-7336 is hereby amended to read as follows: 74-7336. (a) Of the remittances of fines, penalties and forfeitures received from clerks of the district court, at least monthly, the state treasurer shall credit:

- (1) 11.99% to the crime victims compensation fund;
- (2) 2.45% to the crime victims assistance fund;
- (3) 2.01% to the community alcoholism and intoxication programs fund;
- (4) 2.01% to the department of corrections alcohol and drug abuse treatment fund ~~and~~;

(5) 0.17% to the boating fee fund. ~~The remainder of the remittances shall be credited to the state general fund.~~

(6) 0.12% to the children's advocacy center fund;

(7) 2.50% to the EMS revolving fund;

(8) 2.50% to the trauma fund;

(9) 2.50% to the traffic records enhancement fund; and

(10) the remainder of the remittances to the state general fund.

(b) The county treasurer shall deposit grant moneys as provided in subsection (a), from the crime victims assistance fund, to the credit of a special fund created for use by the county or district attorney in establishing and maintaining programs to aid witnesses and victims of crime.”;

And by renumbering the remaining sections accordingly;

Also on page 12, in line 2, before “K.S.A.” by inserting “K.S.A. 8-15,100, 8-1748, 8-2502, 8-2503 and 8-2504 and”; also in line 2, after “Supp.” by inserting “8-128, 8-1345, 8-1486,”; in line 3, by striking “and 8-2118a” and inserting “, 8-2118a, 20-350 and 74-7336”;

On page 1, in the title, in line 10, after “ACT” by inserting “concerning motor vehicles, relating to the regulation thereof;”; also in line 10, by striking all after the the first semicolon; by striking all in line 11; in line 12, by striking “8-1911” and inserting “8-15,100, 8-1911, 8-2502, 8-2503 and 8-2504”; also in line 12, by striking “8-2118” and inserting “8-128, 8-1345, 8-1486, 8-2118, 20-350 and 74-7336”; in line 13, after “repealing” by inserting “K.S.A. 8-1748 and”;

And your committee on conference recommends the adoption of this report.

GARY K. HAYZLETT

VIRGIL PECK, JR.

MARGARET E. LONG

Conferees on part of House

LES DONOVAN

DENNIS WILSON

MARK S. GILSTRAP

Conferees on part of Senate

On motion of Rep. Hayzlett, the conference committee report on **SB 8** was adopted.

On roll call, the vote was: Yeas 109; Nays 12; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Coloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelner, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Carlson, Faber, Hodge, Huebert, Kinzer, Knox, Landwehr, Masterson, Merrick, Olson, Peck.

Present but not voting: None.

Absent or not voting: Neufeld, Powers, Sharp, Swenson.

CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Rep. Mah as a member of the conference committee on **S. Sub. for HB 2556** to replace Rep. Storm.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2145**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 4, in line 18, by striking “For” and inserting “Except as provided in subsection (b) of section 6, and amendments thereto, for”; in line 26, by striking “\$50,000” and inserting “\$200,000”; in line 27, by striking “\$50,000” and inserting “\$200,000”; in line 31, before “There” by inserting “(a)”; in line 43, before the period by inserting “for educational programs related to renewable energy”; after line 43, by inserting the following:

“(b) If Cloud county community college has not utilized the moneys in the wind generation education pilot project fund by July 1, 2011, the state corporation commission shall advise the director of accounts and reports to transfer the balance in such fund to the state general fund and advise the state treasurer to cease making the \$50,000 amount credited to the wind generation education pilot project fund pursuant to subsection (d)(1) of K.S.A. 55-427, and amendments thereto.”;

On page 8, after line 19, by inserting the following:

“New Sec. 10. As used in sections 10 through 15, and amendments thereto:

(a) “Biodiesel” means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets the specifications adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto. Such specification shall meet American society for testing and materials specification D6751-07 for biodiesel fuel (B100) blend stock for distillate fuels, but may be more stringent regarding biodiesel quality and usability than specification D6751-07;

(b) “diesel” means any liquid, other than gasoline and biodiesel, which is used as fuel for use in an internal combustion engine and ignited by pressure without the presence of an electric spark;

(c) “gasoline” means any liquid product sold as motor fuel for use in a spark-ignition internal combustion engine;

(d) “motor fuel” means any inflammable liquid by whatever name such liquid shall be known or sold, which is used, or practically or commercially usable, either alone or when mixed or combined in an internal combustion engine for the generation of power;

(e) “motor fuel pump” means a commercial measuring device used to measure and dispense motor fuel or special fuels on a retail basis at a fixed retail motor fuel site;

(f) “renewable fuels” means a combustible liquid derived from grain starch, oil seed, animal fat or other biomass; or produced from biogas source, including any nonfossilized, decaying, organic matter which is capable of powering spark-ignition machinery; and

(g) “retail dealer” means a licensed seller of motor fuel or special fuels at retail at a fixed retail motor fuel site.

New Sec. 11. (a) On January 1, 2009, and quarterly thereafter, the director of accounts and reports shall transfer \$400,000 from the state general fund to the Kansas retail dealer incentive fund. On and after July 1, 2009, the unobligated balance in the Kansas retail dealer incentive fund shall not exceed \$1.5 million. If the unobligated balance of the fund exceeds \$1.1 million at the time of a quarterly transfer, the transfer shall be limited to the amount necessary for the fund to reach a total of \$1.5 million.

(b) There is hereby created in the state treasury the Kansas retail dealer incentive fund. All moneys in the Kansas retail dealer incentive fund shall be expended by the secretary of the department of revenue for the payment of incentives to Kansas retail dealers who sell and dispense renewable fuels or biodiesel through a motor fuel pump in accordance with the provisions of sections 10 through 15, and amendments thereto.

(c) All moneys remaining in the Kansas retail dealer incentive fund upon the expiration of sections 10 through 15, and amendments thereto, shall be credited by the state treasurer to the state general fund.

New Sec. 12. (a) A retail dealer of motor fuel shall be paid an incentive for the selling or dispensing of renewable fuels through a motor fuel pump as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses renewable fuels through a motor fuel pump in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate all of the following:

(1) The retail dealer's renewable fuels distribution percentage which is the sum of the retail dealer's total renewable fuels blended into gasoline expressed as a percentage of the retail dealer's total gasoline gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's renewable fuels threshold percentage is as follows:

(A) Ten percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) eleven percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) twelve percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) thirteen percent for any quarter of the determination period beginning on January 1, 2012, and ending December 31, 2012;

(E) fourteen percent for any quarter of the determination period beginning on January 1, 2013, and ending December 31, 2013;

(F) fifteen percent for any quarter of the determination period beginning on January 1, 2014, and ending December 31, 2014;

(G) sixteen percent for any quarter of the determination period beginning on January 1, 2015, and ending December 31, 2015;

(H) seventeen percent for any quarter of the determination period beginning on January 1, 2016, and ending December 31, 2016;

(I) eighteen percent for any quarter of the determination period beginning on January 1, 2017, and ending December 31, 2017;

(J) nineteen percent for any quarter of the determination period beginning on January 1, 2018, and ending December 31, 2018;

(K) twenty percent for any quarter of the determination period beginning on January 1, 2019, and ending December 31, 2019;

(L) twenty-one percent for any quarter of the determination period beginning on January 1, 2020, and ending December 31, 2020;

(M) twenty-two percent for any quarter of the determination period beginning on January 1, 2021, and ending December 31, 2021;

(N) twenty-three percent for any quarter of the determination period beginning on January 1, 2022, and ending December 31, 2022;

(O) twenty-four percent for any quarter of the determination period beginning on January 1, 2023, and ending December 31, 2023;

(P) twenty-five percent for any quarter of the determination period beginning on January 1, 2024, and ending December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on and after January 1, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses renewable fuel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses renewable fuels.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's total renewable fuel gallonage by an incentive rate, which may be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The incentive rate is as follows:

(1) For any quarter in which the retail dealer has attained a renewable fuels threshold percentage for the determination period, the incentive rate is 6 cents.

(2) For any quarter in which the retail dealer has not attained a renewable fuels threshold percentage for the determination period, the incentive rate shall be adjusted based on the retail dealer's renewable fuels threshold percentage disparity. The amount of the adjusted incentive rate is as follows:

(A) If the retail dealer's renewable fuels threshold percentage disparity equals 2% or less, the incentive rate is 4 cents.

(B) A retail dealer is not eligible for an incentive if the retail dealer's renewable fuels threshold percentage disparity equals more than 2%.

New Sec. 13. (a) A retail dealer of biodiesel shall be paid an incentive for the selling or dispensing of biodiesel as provided in this section.

(b) In order to be eligible for such incentive all of the following must apply:

(1) The retail dealer sells and dispenses biodiesel in the quarter in which the incentive is claimed.

(2) The retail dealer complies with requirements of the department of revenue to administer this section.

(c) In order to receive the incentive, the retail dealer must calculate the following:

(1) The retail dealer's biodiesel distribution percentage which is the sum of the retail dealer's total biodiesel gallonage expressed as a percentage of the retail dealer's total diesel and biodiesel gallonage, in the retail dealer's applicable determination period.

(2) The retail dealer's biodiesel threshold percentage is as follows:

(A) Two percent for any quarter of the determination period beginning on January 1, 2009, and ending December 31, 2009;

(B) four percent for any quarter of the determination period beginning on January 1, 2010, and ending December 31, 2010;

(C) six percent for any quarter of the determination period beginning on January 1, 2011, and ending December 31, 2011;

(D) eight percent for any quarter of the determination period beginning on January 1, 2012, and ending July 1, 2012;

(E) ten percent for any quarter of the determination period beginning on January 1, 2013, and ending on December 31, 2013;

(F) twelve percent for any quarter of the determination period beginning on January 1, 2014, and ending on December 31, 2014;

(G) fourteen percent for any quarter of the determination period beginning on January 1, 2015, and ending on December 31, 2015;

(H) sixteen percent for any quarter of the determination period beginning on January 1, 2016, and ending on December 31, 2016;

(I) seventeen percent for any quarter of the determination period beginning on January 1, 2017, and ending on December 31, 2017;

(J) eighteen percent for any quarter of the determination period beginning on January 1, 2018, and ending on December 31, 2018;

(K) nineteen percent for any quarter of the determination period beginning on January 1, 2019, and ending on December 31, 2019;

(L) twenty percent for any quarter of the determination period beginning on January 1, 2020, and ending on December 31, 2020;

(M) twenty-one percent for any quarter of the determination period beginning on January 1, 2021, and ending on December 31, 2021;

(N) twenty-two percent for any quarter of the determination period beginning on January 1, 2022, and ending on December 31, 2022;

(O) twenty-three percent for any quarter of the determination period beginning on January 1, 2023, and ending on December 31, 2023;

(P) twenty-four percent for any quarter of the determination period beginning on January 1, 2024, and ending on December 31, 2024; and

(Q) twenty-five percent for any quarter of the determination period beginning on January 1, 2025, and ending on December 31, 2025.

(d) The incentive may be calculated separately for each retail motor fuel site from which the retail dealer sells and dispenses biodiesel or may be calculated for all retail motor fuel sites which the retail dealer has in Kansas that sells and dispenses biodiesel.

(e) The retail dealer's incentive is calculated by multiplying the retail dealer's biodiesel gallonage by the incentive rate for any quarter in which the retail dealer has attained a biodiesel threshold percentage for the determination period, the incentive rate is three cents.

New Sec. 14. (a) The retail dealer shall file electronically for the incentive for selling or dispensing of renewable fuels or biodiesel beginning January 1, 2009, and quarterly thereafter in the manner required by the department of revenue. The retail dealer shall file such information as the secretary of revenue may require by rules and regulations, but shall include the total number of gallons of renewable fuels or biodiesel sold.

(b) The secretary of revenue may adopt rules and regulations necessary to administer the provisions of sections 10 through 15, and amendments thereto, including the development of a procedure for the payment of the incentive on a pro rata basis if the unobligated balance in the fund is insufficient to pay all incentives.

New Sec. 15. The secretary of revenue shall annually submit a written report to the house appropriations and energy and utilities committees and to the senate ways and means and agriculture committees, or the successors to those committees, beginning with the 2010 legislative session. The report shall contain information regarding the amount of incentives claimed and paid pursuant to sections 10 through 15, and amendments thereto, and information regarding the amount of renewable fuels and biodiesel sold in the state. The secretary also may include in the report any recommendations for changes to law necessary to implement sections 10 through 15, and amendments thereto.

New Sec. 16. The provisions of sections 10 through 15, and amendments thereto, shall expire on January 1, 2026.

Sec. 17. K.S.A. 2006 Supp. 79-32,201 is hereby amended to read as follows: 79-32,201. (a) Any taxpayer who makes expenditures for a qualified alternative-fueled motor vehicle or alternative-fuel fueling station shall be allowed a credit against the income tax imposed by article 32 of chapter 79 of the Kansas Statutes Annotated, as follows:

(1) For any qualified alternative-fueled motor vehicle placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle but not to exceed \$3,000 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$5,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$50,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(2) for any qualified alternative-fueled motor vehicle placed in service on or after January 1, 2005, an amount equal to 40% of the incremental cost or conversion cost for each qualified alternative-fueled motor vehicle, but not to exceed \$2,400 for each such motor vehicle with a gross vehicle weight of less than 10,000 lbs.; \$4,000 for a heavy duty motor vehicle with a gross vehicle weight of greater than 10,000 lbs. but less than 26,000 lbs.; and \$40,000 for motor vehicles having a gross vehicle weight of greater than 26,000 lbs.;

(3) for any qualified alternative-fuel fueling station placed in service on or after January 1, 1996, and before January 1, 2005, an amount equal to 50% of the total amount expended for each qualified alternative-fuel fueling station but not to exceed \$200,000 for each fueling station;

(4) for any qualified alternative-fuel fueling station placed in service on or after January 1, 2005, *and before January 1, 2009*, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$160,000 for each fueling station;

(5) *for any qualified alternative-fuel fueling station placed in service on or after January 1, 2009, an amount equal to 40% of the total amount expended for each qualified alternative-fuel fueling station, but not to exceed \$100,000 for each fueling station.*

(b) If no credit has been claimed pursuant to subsection (a), a credit in an amount not exceeding the lesser of 5% of the cost of the vehicle or \$750 shall be allowed to a taxpayer who purchases a motor vehicle equipped by the vehicle manufacturer with an alternative fuel system and who is unable or elects not to determine the exact basis attributable to such property. The credit under this subsection shall be allowed only to the first individual to take title to such motor vehicle, other than for resale. The credit under this subsection for motor vehicles which are capable of operating on a blend of 85% ethanol and 15% gasoline shall be allowed for taxable years commencing after December 31, 1999, only if the individual claiming the credit furnishes evidence of the purchase, during the period of time beginning with the date of purchase of such vehicle and ending on December 31 of the next succeeding calendar year, of 500 gallons of such ethanol and gasoline blend as may be required or is satisfactory to the secretary of revenue.

(c) The tax credit under subsection ~~(a)~~ (a)(1) through (a)(4) or (b) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability

for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the third taxable year succeeding the taxable year in which the expenditures are made.

(d) *The tax credit under subsection (a)(5) shall be deducted from the taxpayer's income tax liability for the taxable year in which the expenditures are made by the taxpayer. If the amount of the tax credit exceeds the taxpayer's income tax liability for the taxable year, the amount which exceeds the tax liability may be carried over for deduction from the taxpayer's income tax liability in the next succeeding taxable year or years until the total amount of the tax credit has been deducted from tax liability, except that no such tax credit shall be carried over for deduction after the fourth taxable year in which the expenditures are made.*

~~(d)~~ (e) As used in this section:

(1) "Alternative fuel" ~~has the meaning provided by 42 U.S.C. 13211~~ means a combustible liquid derived from grain starch, oil seed, animal fat or other biomass; or produced from biogas source, including any nonfossilized, decaying, organic matter.

(2) "Qualified alternative-fueled motor vehicle" means a motor vehicle that operates on an alternative fuel, meets or exceeds the clean fuel vehicle standards in the federal clean air act amendments of 1990, Title II and meets one of the following categories:

(A) Bi-fuel motor vehicle: A motor vehicle with two separate fuel systems designed to run on either an alternative fuel or conventional fuel, using only one fuel at a time;

(B) dedicated motor vehicle: A motor vehicle with an engine designed to operate on a single alternative fuel only; or

(C) flexible fuel motor vehicle: A motor vehicle that may operate on a blend of an alternative fuel with a conventional fuel, such as E-85 (85% ethanol and 15% gasoline) or M-85 (85% methanol and 15% gasoline), as long as such motor vehicle is capable of operating on at least an 85% alternative fuel blend.

(3) "Qualified alternative-fuel fueling station" means the property which is directly related to the delivery of alternative fuel into the fuel tank of a motor vehicle propelled by such fuel, including the compression equipment, storage vessels and dispensers for such fuel at the point where such fuel is delivered but only if such property is primarily used to deliver such fuel for use in a qualified alternative-fueled motor vehicle.

(4) "Incremental cost" means the cost that results from subtracting the manufacturer's list price of the motor vehicle operating on conventional gasoline or diesel fuel from the manufacturer's list price of the same model motor vehicle designed to operate on an alternative fuel.

(5) "Conversion cost" means the cost that results from modifying a motor vehicle which is propelled by gasoline or diesel to be propelled by an alternative fuel.

(6) "Taxpayer" means any person who owns and operates a qualified alternative-fueled vehicle licensed in the state of Kansas or who makes an expenditure for a qualified alternative-fuel fueling station.

(7) "Person" means every natural person, association, partnership, limited liability company, limited partnership or corporation.

~~(d)~~ (f) Except as otherwise more specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 1995.

Sec. 18. K.S.A. 2006 Supp. 79-34,155 is hereby amended to read as follows: 79-34,155. As used in K.S.A. 2006 Supp. 79-34,155 through 79-34,158, and amendments thereto:

(a) "Biodiesel fuel" means a renewable, biodegradable, mono alkyl ester combustible liquid fuel derived from vegetable oils or animal fats and that meets ~~American society for testing and materials specification D6751-02 for biodiesel fuel (B100) blend stock for distillate fuels~~ the specifications adopted by rules and regulations of the secretary of agriculture pursuant to K.S.A. 55-442, and amendments thereto. Such specification shall meet American society for testing and materials specification D6751-07 for biodiesel fuel (B100) blend stock for distillate fuels, but may be more stringent regarding biodiesel quality and usability than specification D6751-07.

(b) "Kansas qualified biodiesel fuel producer" means any producer of biodiesel fuel whose principal place of business and facility for the production of biodiesel fuel are located within

the state of Kansas and who has made formal application to and conformed to the requirements by the department of revenue pursuant to this act.

(c) "Secretary" means the secretary of the department of revenue of the state of Kansas.

(d) "Kansas qualified biodiesel fuel producer incentive fund" means a fund created in K.S.A. 2006 Supp. 79-34,157, and amendments thereto, from which producer incentives shall be provided pursuant to this act to Kansas qualified biodiesel fuel producers.";

And by renumbering the remaining sections accordingly;

Also on page 8, in line 20, after "83-401" by inserting "and K.S.A. 2006 Supp. 79-32,201 and 79-34,155";

On page 1, in the title, in line 13, after the semicolon by inserting "relating to renewable fuel; providing for certain incentives relating to renewable fuels;"; in line 14, after "83-401" by inserting "and K.S.A. 2006 Supp. 79-32,201 and 79-34,155";

And your committee on conference recommends the adoption of this report.

MARK TADDIKEN
ROGER PINE
MARCI FRANCISCO
Conferees on part of Senate

CARL DEAN HOLMES
JOHN FABER
JOSH SVATY
Conferees on part of House

On motion of Rep. C. Holmes to adopt the conference committee report on **S. Sub. for HB 2145**, Rep. Faber offered a substitute motion to not adopt the conference committee report and asked that a new conference committee be appointed. The motion prevailed.

Speaker pro tem Dahl thereupon appointed Reps. C. Holmes, Faber and Svaty as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2487**, submits the following report:

The Senate recedes from all of its amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 3, in line 3, by striking "where" and inserting "of the person to whom";

And your committee on conference recommends the adoption of this report.

MARK TADDIKEN
ROGER C. PINE
MARCI FRANCISCO
Conferees on part of Senate

JOHN FABER
FORREST KNOX
JOSH SVATY
Conferees on part of House

On motion of Rep. Faber, the conference committee report on **HB 2487** was adopted.

On roll call, the vote was: Yeas 117; Nays 0; Present but not voting: 0; Absent or not voting: 8.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto,

Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Crow, Landwehr, Neufeld, Powers, Roth, Sharp, Swenson, Wilk.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 9**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 2, by striking all in lines 15 through 41;

By striking all on pages 3 through 9;

On page 10, by striking all in lines 1 through 19 and inserting the following:

"New Section 1. (a) The division of vehicles of the department of revenue shall subject all persons and examiners authorized to manufacture, produce or issue drivers' licenses and identification cards to appropriate security clearance requirements, as defined by rules and regulations adopted by the secretary of revenue. To insure appropriate security clearance requirements, the division of vehicles may require fingerprinting of any person authorized to manufacture, produce or issue drivers' licenses and identification cards. The division of vehicles may submit such fingerprints to the Kansas bureau of investigation, federal bureau of investigation or other law enforcement agency for the purposes of verifying identity, level of security risk and obtaining records of criminal arrests and convictions. Any person who is determined to be a security risk by the division of vehicles shall not be eligible to manufacture, produce or issue drivers' licenses or identification cards.

(b) The division of vehicles shall establish training programs for employees who engage in the issuance of drivers' license and identification cards regarding document recognition and federal rules used to determine lawful presence.

(c) The division of vehicles shall ensure the physical security of locations where drivers' licenses and identification cards are produced and the security of document materials and papers from which drivers' licenses and identification cards are produced.

(d) In the event that a social security account number is already registered or associated with another person to whom any state has issued a driver's license or identification card, the division of vehicles shall resolve the discrepancy and take appropriate action.

(e) The division of vehicles shall retain any documentation presented to secure a license or identification card when the division of vehicles has reasonable grounds to believe the documentation or the application is fraudulent.

(f) The division of vehicles may disclose motor vehicle records, including photographs or digital images maintained in connection with the issuance of drivers' licenses, to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year, the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection.

New Sec. 2. (a) The secretary of revenue or the secretary's designee may issue subpoenas to require the attendance of any witnesses and the production of any records, books, papers and documents that is considered necessary for the investigation of driver's license fraud and to: (1) Ascertain the eligibility of an applicant for a Kansas driver's license or identification for such license or identification card; (2) ascertain the eligibility of a holder of a Kansas driver's license or identification card for such license or identification card; (3) determine whether a person's identity has been stolen by a person in Kansas; (4) facilitate the investigation of suspected fraudulent activity with regard to obtaining a Kansas driver's license or identification card; (5) facilitate the investigation of violations of the licensure of vehicle sales and manufacturing statutes in article 24 of chapter 8 of the Kansas Statutes Annotated; or (6) facilitate the investigation of vehicle title and registration fraud. Subpoenas

so issued may be served by any law enforcement officer, in the same manner as similar process in the district court. Any person who testifies falsely, fails to appear when subpoenaed or fails or refuses to produce material pursuant to the subpoena shall be subject to the same orders and penalties to which a person before a court is subject. Any district court of this state, upon application of the secretary of revenue, may in its discretion compel the attendance of witnesses, the production of material and the giving of testimony before the secretary of revenue, by an attachment for contempt or otherwise in the same manner as production of evidence may be compelled before the district court. Agents designated by the secretary of revenue are hereby vested with the power and authority of peace and police officers, in the execution of the duties imposed upon the secretary of revenue in chapters 8 and 79 of the Kansas Statutes Annotated.

(b) Each agent designated by the secretary under subsection (a), shall have the authority to make arrests, conduct searches and seizures and carry firearms while investigating violations of laws administered by the secretary of revenue, director of vehicles and direction of taxation and generally to enforce all the criminal laws of the state as violations of those laws are encountered by such agents during the routine performance of their duties. No agent of the secretary shall be certified to carry firearms under the provisions of this section without having first successfully completed the training course or courses prescribed for law enforcement officers under subsection (a) of K.S.A. 74-5604a, and amendments thereto. The secretary may adopt rules and regulations prescribing other training required for such agents or employees.

(c) Each agent designated by the secretary shall: (1) Be vested with law enforcement authority; (2) be in the classified service under the Kansas civil service act; (3) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment as law enforcement officer under the authority of the secretary of revenue; (4) be a certified law enforcement officer or have one year of investigative experience or, in lieu thereof, a bachelor's degree from an accredited university or college.

Sec. 3. K.S.A. 8-234a is hereby amended to read as follows: 8-234a. (a) As used in the motor vehicle drivers' license act, the following words and phrases shall have the meanings respectively ascribed to them herein:

(1) "Drivers' license examiner" or "examiner" means a drivers' license examiner of the division of vehicles or any person whom the director of vehicles has authorized, pursuant to the authority granted by this act, to accept applications for drivers' licenses and administer the examinations required for the issuance or renewal of drivers' licenses;

(2) "nonresident" means every person who is not a resident of this state. For the purposes of the motor vehicle drivers' license act any person who owns, rents or leases real estate in Kansas as such person's residence and engages in a trade, business or profession within Kansas or registers to vote in Kansas or enrolls such person's children in a school in this state or purchases Kansas registration for a motor vehicle, shall be deemed a resident of the state of Kansas 90 days after the conditions stated in this subsection commence, except that military personnel on active duty and their military dependents who are residents of another state, shall not be considered residents of the state of Kansas for the purpose of this act;

(3) "patrol" means the state highway patrol;

(4) "address of principal residence" means: (A) *The place where a person makes his or her permanent principal home;* (B) *place where a person resides, has an intention to remain and where they intend to return following an absence; or* (C) *place of habitation to which, whenever the person is absent, the person intends to return. If a person eats at one place and sleeps at another, the place where the person sleeps shall be considered the person's address of principal residence; and*

(5) "state" means a state of the United States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa and the Commonwealth of Northern Mariana Islands.

(b) As used in this act, the words and phrases defined by the sections in article 14 of chapter 8 of the Kansas Statutes Annotated, and amendments thereto, shall have the meanings respectively ascribed to them therein, unless a different meaning is ascribed to any such word or phrase by subsection (a) of this section.

Sec. 4. K.S.A. 2006 Supp. 8-240 is hereby amended to read as follows: 8-240. (a) Every application for an instruction permit shall be made upon a form furnished by the division of vehicles and accompanied by a fee of \$2 for class A, B, C or M and \$5 for all commercial classes. Every other application shall be made upon a form furnished by the division and accompanied by an examination fee of \$3, unless a different fee is required by K.S.A. 8-241, and amendments thereto, and by the proper fee for the license for which the application is made. If the applicant is not required to take an examination the examination fee shall not be required. The examination shall consist of three tests, as follows: (1) Vision; (2) written; and (3) driving. If the applicant fails the vision test, the applicant may have correction of vision made and take the vision test again without any additional fee. If an applicant fails the written test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails the driving test, the applicant may take such test again upon the payment of an additional examination fee of \$1.50. If an applicant fails to pass all three of the tests within a period of six months from the date of original application and desires to take additional tests, the applicant shall file an application for reexamination upon a form furnished by the division, which shall be accompanied by a reexamination fee of \$3, except that any applicant who fails to pass the written or driving portion of an examination four times within a six-month period, shall be required to wait a period of six months from the date of the last failed examination before additional examinations may be given. Upon the filing of such application and the payment of such reexamination fee, the applicant shall be entitled to reexamination in like manner and subject to the additional fees and time limitation as provided for examination on an original application. If the applicant passes the reexamination, the applicant shall be issued the classified driver's license for which the applicant originally applied, which license shall be issued to expire as if the applicant had passed the original examination.

(b) (1) For the purposes of obtaining any driver's license or instruction permit, an applicant shall submit, with the application, ~~proof of age or proof of identity, or both, as the division may require. An applicant shall submit the applicant's social security number, which, proof of age and proof of identity as the division may require. The applicant also shall provide a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall submit a sworn statement, with the application, stating that the applicant does not have a social security number the applicant shall provide proof of lawful presence and Kansas residency.~~ The division shall assign a distinguishing number to the license or permit. ~~If the applicant is applying for an instruction permit or driver's license and the applicant otherwise meets the requirements for such license, the applicant shall receive a temporary license or instruction permit until the division verifies all facts relative to such applicant's right to receive an instruction permit or driver's license, including the age, identity, social security number and residency of the applicant.~~

~~(2) An applicant who submits proof of age or of identity issued by an entity other than a state or the United States shall also submit such proof as the division may require that the applicant is lawfully present in the United States.~~

~~(3) (2) The division shall not issue any driver's license or instruction permit to any person who is not fails to provide proof that the person is lawfully present in the United States. Before issuing a driver's license or instruction permit to a person, the division shall require valid documentary evidence that the applicant: (A) Is a citizen or national of the United States; (B) is an alien lawfully admitted for permanent or temporary residence in the United States; (C) has conditional permanent resident status in the United States; (D) has an approved application for asylum in the United States or has entered into the United States in refugee status; (E) has a valid, unexpired nonimmigrant visa or nonimmigrant visa status for entry into the United States; (F) has a pending application for asylum in the United States; (G) has a pending or approved application for temporary protected status in the United States; (H) has approved deferred action status; or (I) has a pending application for~~

adjustment of status to that of an alien lawfully admitted for permanent residence in the United States or conditional permanent resident status in the United States.

(3) If an applicant provides evidence of lawful presence set out in subsections (b)(2)(E) through (2)(I), or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B), the division may only issue a driver's license to the person under the following conditions: (A) A driver's license issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a driver's license issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date on which it expires; (C) no driver's license issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by subsection (a) of K.S.A. 8-247, and amendments thereto; and (D) a driver's license issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions as set out in this subsection (b) for the issuance of the original driver's license.

(4) The division shall not issue any driver's license or instruction permit to any person who is not a resident of the state of Kansas, except as provided in K.S.A. 8-2,148, and amendments thereto.

(5) The division shall not issue a driver's license to a person holding a driver's license issued by another state without making reasonable efforts to confirm that the person is terminating or has terminated the driver's license in the other state.

(6) The parent or guardian of an applicant under 16 years of age shall sign the application for any driver's license submitted by such applicant.

(c) Every application shall state the full legal name, date of birth, ~~sex~~ gender and ~~residence address~~ address of principal residence of the applicant, and briefly describe the applicant, and shall state whether the applicant has been licensed as a driver prior to such application, and, if so, when and by what state or country. Such application shall state whether any such license has ever been suspended or revoked, or whether an application has ever been refused, and, if so, the date of and reason for such suspension, revocation or refusal. In addition, applications for commercial drivers' licenses and instruction permits for commercial licenses must include the following: The applicant's social security number; the person's signature; the person's ~~color~~ colored digital photograph; certifications, including those required by 49 C.F.R. 383.71(a), effective January 1, 1991; a consent to release driving record information; and, any other information required by the division.

(d) When an application is received from a person previously licensed in another jurisdiction, the division shall request a copy of the driver's record from the other jurisdiction. When received, the driver's record shall become a part of the driver's record in this state with the same force and effect as though entered on the driver's record in this state in the original instance.

(e) When the division receives a request for a driver's record from another licensing jurisdiction the record shall be forwarded without charge.

(f) A fee shall be charged as follows:

(1) For a class C driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$18;

(2) for a class C driver's license issued to a person 65 years of age or older, \$12;

(3) for a class M driver's license issued to a person at least 21 years of age, but less than 65 years of age, \$12.50;

(4) for a class M driver's license issued to a person 65 years of age or older, \$9;

(5) for a class A or B driver's license issued to a person who is at least 21 years of age, but less than 65 years of age, \$24;

(6) for a class A or B driver's license issued to a person 65 years of age or older, \$16;

(7) for any class of commercial driver's license issued to a person 21 years of age or older, \$18; or

(8) for class A, B, C or M, or a farm permit, or any commercial driver's license issued to a person less than 21 years of age, \$20.

A fee of \$10 shall be charged for each commercial driver's license endorsement, except air brake endorsements which shall have no charge.

A fee of \$3 per year shall be charged for any renewal of a license issued prior to the effective date of this act to a person less than 21 years of age.

If one fails to make an original application or renewal application for a driver's license within the time required by law, or fails to make application within 60 days after becoming a resident of Kansas, a penalty of \$1 shall be added to the fee charged for the driver's license.

(g) Any person who possesses an identification card as provided in K.S.A. 8-1324, and amendments thereto, shall surrender such identification card to the division upon being issued a valid Kansas driver's license or upon reinstatement and return of a valid Kansas driver's license.

(h) *The division shall require that any person applying for a driver's license submit to a mandatory facial image capture.*

(i) *The director of vehicles may issue a temporary driver's license to an applicant who cannot provide valid documentary evidence as defined by subsection (b)(2), if the applicant provides compelling evidence proving current lawful presence. Any temporary license issued pursuant to this subsection shall be valid for one year.*

Sec. 5. K.S.A. 2006 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver's license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, the *full legal* name, date of birth, ~~residence address, gender, address of principal residence~~ and a brief description of the licensee, a colored *digital* photograph of the licensee, a facsimile of the signature of the licensee ~~on a space upon which the licensee shall write such licensee's usual signature with pen and ink immediately upon receipt of the license~~ and the statement provided for in subsection (b). No driver's license shall be valid until it has been signed by the licensee. All drivers' licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers' licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. ~~On and after July 1, 2004,~~ The secretary of revenue shall implement a vertical format to make drivers' licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, ~~on or after July 1, 2004,~~ no driver's license issued by the division shall be valid until a colored *digital* photograph of such licensee has been taken and verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than \$4 and upon payment of such fee the division shall cause a colored *digital* photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing a colored *digital* photograph of such licensee. ~~A driver's license which does not contain a colored photograph of the licensee as required may be issued to persons exempted from such requirement. Any such license shall be valid for the purposes of the motor vehicle drivers' license act and the division shall set forth upon such driver's license the words "valid without photo." Any person who is outside the state and for whom the division provides for renewal of the driver's license by mail is exempt from the requirement to have a colored photograph of such person placed on such person's driver's license. Any person belonging to a religious organization which has a basic objection to having their picture taken may sign a statement to that effect and such person shall then be exempt from the picture requirements of this section. A driver's license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers' licenses and identification cards.~~

(b) All Kansas drivers' licenses issued to any person 16 years of age or older shall contain a form which provides a statement for making a gift of all or any part of the body of the

licensee in accordance with the uniform anatomical gift act, except as otherwise provided by this subsection. The statement to be effective shall be signed by the licensee in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 1994, shall remain effective until invalidated. The word "Donor" shall be placed on the front of a licensee's driver's license, indicating that the statement for making an anatomical gift under this subsection has been executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver's license which is readily distinguishable from drivers' licenses issued to other drivers and upon such request the division shall issue such license. Drivers' licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers' licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. *Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division's verification of the information and production of a driver's license.*

(d) A driver's license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

Sec. 6. K.S.A. 8-246 is hereby amended to read as follows: 8-246. (a) If a driver's license issued under the provisions of this act is lost or destroyed, or if a new name is acquired, the person to whom such driver's license was issued may obtain a replacement upon:

(1) Furnishing satisfactory proof of the loss, destruction or name change to the division, including an affidavit stating the circumstances of the loss, destruction or name change;

(2) payment of a fee of \$8; and

(3) furnishing proof of the person's identity as provided in subsection (b). *The driver's license examiner also shall compare the applicant with the division's existing information and facial image database.*

(b) For the purposes of obtaining a replacement driver's license, proof of a person's identity shall include at least two of the following documents, one of the documents shall bear the person's signature and one of the documents shall bear the person's age or one of the documents shall bear the person's signature and age:

(1) Military identification card;

(2) military dependent identification card;

(3) military discharge papers;

(4) military D.D. 214;

(5) an original or certified copy of a state issued birth certificate;

(6) marriage license;

(7) medicare identification card;

(8) certified copy of court order specifying a change of name of the person;

(9) commercially produced school yearbook with photograph of the person, and the book is less than five years old;

(10) ~~a~~ *an official* passport issued by any country;

(11) alien registration documents *issued by the United States*;

(12) expired or current driver's license or identification card issued by the Kansas division of vehicles or an expired or current driver's license or identification card of another state issued by similar authority, and for any document in this item (12) the document must bear a photograph of the person;

(13) student identification card bearing the photograph of the person;

(14) employee identification card bearing the photograph of the person;

(15) ~~a~~ *birth certificate issued by any country*;

~~(16)~~ a copy of any federal or state income tax return bearing the signature of the person;

or

~~(17)~~ (16) an identification certificate issued by the department of corrections to an offender under the supervision of the secretary of corrections.

(c) The division may waive the furnishing of one of the documents required by subsection (b) in the case of: (1) A person who is 65 or more years of age; or (2) an inmate who has been released on parole, conditional release or expiration of the inmate's maximum sentence. When additional clarification is needed to adequately describe any of the above items, the division shall specify such clarification in making the requirement for such item.

(d) In lieu of providing one of the documents required by subsection (b), a person may recite to the satisfaction of the driver's license examiner the recent motor vehicle operating record of the person.

(e) Any person who loses a driver's license and who, after obtaining a replacement, finds the original license shall immediately surrender the original license to the division.

Sec. 7. K.S.A. 2006 Supp. 8-247 is hereby amended to read as follows: 8-247. (a) (1) All original licenses shall expire as follows:

(A) Licenses issued to persons who are at least 21 years of age, but less than 65 years of age shall expire on the sixth anniversary of the date of birth of the licensee which is nearest the date of application;

(B) licenses issued to persons who are 65 years of age or older shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(C) any commercial drivers license shall expire on the fourth anniversary of the date of birth of the licensee which is nearest the date of application;

(D) licenses issued to an offender, as defined in K.S.A. 22-4902, and amendments thereto, who is required to register pursuant to the Kansas offender registration act, K.S.A. 22-4901 et seq., and amendments thereto, shall expire every year on the date of birth of the licensee; or

(E) licenses issued to persons who are less than 21 years of age shall expire on the licensee's twenty-first birthday.

(2) All renewals under: (A) Paragraph (1) (A) shall expire on every sixth anniversary of the date of birth of the licensee; (B) paragraph (1) (B) and (C) shall expire on every fourth anniversary of the date of birth of the licensee; (C) paragraph (1)(D) shall expire every year on the date of birth of the licensee; and (D) paragraph (1) (E), if a renewal license is issued, shall expire on the licensee's twenty-first birthday. No driver's license shall expire in the same calendar year in which the original license or renewal license is issued, except that if the foregoing provisions of this section shall require the issuance of a renewal license or an original license for a period of less than six calendar months, the license issued to the applicant shall expire in accordance with the provisions of this subsection.

(b) If the driver's license of any person expires while such person is outside of the state of Kansas and on active duty in the armed forces of the United States, the license of such person shall be renewable, without examination, at any time prior to the end of the sixth month following the discharge of such person from the armed forces, or within 90 days after reestablished residence within the state, whichever time is sooner. ~~If the driver's license of any person expires while such person is outside the United States, the division shall provide for renewal by mail.~~

(c) At least 30 days prior to the expiration of a person's license the division shall mail a notice of expiration or renewal application to such person at the address shown on the license. The division shall include with such notice: (1) A copy of the eyesight examination form; (2) a copy of the written examination prescribed by subsection (e); (3) a copy of the Kansas driver's manual, prepared pursuant to K.S.A. 8-266b, and amendments thereto; and (4) the written information required under subsection (g).

(d) Every driver's license shall be renewable on or before its expiration upon application and payment of the required fee and successful completion of the examinations required by subsection (e). Application for renewal of a valid driver's license shall be made to the division in accordance with rules and regulations adopted by the secretary of revenue. Such application shall contain all the requirements of subsection (b) of K.S.A. 8-240, and amendments thereto. Upon satisfying the foregoing requirements of this subsection, and if the division makes the findings required by K.S.A. 8-235b, and amendments thereto, for the issuance of an original license, the license shall be renewed without examination of the

applicant's driving ability. If the division finds that any of the statements relating to revocation, suspension or refusal of licenses required under subsection (b) of K.S.A. 8-240, and amendments thereto, are in the affirmative, or if it finds that the license held by the applicant is not a valid one, or if the applicant has failed to make application for renewal of such person's license on or before the expiration date thereof, the division may require the applicant to take an examination of ability to exercise ordinary and reasonable control in the operation of a motor vehicle as provided in K.S.A. 8-235d, and amendments thereto.

(e) (1) Prior to renewal of a driver's license, the applicant shall pass an examination of eyesight and a written examination of ability to read and understand highway signs regulating, warning and directing traffic and knowledge of the traffic laws of this state. Such examination shall be equivalent to the tests required for an original driver's license under K.S.A. 8-235d, and amendments thereto. A driver's license examiner shall administer the examinations without charge and shall report the results of the examinations on a form provided by the division, which shall be submitted by the applicant to the division at the time such applicant applies for license renewal.

(2) In lieu of the examination of the applicant's eyesight by the examiner, the applicant may submit a report on the examination of eyesight by a physician licensed to practice medicine and surgery or by a licensed optometrist. The report shall be based on an examination of the applicant's eyesight not more than three months prior to the date the report is submitted, and it shall be made on a form furnished the applicant with the notice of the expiration of license under subsection (c).

(3) In lieu of the driver's license examiner administering the written examination, the applicant may complete the examination furnished with the notice of the expiration of license under subsection (c) and submit the completed examination to the division.

(4) The division shall determine whether the results of the written examination and the eyesight reported are sufficient for renewal of the license and, if the results of either or both of the examinations are insufficient, the division shall notify the applicant of such fact and return the license fee. In determining the sufficiency of an applicant's eyesight, the division may request an advisory opinion of the medical advisory board, which is hereby authorized to render such opinions.

(5) An applicant who is denied a license under this subsection (e) may reapply for renewal of such person's driver's license, except that if such application is not made within 90 days of the date the division sent notice to the applicant that the license would not be renewed, the applicant shall proceed as if applying for an original driver's license. If the applicant has been denied renewal of such person's driver's license because such applicant failed to pass the written examination, the applicant shall pay an examination fee of \$1.50 to take the test again.

(6) When the division has good cause to believe that an applicant for renewal of a driver's license is incompetent or otherwise not qualified to operate a motor vehicle in accord with the public safety and welfare, the division may require such applicant to submit to such additional examinations as are necessary to determine that the applicant is qualified to receive the license applied for. Subject to paragraph (7) of this subsection, in so evaluating such qualifications, the division may request an advisory opinion of the medical advisory board which is hereby authorized to render such opinions in addition to its duties prescribed by subsection (b) of K.S.A. 8-255b, and amendments thereto. Any such applicant who is denied the renewal of such a driver's license because of a mental or physical disability shall be afforded a hearing in the manner prescribed by subsection (c) of K.S.A. 8-255, and amendments thereto.

(7) Seizure disorders which are controlled shall not be considered a disability. In cases where such seizure disorders are not controlled, the director or the medical advisory board may recommend that such person be issued a driver's license to drive class C or M vehicles and restricted to operating such vehicles as the division determines to be appropriate to assure the safe operation of a motor vehicle by the licensee. Restricted licenses issued pursuant to this paragraph shall be subject to suspension or revocation. For the purpose of this paragraph, seizure disorders which are controlled means that the licensee has not sustained a seizure involving a loss of consciousness in the waking state within six months preceding the application or renewal of a driver's license and whenever a person licensed

to practice medicine and surgery makes a written report to the division stating that the licensee's seizures are controlled. The report shall be based on an examination of the applicant's medical condition not more than three months prior to the date the report is submitted. Such report shall be made on a form furnished to the applicant by the division. Any physician who makes such report shall not be liable for any damages which may be attributable to the issuance or renewal of a driver's license and subsequent operation of a motor vehicle by the licensee.

(f) If the driver's license of any person expires while such person is outside the state of Kansas, the license of such person shall be extended for a period not to exceed six months and shall be renewable, without a driving examination, at any time prior to the end of the sixth month following the original expiration date of such license or within 10 days after such person returns to the state, whichever time is sooner. *This subsection (f) shall not apply to temporary drivers' licenses issued pursuant to subsection (b)(3) of K.S.A. 8-240, and amendments thereto.*

(g) The division shall provide the following information in a person's notice of expiration or renewal under subsection (c):

(1) Written information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-243, and amendments thereto, and the uniform anatomical gift act;

(2) written information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The written information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) written information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant in writing that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing printed material enclosed with a mailed notice for driver's license renewal; or

(B) providing printed material to an applicant who personally appears at an examining station;

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry, the division shall within 10 days forward the applicant's name, gender, date of birth and most recent address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

(h) Notwithstanding any other provisions of law, any offender under subsection (a)(1)(D) who held a valid driver's license on the effective date of this act may continue to operate motor vehicles until the next anniversary of the date of birth of such offender. Upon such date such driver's license shall expire and the offender shall be subject to the provisions of this section.

Sec. 8. K.S.A. 8-249 is hereby amended to read as follows: 8-249. (a) The division shall file every application for a driver's license received by it and shall maintain suitable records from which information showing the following may be obtained:

(1) All applications denied and the reason for such denial;

(2) all applications granted;

(3) the name of every licensee whose driver's license has been suspended or revoked by the division and after each such name note the reasons for such action; and

(4) *all data fields printed on drivers' licenses and identification cards issued by the state.*

(b) The division also shall file all accident reports and abstracts of court records of convictions received by it under the laws of the state and, in connection therewith, maintain convenient records or make suitable notations in order that an individual record of each licensee showing the convictions of moving violations, as defined by rules and regulations adopted by the secretary of revenue, of such licensee and the traffic accidents in which such licensee has been involved shall be readily ascertainable and available for the consideration of the division upon any application for renewal of a driver's license and at other suitable times.

Sec. 9. K.S.A. 8-250 is hereby amended to read as follows: 8-250. (a) The division is hereby authorized to cancel any driver's license upon determining that the ~~licensee person~~ was not entitled to the issuance thereof or ~~that said licensee~~ failed to give the required or correct information in his or her application or committed any fraud in making such application. *If the division determines that a person is not lawfully present in the United States, the division shall have the authority to cancel the person's driver's license.*

(b) Upon cancellation of a driver's license or *loss of lawful presence in the United States*, the ~~licensee person~~ must surrender the driver's license ~~so canceled~~ to the division.

Sec. 10. K.S.A. 2006 Supp. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card, ~~certified by the registrant and attested by the division as to true name, correct age, photograph and other identifying data as the division may require.~~

(b) ~~An applicant who submits documentary evidence under subsection (a), issued by an entity other than a state or the United States shall also submit such proof as the division may require that the applicant is lawfully present in the United States. For the purposes of obtaining any an identification card, an applicant shall submit, with the application, proof of age or, proof of identity, or both, as the division may require and proof of lawful presence. An applicant shall submit the applicant's social security number, which shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall submit a sworn statement, with the application, stating that the applicant does not have a social security number. The division shall assign a distinguishing number to the identification card. If the applicant is applying for an identification card and the applicant otherwise meets the requirements for such card, the applicant shall receive a temporary identification card until the division verifies all facts relative to such applicant's right to receive an identification card, including the age, identity, social security number and residency of the applicant. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be presented by the applicant to prove age, identity and lawful presence.~~

(c) The division shall not issue an identification card to any person who ~~is not fails to provide proof that the person is lawfully present in the United States nor to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully~~

admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

~~(f)~~ (f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

~~(g)~~ (g) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10.

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

~~(i)~~ (i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;
- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may be issued to persons who are program participants pursuant to K.S.A. 2006 Supp. 75-455, and amendments thereto.

Sec. 11. K.S.A. 2006 Supp. 8-1325 is hereby amended to read as follows: 8-1325. (a) Every identification card shall expire, unless earlier canceled or subsection (c) of K.S.A. 2006 Supp. 8-1324, and amendments thereto, applies, on the sixth birthday of the applicant following the date of original issue, except as otherwise provided by K.S.A. 8-1329, and amendments thereto. Renewal of any identification card shall be made for a term of six years and shall expire in a like manner as the originally issued identification card, unless surrendered earlier or subsection (c) of K.S.A. 2006 Supp. 8-1324, and amendments thereto, applies. For any person who has ~~only~~ been issued an identification card, the division shall mail a notice of expiration or renewal at least 30 days prior to the expiration of such person's identification card at the address shown on such identification card. The division shall include with such

notice, written information required under subsection (b). Any application for renewal received later than 90 days after expiration of the identification card shall be considered to be an application for an original identification card. ~~The division, at the end of six years and six months after the issuance or renewal of an identification card, shall destroy any record of the card if it has expired and has not been renewed.~~ The division shall require payment of a fee of \$14 for each identification card renewal, except that persons who are 65 or more years of age or who are persons with a disability, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10.

(b) The division shall provide the following information under subsection (a):

(1) Written information explaining the person's right to make an anatomical gift in accordance with K.S.A. 8-1328, and amendments thereto, and the uniform anatomical gift act;

(2) written information describing the organ donation registry program maintained by the Kansas federally designated organ procurement organization. The written information required under this paragraph shall include, in a type, size and format that is conspicuous in relation to the surrounding material, the address and telephone number of Kansas' federally designated organ procurement organization, along with an advisory to call such designated organ procurement organization with questions about the organ donor registry program;

(3) written information giving the applicant the opportunity to be placed on the organ donation registry described in paragraph (2);

(4) inform the applicant in writing that, if the applicant indicates under this subsection a willingness to have such applicant's name placed on the organ donor registry described in paragraph (2), the division will forward the applicant's name, gender, date of birth and most recent address to the organ donation registry maintained by the Kansas federally designated organ procurement organization, as required by paragraph (6);

(5) the division may fulfill the requirements of paragraph (4) by one or more of the following methods:

(A) Providing printed material enclosed with a mailed notice for an identification card renewal; or

(B) providing printed material to an applicant who personally applies for an identification card;

(6) if an applicant indicates a willingness under this subsection to have such applicant's name placed on the organ donor registry described, the division shall within 10 days forward the applicant's name, gender, date of birth and address to the organ donor registry maintained by the Kansas federally designated organ procurement organization. The division may forward information under this subsection by mail or by electronic means. The division shall not maintain a record of the name or address of an individual who indicates a willingness to have such person's name placed on the organ donor registry after forwarding that information to the organ donor registry under this subsection. Information about an applicant's indication of a willingness to have such applicant's name placed on the organ donor registry that is obtained by the division and forwarded under this paragraph shall be confidential and not disclosed.

Sec. 12. K.S.A. 8-1326 is hereby amended to read as follows: 8-1326. (a) If an identification card issued pursuant to this act is lost or destroyed, or if a new name is acquired, the person to whom the card was issued may obtain a duplicate card upon:

(1) Furnishing satisfactory proof of the loss, destruction or name change to the division, including an affidavit stating the circumstances of the loss, destruction or name change;

(2) payment of a fee of \$4; and

(3) furnishing proof of the person's identity as provided in subsection (b). *The drivers' license examiner also shall compare the applicant with the division's existing information and facial database.*

(b) For the purposes of obtaining a duplicate identification card, proof of a person's identity shall include at least two of the following documents, one of which shall bear the person's signature:

(1) Military identification card;

(2) military dependent identification card;

(3) military discharge papers;

(4) military D.D. 214;

- (5) an original or certified copy of a state-issued birth certificate;
 - (6) marriage license;
 - (7) medicare identification card;
 - (8) certified copy of court order specifying a change of name of the person;
 - (9) commercially produced school yearbook with photograph of the person, and the book is less than five years old;
 - (10) a United States passport;
 - (11) alien registration documents *generated by the United States*;
 - (12) expired or current driver's license or identification card issued by the Kansas division of vehicles or an expired or current driver's license or identification card of another state issued by similar authority, and for any document in this item 12 the document must bear a photograph of the person; ~~or~~
 - (13) student identification card bearing the photograph and date of birth of the person;
- or
- (14) ~~a birth certificate issued by any country, or~~

~~(15) a copy of any federal or state income tax return bearing the signature of the person.~~
 The division may waive the furnishing of one of the documents required by this subsection in the case of a person who is 65 or more years of age. When additional clarification is needed to adequately describe any of the above items, the division shall specify such clarification in making the requirement for such item.

(c) Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the division.

Sec. 13. K.S.A. 8-1332 is hereby amended to read as follows: 8-1332. (a) When used in reference to an identification card, "cancellation" means that an identification card is terminated without prejudice and must be surrendered. Cancellation of a card may be made when such card has been issued through error, because the person is not entitled to a card or when voluntarily surrendered to the division.

(b) The division is hereby authorized to cancel any identification card upon determining that the cardholder was not entitled to the issuance of such card or that the cardholder failed to give the required or correct information in such person's application or committed any fraud in making such application. *The division shall have authority to cancel any identification card if the division determines the cardholder is not lawfully present in the United States.*

(c) Upon cancellation of an identification card *or loss of lawful presence in the United States* the cardholder must surrender the identification card ~~so canceled~~ to the division.

Sec. 14. K.S.A. 2006 Supp. 74-2012 is hereby amended to read as follows: 74-2012. (a) (1) All motor vehicle records shall be subject to the provisions of the open records act, except as otherwise provided under the provisions of this section and by K.S.A. 74-2022, and amendments thereto.

(2) For the purpose of this section, "motor vehicle records" means any record that pertains to a motor vehicle drivers license, motor vehicle certificate of title, motor vehicle registration or identification card issued by the division of vehicles.

(b) All motor vehicle records which: (1) Relate to the physical or mental condition of any person; (2) have been expunged; or (3) are photographs or digital images maintained in connection with the issuance of drivers' licenses shall be confidential and shall not be disclosed except in accordance with a proper judicial order or as otherwise more specifically provided in this section or by other law. Photographs or digital images maintained by the division of vehicles in connection with the issuance of drivers' licenses ~~shall be available to criminal justice agencies, as defined in K.S.A. 22-4701, and amendments thereto, for use in criminal investigations or criminal proceedings and to the secretary of social and rehabilitation services for the purposes of providing child support enforcement services pursuant to K.S.A. 39-753, and amendments thereto.~~ *may be disclosed to any federal, state or local agency, including any court or law enforcement agency, to assist such agency in carrying out the functions required of such governmental agency. In January of each year the division shall report to the house committee on veterans, military and homeland security regarding the utilization of the provisions of this subsection.* Motor vehicle records relating to diversion agreements for the purposes of K.S.A. 8-1567, 12-4415 and 22-2908, and amendments

thereto, shall be confidential and shall not be disclosed except in accordance with a proper judicial order or by direct computer access to:

(1) A city, county or district attorney, for the purpose of determining a person's eligibility for diversion or to determine the proper charge for a violation of K.S.A. 8-1567, and amendments thereto, or any ordinance of a city or resolution of a county in this state which prohibits any acts prohibited by K.S.A. 8-1567, and amendments thereto;

(2) a municipal or district court, for the purpose of using the record in connection with any matter before the court;

(3) a law enforcement agency, for the purpose of supplying the record to a person authorized to obtain it under paragraph (1) or (2) of this subsection; or

(4) an employer when a person is required to retain a commercial driver's license due to the nature of such person's employment.

(c) Lists of persons' names and addresses contained in or derived from motor vehicle records shall not be sold, given or received for the purposes prohibited by K.S.A. 2006 Supp. 45-230, and amendments thereto, except that:

(1) The director of vehicles may provide to a requesting party, and a requesting party may receive, such a list and accompanying information from motor vehicle records upon written certification that the requesting party shall use the list solely for the purpose of:

(A) Assisting manufacturers of motor vehicles in compiling statistical reports or in notifying owners of vehicles believed to:

(i) Have safety-related defects,

(ii) fail to comply with emission standards; or

(iii) have any defect to be remedied at the expense of the manufacturer;

(B) assisting an insurer authorized to do business in this state, or the insurer's authorized agent:

(i) In processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy; or

(ii) in conducting antifraud activities by identifying potential undisclosed drivers of a motor vehicle currently insured by an insurer licensed to do business in this state by providing only the following information: drivers license number, license type, date of birth, name, address, issue date and expiration date;

(C) assisting the selective service system in the maintenance of a list of persons 18 to 26 years of age in this state as required under the provisions of section 3 of the federal military selective service act;

(D) assisting any federal, state or local agency, including any court or law enforcement agency, or any private person acting on behalf of such agencies in carrying out the functions required of such governmental agency, except that such records shall not be redisclosed;

(E) assisting businesses with the verification or reporting of information derived from the title and registration records of the division to prepare and assemble vehicle history reports, except that such vehicle history reports shall not include the names or addresses of any current or previous owners; or

(F) assisting businesses in producing motor vehicle title or motor vehicle registration, or both, statistical reports, so long as personal information is not published, redisclosed or used to contact individuals.

(2) Any law enforcement agency of this state which has access to motor vehicle records may furnish to a requesting party, and a requesting party may receive, such a list and accompanying information from such records upon written certification that the requesting party shall use the list solely for the purpose of assisting an insurer authorized to do business in this state, or the insurer's authorized agent, in processing an application for, or renewal or cancellation of, a motor vehicle liability insurance policy.

(d) If a law enforcement agency of this state furnishes information to a requesting party pursuant to paragraph (2) of subsection (c), the law enforcement agency shall charge the fee prescribed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, for any copies furnished and may charge an additional fee to be retained by the law enforcement agency to cover its cost of providing such copies. The fee prescribed pursuant to K.S.A. 74-2022, and amendments thereto, shall be paid monthly to the secretary of revenue and upon receipt thereof shall be deposited in the state treasury to the credit of

the electronic databases fee fund, except for the \$1 of the fee for each record required to be credited to the highway patrol training center fund under subsection (f).

(e) The secretary of revenue, the secretary's agents or employees, the director of vehicles or the director's agents or employees shall not be liable for damages caused by any negligent or wrongful act or omission of a law enforcement agency in furnishing any information obtained from motor vehicle records.

(f) A fee in an amount fixed by the secretary of revenue pursuant to K.S.A. 74-2022, and amendments thereto, of not less than \$2 for each full or partial motor vehicle record shall be charged by the division, except that the director may charge a lesser fee pursuant to a contract between the secretary of revenue and any person to whom the director is authorized to furnish information under paragraph (1) of subsection (c), and such fee shall not be less than the cost of production or reproduction of any full or partial motor vehicle record requested. Except for the fees charged pursuant to a contract for motor vehicle records authorized by this subsection pertaining to motor vehicle titles or motor vehicle registrations or pursuant to subsection (c)(1)(B)(ii) or (c)(1)(D), \$1 shall be credited to the highway patrol training center fund for each motor vehicle record provided by the division of vehicles.

(g) The secretary of revenue may adopt such rules and regulations as are necessary to implement the provisions of this section.

Sec. 15. K.S.A. 2006 Supp. 74-5602 is hereby amended to read as follows: 74-5602. As used in the Kansas law enforcement training act:

(a) "Training center" means the law enforcement training center within the division of continuing education of the university of Kansas, created by K.S.A. 74-5603 and amendments thereto.

(b) "Commission" means the Kansas commission on peace officers' standards and training, created by K.S.A. 74-5606 and amendments thereto.

(c) "Dean" means the dean of continuing education of the university of Kansas.

(d) "Director of police training" means the director of police training at the law enforcement training center.

(e) "Director" means the executive director of the Kansas commission on peace officers' standards and training.

(f) "Law enforcement" means the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof.

(g) "Police officer" or "law enforcement officer" means a full-time or part-time salaried officer or employee of the state, a county or a city, whose duties include the prevention or detection of crime and the enforcement of the criminal or traffic laws of this state or of any municipality thereof. Such terms shall include, but not be limited to, the sheriff, undersheriff and full-time or part-time salaried deputies in the sheriff's office in each county; deputy sheriffs deputized pursuant to K.S.A. 19-2858 and amendments thereto; conservation officers of the Kansas department of wildlife and parks; university police officers, as defined in K.S.A. 22-2401a, and amendments thereto; campus police officers, as defined in K.S.A. 22-2401a, and amendments thereto; law enforcement agents of the director of alcoholic beverage control; *law enforcement agents designated by the secretary of revenue pursuant to section 2 and amendments thereto*; law enforcement agents of the Kansas lottery; law enforcement agents of the Kansas racing commission; deputies and assistants of the state fire marshal having law enforcement authority; capitol police, existing under the authority of K.S.A. 75-4503 and amendments thereto. Such terms shall also include railroad policemen appointed pursuant to K.S.A. 66-524 and amendments thereto; school security officers designated as school law enforcement officers pursuant to K.S.A. 72-8222 and amendments thereto; and the director of the Kansas commission on peace officers' standards and training and any other employee of such commission designated by the director pursuant to K.S.A. 74-5603, and amendments thereto, as a law enforcement officer. Such terms shall not include any elected official, other than a sheriff, serving in the capacity of a law enforcement or police officer solely by virtue of such official's elected position; any attorney-at-law having responsibility for law enforcement and discharging such responsibility solely in the capacity of an attorney; any employee of the commissioner of juvenile justice, the secretary of corrections or the secretary of social and rehabilitation services; any deputy conservation officer of the Kansas department of wildlife and parks; or any employee of a city or county who is

employed solely to perform correctional duties related to jail inmates and the administration and operation of a jail; or any full-time or part-time salaried officer or employee whose duties include the issuance of a citation or notice to appear provided such officer or employee is not vested by law with the authority to make an arrest for violation of the laws of this state or any municipality thereof, and is not authorized to carry firearms when discharging the duties of such person's office or employment. Such term shall include any officer appointed or elected on a provisional basis.

(h) "Full-time" means employment requiring at least 1,000 hours of law enforcement related work per year.

(i) "Part-time" means employment on a regular schedule or employment which requires a minimum number of hours each payroll period, but in any case requiring less than 1,000 hours of law enforcement related work per year.

(j) "Misdemeanor crime of domestic violence" means a violation of domestic battery as provided by K.S.A. 2006 Supp. 21-3412a and amendments thereto, or any other misdemeanor under federal, municipal or state law that has as an element the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person who is cohabiting with or has cohabited with the victim as a spouse, parent or guardian, or by a person similarly situated to a spouse, parent or guardian of the victim.

(k) "Auxiliary personnel" means members of organized nonsalaried groups which operate as an adjunct to a police or sheriff's department, including reserve officers, posses and search and rescue groups.

(l) "Active law enforcement certificate" means a certificate which attests to the qualification of a person to perform the duties of a law enforcement officer and which has not been suspended or revoked by action of the Kansas commission on peace officers' standards and training and has not lapsed by operation of law as provided in K.S.A. 74-5622, and amendments thereto.

New Sec. 16. The secretary of revenue shall provide procedures for persons to make complaints regarding allegations of discrimination, or other complaint topics, relating to the issuance of driver's licenses and identification cards and shall provide for the investigation of such complaints. In January of each year, the secretary of revenue shall report to the house committee on veterans, military and homeland security regarding complaints made pursuant to this section and the disposition thereof.

Sec. 17. K.S.A. 8-234a, 8-246, 8-249, 8-250, 8-1326 and 8-1332 and K.S.A. 2006 Supp. 8-240, 8-243, 8-247, 8-1324, 8-1325, 74-2012 and 74-5602 are hereby repealed.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 14 through 17 and inserting the following: “AN ACT providing for improved security for drivers' licenses and identification cards; giving the secretary of revenue authority to appoint law enforcement officers to enforce certain laws; giving the secretary of revenue authority to issue subpoenas in the investigation of driver's or identification card fraud; amending K.S.A. 8-234a, 8-246, 8-249, 8-250, 8-1326 and 8-1332 and K.S.A. 2006 Supp. 8-240, 8-243, 8-247, 8-1324, 8-1325, 74-2012 and 74-5602 and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

DON MYERS
MARIO GOICO
L. CANDY RUFF
Conferees on part of House

LES DONOVAN
DENNIS WILSON
MARK S. GILSTRAP
Conferees on part of Senate

On motion of Rep. Myers, the conference committee report on **SB 9** was adopted.

On roll call, the vote was: Yeas 98; Nays 22; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Colyer, Craft, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Hodge, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Light, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Siegfried, Sloan, Spalding, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Crow, Flaharty, Flora, Frownfelter, Garcia, Henderson, Holland, Huebert, Kuether, Lane, Loganbill, McCray-Miller, Menghini, Pauls, Peck, Peterson, Ruiz, Sawyer, Shultz, Storm, Winn.

Present but not voting: None.

Absent or not voting: Landwehr, Neufeld, Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, submits the following report:

Your committee on conference agrees to disagree and recommends that a new conference committee be appointed;

And your committee on conference recommends the adoption of this report.

RAY MERRICK
SHERYL SPALDING
SUE STORM
Conferees on part of House

JEAN KURTIS SCHODORF
JOHN VRATIL
Conferees on part of Senate

On motion of Rep. Merrick, the conference committee report on **SB 23** was adopted.

Speaker pro tem Dahl thereupon appointed Reps. Merrick, Spalding and Storm as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 114**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on page 2 and inserting the following:

"Section 1. K.S.A. 40-110 is hereby amended to read as follows: 40-110. (a) The commissioner of insurance is hereby authorized to appoint an assistant commissioner of insurance, actuaries, two special attorneys who shall have been regularly admitted to practice, an executive secretary, policy examiners, two field representatives, and a secretary to the commissioner. Such appointees shall each receive an annual salary to be determined by the commissioner of insurance, within the limits of available appropriations ~~but in no case shall any such annual salary exceed the salary of the commissioner of insurance as established by law, except that the commissioner of insurance may appoint two actuaries, who are members in good standing of either the American Academy of Actuaries or the Casualty Actuarial Society or the Society of Actuaries, whose annual salaries may exceed the annual salary of the commissioner.~~ The commissioner is also authorized to appoint, within the provisions of the civil service law, and available appropriations, other employees as necessary to administer the provisions of this act. The field representatives authorized by this section may be

empowered to conduct inquiries, investigations or to receive complaints. Such field representatives shall not be empowered to make, or direct to be made, an examination of the affairs and financial condition of any insurance company in the process of organization, or applying for admission or doing business in this state.

(b) The appointees authorized by this section shall take the proper official oath and shall be in no way interested, except as policyholders, in any insurance company. In the absence of the commissioner of insurance the assistant commissioner shall perform the duties of the commissioner of insurance, but shall in all cases execute papers in the name of the commissioner of insurance, as assistant. The commissioner of insurance shall be responsible for all acts of an official nature done and performed by the commissioner's assistant or any person employed in such office. All the appointees authorized by this section shall hold their office at the will and pleasure of the commissioner of insurance.

Sec. 2. K.S.A. 75-3111 is hereby amended to read as follows: 75-3111. The attorney general is hereby authorized to appoint such deputy and assistant attorneys general as the attorney general may deem necessary, ~~who~~. *Such deputies and assistants* shall each receive an annual salary to be established by the attorney general within the limits of available appropriations. ~~The annual salary of any deputy or assistant attorney general shall not exceed the annual salary of the attorney general as established by law.~~ The attorney general is also authorized to appoint investigators who shall have and exercise law enforcement powers to the same extent as other law enforcement officers, and such other employees as may be necessary to discharge the duties of the office of attorney general. All ~~of said~~ employees shall be within the unclassified service under the Kansas civil service act.

Sec. 3. K.S.A. 40-110 and 75-3111 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 12, by striking all after “concerning”; by striking all in line 13; in line 14, by striking all before the period and inserting “salaries of employees in certain elected state offices, amending K.S.A. 40-110 and 75-3111 and repealing the existing sections”;

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **SB 114** was adopted.

On roll call, the vote was: Yeas 91; Nays 28; Present but not voting: 0; Absent or not voting: 6.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Craft, Crum, Davis, Dillmore, Faust-Goudeau, Flora, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Kuether, Light, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Peterson, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Swanson, Tapanelli, Tietze, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Carlson, Colyer, Crow, Dahl, Donohoe, Faber, Feuerborn, Flaharty, Frownfelter, Henderson, Hodge, Huebert, Kelley, Kiegerl, Kinzer, Knox, Lane, Mast, McKinney, Patton, Pauls, Peck, Phelps, Siegfried, Svaty, Treaster, Winn.

Present but not voting: None.

Absent or not voting: Colloton, Landwehr, Neufeld, Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 239**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 10-106 is hereby amended to read as follows: 10-106. (a) Municipal bonds shall be sold at public notice sale as follows: The officers having charge of the sale of the bonds shall publish a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notices shall be published not less than six days nor more than 30 days before the sale and shall contain the following information: (1) Except as provided by subsection (b), the date, time and place at which a public notice auction will be held on such terms and conditions as shall be provided by the municipality or at which bids will be received and considered for the sale of the bonds for cash at such price as the municipality may accept; (2) the date of issue, total par value and denomination of the bonds being sold; (3) the dates and amounts of maturities of the bond issues; (4) the dates on which interest on the bonds shall become due and payable; (5) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (6) a statement that a good faith deposit in the form of a certified or cashier's check or surety bond in the amount of 2% of the total par value of the bonds being sold shall be furnished at or prior to the time of sale by each bidder; (7) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (8) the assessed valuation of the municipality; (9) that bidders may be required to be qualified in a manner established by the municipality before submitting a bid; and (10) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid. The rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on the bonds at which they will pay the purchase price.

(b) If sold at public notice sale, purchasers shall submit their bids in writing, sealed or sent by telefacsimile or other electronic transmission, as set forth in the notice of sale, for all or any part of the bonds. In case any purchaser, whose bid is accepted, fails to carry out the contract, the deposit shall be forfeited to the municipality issuing the bonds. Bids shall be disclosed publicly and tabulated or compared only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of the bonds shall be made except on bids submitted as provided in this section. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to public notice sale of bonds shall not apply to bonds ~~secured~~: (1) Secured solely and only by revenues, (2) bonds sold, pursuant to written agreement, to the government of the United States of America or any bureau, department, instrumentality or agency thereof, (3) bonds issued pursuant to K.S.A. 10-427 et seq., and amendments thereto, ~~and~~ (4) all bonds of the same series or which are issued simultaneously with such bonds ~~and~~ ~~and~~ (5) bond sales where the total amount of the issue does not exceed ~~\$100,000~~ \$2,000,000. In such cases, the bonds may be sold at public notice or private sale as the officers having charge of the sale of such bonds determine. *If bonds under clause (5) are sold at private sale, the officers having charge of the sale of such bonds shall publish within 14 business days following such sale, a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notice shall contain the name of the purchaser, the total par value, the interest rate and the amount*

paid. The practice of providing more than one issue within a twelve-month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project.

~~(b)~~ (c) As an alternative to providing notice of the date, time and place of public notice auction or receipt of bids provided by subsection (a)(1), the officers having charge of a bond sale may establish a time period of not less than seven nor more than 30 days during which such bonds would be sold. Notice of such sale period shall be published one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register and shall be published not less than six days nor more than 30 days before the beginning date of the sale period. The notice shall contain the information specified in subsection (a) except that in place of the time and date of sale, the notice shall specify the time period during which the bonds would be sold and the manner in which persons interested in submitting a bid may register for notice of the bond sale. At least three business days prior to the time and date of the bond sale, the officers having charge of the sale shall give notice to all persons having registered for notice of the bond sale, and bids shall be submitted and received and the sale made in the manner provided in subsection (a).

Sec. 2. K.S.A. 10-106 is hereby repealed.

Sec. 3. This act shall take effect and be in force from and after its publication in the statute book.”;

On page 1, in the title, in line 12, by striking all after “to”; by striking all in line 2 and inserting “the issuance of certain bonds; amending K.S.A. 10-106”;

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

On motion of Rep. Shultz to adopt the conference committee report on **SB 239**, the motion did not prevail and the conference committee report was not adopted.

On roll call, the vote was: Yeas 49; Nays 71; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Brown, Brunk, Burgess, Carlson, Crum, Dillmore, Faber, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kiegerl, King, Landwehr, Loganbill, Masterson, McLeland, Jim Morrison, Myers, Neufeld, O’Neal, Owens, Patton, Pottorff, Powell, Proehl, Rhoades, Roth, Schwartz, Shultz, Siegfried, Spalding, Swanson, Tietze, Watkins, Yoder.

Nays: Ballard, Bowers, Burroughs, Carlin, Colloton, Colyer, Craft, Crow, Dahl, Davis, Donohoe, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Goyle, Hawk, Henderson, Henry, Hodge, Holland, Huebert, Huntington, Kelley, Kelsey, Kinzer, Knox, Kuether, Lane, Light, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Metsker, Judy Morrison, Moxley, Neighbor, Olson, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Schroeder, Sloan, Storm, Svaty, Tafanelli, Treaster, Trimmer, Vickrey, Ward, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Mast, Merrick, Powers, Sharp, Swenson.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 55**.

The Senate adopts conference committee report on **H. Sub. for SB 103**.

The Senate adopts conference committee report on **HB 2044**.

The Senate adopts conference committee report on **HB 2185**.

The Senate adopts conference committee report on **HB 2267**.

The Senate not adopts the conference committee report on **H. Sub. for SB 35**, requests a new conference committee be appointed and has appointed Senators Vratil, Bruce and Goodwin as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Vickrey, the House acceded to the request of the Senate for a conference on **H. Sub. for SB 35**.

Speaker pro tem Dahl thereupon appointed Reps. O'Neal, Kinzer and Pauls as second conferees on the part of the House.

INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Peterson moved that the House reconsider the action in not adopting the conference committee report on **SB 239**. The motion prevailed. The question then reverted back to the motion to adopt the conference committee report. Rep. Peterson offered a substitute motion to not adopt the conference committee report and that a new conference committee be appointed. The motion prevailed.

Speaker pro tem Dahl thereupon appointed Reps. Shultz, Brown and Dillmore as second conferees on the part of the House.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 271**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee amendments, as follows:

On page 7, by striking all in lines 11 through 14 and inserting the following:

"Sec. 3. K.S.A. 2006 Supp. 40-209 is hereby amended to read as follows: 40-209. (a) Any insurance company organized under the laws of any other country, state or territory, upon application, may be authorized to transact business in this state, when possessed of the required amount of paid-up capital and surplus, or surplus only if a mutual company, and:

(1) Has made the deposit required by this code with the department of insurance of this or any other state in the United States;

(2) participates to the extent possible in the insurance regulatory information system administered by the national association of insurance commissioners;

(3) has submitted an examination report of its financial condition and affairs which has been conducted by the insurance department of the state of domicile within ~~three~~ *five* years of the date of application unless the commissioner determines that an earlier report will satisfy the purpose of this provision;

(4) demonstrates that any majority ownership interests are in sound financial condition;

(5) is not owned, managed or controlled by persons previously convicted of criminal activity involving fraud or embezzlement or offenses of a similar nature;

(6) has been in operation at least three years and has been the subject of an examination of its affairs and financial condition other than its organizational examination. This requirement does not apply to subsidiary or affiliate companies with substantially the same management of an admitted company, a continuing corporation resulting from merger or consolidation or a company whose admission is determined by the commissioner to be in the best public interest;

(7) the company will not require immediate regulatory attention by the department upon admission pursuant to K.S.A. 40-222b and amendments thereto.

(b) The authority shall not be granted, continued or renewed to any insurance company which is controlled, as such word is defined in subsection (c) of K.S.A. 40-3302, and amendments thereto, by another state of the United States or by a foreign government, or by any political subdivision of either.

(c) Every such company shall file a certified copy of its charter or deed of settlement with the commissioner of insurance, together with a statement, under oath of the president, vice-president or other chief officer and the secretary of the company for which they act, stating the name of the company, the place where located, and the amount of its capital, with a

detailed statement of the facts and items required from companies organized under the laws of this state and a copy of the last annual report, if any was made, under any law of the state or country in which such company was incorporated.

(d) Upon the application of any such insurance company for a certificate of authority to transact business in this state, the commissioner of insurance shall be satisfied that the company is possessed of money and other admitted assets in excess of its liabilities, as herein provided, and that it has otherwise complied with all the other requirements of this code. The commissioner shall thereupon issue a certificate of authority to such company authorizing it to transact the classes of insurance permitted under its articles of incorporation and by the provisions of this code.

(e) The funds of any such insurance company, in excess of the minimum paid-up capital required by this code, may at all times be invested in such securities as are or may be authorized by the laws of the state in which such company is organized or in which it has and maintains its United States deposit.

(f) (1) Except as provided in paragraph (2), the commissioner of insurance may, upon renewal of a certificate of authority waive any of the above requirements except those relating to assets, capital and surplus.

(2) The commissioner of insurance may, at the commissioner's discretion, waive any of the above requirements for prescription drug plan sponsors as defined by 42 U.S.C. 1395w-151 as in effect on January 1, 2006.

(g) Whenever any insurance company organized under the laws of any other country, state or territory is issued a certificate of authority to transact insurance in this state by the commissioner of insurance pursuant to this section, such company shall not be required to comply with the provisions of the general corporation code relating to foreign corporations, nor shall any such company be required to file with the secretary of state its articles of incorporation, charter, bylaws or other documents, or any amendments thereof, unless specifically required to do so by law.

Sec. 4. K.S.A. 2006 Supp. 40-2,118 is hereby amended to read as follows: 40-2,118. (a) For purposes of this act a "fraudulent insurance act" means an act committed by any person who, knowingly and with intent to defraud, presents, causes to be presented or prepares with knowledge or belief that it will be presented to or by an insurer, purported insurer, broker or any agent thereof, any written statement as part of, or in support of, an application for the issuance of, or the rating of an insurance policy for personal or commercial insurance, or a claim for payment or other benefit pursuant to an insurance policy for commercial or personal insurance which such person knows to contain materially false information concerning any fact material thereto; or conceals, for the purpose of misleading, information concerning any fact material thereto.

(b) An insurer that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed shall provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may require.

(c) Any other person that has knowledge or a good faith belief that a fraudulent insurance act is being or has been committed may provide to the commissioner, on a form prescribed by the commissioner, any and all information and such additional information relating to such fraudulent insurance act as the commissioner may request.

(d) (1) Each insurer shall have antifraud initiatives reasonably calculated to detect fraudulent insurance acts. Antifraud initiatives may include: fraud investigators, who may be insurer employees or independent contractors; or an antifraud plan submitted to the commissioner no later than July 1, 2007. Each insurer that submits an antifraud plan shall notify the commissioner of any material change in the information contained in the antifraud plan within 30 days after such change occurs. Such insurer shall submit to the commissioner in writing the amended antifraud plan.

The requirement for submitting any antifraud plan, or any amendment thereof, to the commissioner shall expire on the date specified in paragraph (2) of this subsection unless the legislature reviews and reenacts the provisions of paragraph (2) pursuant to K.S.A. 45-229 and amendments thereto.

(2) Any antifraud plan, or any amendment thereof, submitted to the commissioner for informational purposes only shall be confidential and not be a public record and shall not be subject to discovery or subpoena in a civil action unless following an in camera review, the court determines that the antifraud plan is relevant and otherwise admissible under the rules of evidence set forth in article 4, chapter 60 of the Kansas Statutes Annotated, and amendments thereto. The provisions of this paragraph shall expire on July 1, 2011, unless the legislature reviews and reenacts this provision pursuant to K.S.A. 45-229, and amendments thereto, prior to July 1, 2011.

(e) Except as otherwise specifically provided in K.S.A. 21-3718 and amendments thereto and K.S.A. 44-5,125 and amendments thereto, a fraudulent insurance act shall constitute a severity level 6, nonperson felony if the amount involved is \$25,000 or more; a severity level 7, nonperson felony if the amount is at least \$5,000 but less than \$25,000; a severity level 8, nonperson felony if the amount is at least \$1,000 but less than \$5,000; and a class C nonperson misdemeanor if the amount is less than \$1,000. ~~A fraudulent insurance act as defined in subsection (a), or any combination of such acts which occur in a period of six consecutive months; Any combination of fraudulent acts as defined in subsection (a) which occur in a period of six consecutive months which involves \$25,000 or more shall have a presumptive sentence of imprisonment regardless of its location on the sentencing grid block.~~

(f) In addition to any other penalty, a person who violates this statute shall be ordered to make restitution to the insurer or any other person or entity for any financial loss sustained as a result of such violation. An insurer shall not be required to provide coverage or pay any claim involving a fraudulent insurance act.

(g) This act shall apply to all insurance applications, ratings, claims and other benefits made pursuant to any insurance policy.

Sec. 5. (a) Sections 5 through 7, and amendments thereto, shall be known as the Kansas long-term care insurance prompt payment act and shall apply to any policy of long-term care insurance issued or renewed in this state.

(b) The provisions of the Kansas long-term care prompt payment act shall take effect and be in force on and after January 1, 2008.

Sec. 6. As used in sections 5 through 7, and amendments thereto:

(a) The term "clean claim" means a claim that has no defect or impropriety, including any lack of required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under the Kansas long-term care insurance prompt payment act.

(b) The term "claim" means a written proof of loss as defined in paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto, or an electronic proof of loss which contains the information required by paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto.

(c) The term "long-term care insurance" shall have the meaning ascribed to it in K.S.A. 40-2227 and amendments thereto.

Sec. 7. (a) Within 30 days after receipt of any claim, and amendments thereto, any insurer issuing a policy of long-term care insurance shall pay a clean claim for reimbursement in accordance with this section or send a written or electronic notice acknowledging receipt of and the status of the claim. Such notice shall include the date such claim was received by the insurer and state that:

(1) The insurer refuses to reimburse all or part of the claim and specify each reason for denial; or

(2) additional information is necessary to determine if all or any part of the claim will be reimbursed and what specific additional information is necessary.

(b) If any insurer issuing a policy of long-term care insurance fails to comply with subsection (a), such insurer shall pay interest at the rate of 1% per month on the amount of the claim that remains unpaid 30 days after the receipt of the claim. The interest paid pursuant to this subsection shall be included in any late reimbursement without requiring the person who filed the original claim to make any additional claim for such interest.

(c) After receiving a request for additional information, the person claiming reimbursement shall submit all additional information requested by the insurer within 30 days after receipt of the request for additional information. Failure to furnish such additional infor-

mation within the time required shall not invalidate nor reduce the claim if it was not reasonably possible to give such information within such time, provided such proof is furnished as soon as possible as defined (within the time prescribed) in paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto.

(d) Within 30 days after receipt of all the requested additional information, an insurer issuing a policy of long-term care insurance shall pay a clean claim in accordance with this section or send a written or electronic notice that states:

(1) Such insurer refuses to reimburse all or part of the claim; and

(2) specifies each reason for denial. Any insurer issuing a policy of long-term care insurance that fails to comply with this subsection shall pay interest on any amount of the claim that remains unpaid at the rate of 1% per month.

(e) The provisions of subsection (b) shall not apply when there is a good faith dispute about the legitimacy of the claim, or when there is a reasonable basis supported by specific information that such claim was submitted fraudulently.

(f) Any violation of this act by an insurer issuing a policy of long-term care insurance with flagrant and conscious disregard of the provisions of this act or with such frequency as to constitute a general business practice shall be considered a violation of the unfair trade practices act in K.S.A. 40-2401 et seq. and amendments thereto.

(g) The commissioner of insurance shall adopt rules and regulations necessary to carry out the provisions of the Kansas long-term care insurance prompt payment act.

Sec. 8. K.S.A. 40-2441 is hereby amended to read as follows: 40-2441. As used in K.S.A. 40-2440 through 40-2442 and amendments thereto:

(a) The term "clean claim" means a claim that has no defect or impropriety, including any lack of required substantiating documentation, or particular circumstance requiring special treatment that prevents timely payment from being made on the claim under the Kansas health care prompt payment act.

(b) The term "claim" means a written proof of loss as defined in paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto, or an electronic proof of loss which contains the information required by paragraph (7) of subsection (A) of K.S.A. 40-2203, and amendments thereto.

(c) The term "policy of accident and sickness insurance" means any policy or contract insuring against loss resulting from sickness or bodily injury or death by accident, or both, any hospital, *dental* or medical expense policy, health, hospital, medical service corporation contract issued by a stock or mutual company or association, a health maintenance organization or any other insurer, third party administrator or other entity which pays claims pursuant to a policy of accident and sickness insurance. The term policy of accident and sickness insurance does not include any policy or contract of reinsurance, life insurance, endowment or annuity contract, policies or certificates covering only credit, disability income, long-term care, medicare supplement, ~~dental~~, drug, or vision-care only policy, coverage issued as a supplement to liability insurance, insurance arising out of a workers compensation or similar law, automobile medical-payment insurance or insurance under which benefits are payable without regard to fault and which is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

Sec. 9. K.S.A. 40-2441 and K.S.A. 2006 Supp. 40-209, 40-216, 40-2,118, 40-955 and 40-955a are hereby repealed.

Sec. 10. This act shall take effect and be in force from and after its publication in the statute book.;

On page 1, in the title, in line 12, after the second semicolon, by inserting "relating to examination reports of insurance companies; relating to insurance fraud; relating to long-term care insurance; relating to prompt payment of claims;"; in line 13, by striking "2006 Supp. 40-216" and inserting "40-2441 and K.S.A. 2006 Supp. 40-209, 40-216, 40-2,118";

And your committee on conference recommends the adoption of this report.

CLARK SHULTZ
ANTHONY BROWN
NILE DILLMORE
Conferees on part of House

RUTH TEICHMAN
 DAVID WYSONG
 CHRIS STEINEGER

Conferees on part of Senate

On motion of Rep. Shultz, the conference committee report on **SB 271** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuetner, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Roth, Sharp, Swenson, Yoder.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 324**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 23 through 43;

On page 2, by striking all in lines 1 through 42 and inserting:

"Section 1. K.S.A. 2006 Supp. 21-3437 is hereby amended to read as follows: 21-3437.

(a) Mistreatment of a dependent adult is knowingly and intentionally committing one or more of the following acts:

(1) Infliction of physical injury, unreasonable confinement or cruel punishment upon a dependent adult;

(2) taking unfair advantage of a dependent adult's physical or financial resources for another individual's personal or financial advantage by the use of undue influence, coercion, harassment, duress, deception, false representation or false pretense by a caretaker or another person; or

(3) omitting or depriving treatment, goods or services by a caretaker or another person which are necessary to maintain physical or mental health of a dependent adult.

(b) No dependent adult is considered to be mistreated for the sole reason that such dependent adult relies upon or is being furnished treatment by spiritual means through prayer in lieu of medical treatment in accordance with the tenets and practices of a recognized church or religious denomination of which such dependent adult is a member or adherent.

(c) For purposes of this section: "Dependent adult" means an individual 18 years of age or older who is unable to protect their own interest. Such term shall include:

(1) Any resident of an adult care home including but not limited to those facilities defined by K.S.A. 39-923 and amendments thereto;

(2) any adult cared for in a private residence;

(3) any individual kept, cared for, treated, boarded or otherwise accommodated in a medical care facility;

(4) any individual with mental retardation or a developmental disability receiving services through a community mental retardation facility or residential facility licensed under K.S.A. 75-3307b and amendments thereto;

(5) any individual with a developmental disability receiving services provided by a community service provider as provided in the developmental disability reform act; or

(6) any individual kept, cared for, treated, boarded or otherwise accommodated in a state psychiatric hospital or state institution for the mentally retarded.

(d) (1) Mistreatment of a dependent adult as defined in subsection (a)(1) is a severity level 6, person felony.

(2) *Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 6, person felony if the aggregate amount of the value of the resources is \$100,000 or more.*

~~(3)~~ (3) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 7, person felony if the aggregate amount of the value of the resources is *at least \$25,000 or more but less than \$100,000.*

~~(4)~~ (4) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 9, person felony if the aggregate amount of the value of the resources is at least \$1,000 but less than \$25,000.

~~(5)~~ (5) Mistreatment of a dependent adult as defined in subsection (a)(2) is a class A person misdemeanor if the aggregate amount of the value of the resources is less than \$1,000.

~~(6)~~ (6) Mistreatment of a dependent adult as defined in subsection (a)(3) is a class A person misdemeanor.

~~(7)~~ (7) Mistreatment of a dependent adult as defined in subsection (a)(2) is a severity level 9, person felony if the aggregate amount of the value of the resources is less than \$1,000 and committed by a person who has, within five years immediately preceding commission of the crime, been convicted of mistreatment of a dependent adult two or more times.

Sec. 2. K.S.A. 2006 Supp. 21-3520 is hereby amended to read as follows: 21-3520. (a) Unlawful sexual relations is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy with a person who is not married to the offender if:

(1) The offender is an employee *or volunteer* of the department of corrections, or the employee *or volunteer* of a contractor who is under contract to provide services for a correctional institution, and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate; or

(2) the offender is a parole officer, *volunteer for the department of corrections* or the employee *or volunteer* of a contractor who is under contract to provide supervision services for persons on parole, conditional release or postrelease supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is an inmate who has been released on parole or conditional release or postrelease supervision under the direct supervision and control of the offender; or

(3) the offender is a law enforcement officer, an employee of a jail, or the employee of a contractor who is under contract to provide services in a jail and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such jail; or

(4) the offender is a law enforcement officer, an employee of a juvenile detention facility or sanctions house, or the employee of a contractor who is under contract to provide services in such facility or sanctions house and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility or sanctions house; or

(5) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide services in a juvenile correctional facility and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who is confined by lawful custody to such facility; or

(6) the offender is an employee of the juvenile justice authority or the employee of a contractor who is under contract to provide direct supervision and offender control services to the juvenile justice authority and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is 16 years of age or older and (A) released on conditional release from a juvenile correctional facility under the supervision and control of the juvenile justice authority or juvenile community supervision agency or (B) placed in the custody of the juvenile justice authority under the supervision and control of the juvenile justice authority or juvenile community supervision agency and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision;

(7) the offender is an employee of the department of social and rehabilitation services or the employee of a contractor who is under contract to provide services in a social and rehabilitation services institution and the person with whom the offender is engaging in consensual sexual intercourse, not otherwise subject to subsection (a)(1)(C) of K.S.A. 21-3502, and amendments thereto, lewd fondling or touching, or sodomy, not otherwise subject to subsection (a)(3)(C) of K.S.A. 21-3506, and amendments thereto, is a person 16 years of age or older who is a patient in such institution;

(8) the offender is a teacher or a person in a position of authority and the person with whom the offender is engaging in consensual sexual intercourse, *not otherwise subject to subsection (a)(2) of K.S.A. 21-3502 or subsection (a)(1) of K.S.A. 21-3504, and amendments thereto*, lewd fondling or touching, *not otherwise subject to K.S.A. 21-3503 or subsection (a)(2) or (a)(3) of K.S.A. 21-3504, and amendments thereto*, or sodomy, *not otherwise subject to K.S.A. 21-3505 or subsection (a)(1) or (a)(2) of K.S.A. 21-3506, and amendments thereto*, is ~~16 or 17 years of age~~ and a student enrolled at the school where the offender is employed. If the offender is the parent of the student, the provisions of K.S.A. 21-3603, and amendments thereto, shall apply, not this subsection;

(9) the offender is a court services officer or the employee of a contractor who is under contract to provide supervision services for persons under court services supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been placed on probation under the supervision and control of court services and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under the supervision of court services; or

(10) the offender is a community correctional services officer or the employee of a contractor who is under contract to provide supervision services for persons under community corrections supervision and the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is a person 16 years of age or older who has been assigned to a community correctional services program under the supervision and control of community corrections and the offender has knowledge that the person with whom the offender is engaging in consensual sexual intercourse, lewd fondling or touching, or sodomy is currently under supervision of community corrections.

(b) For purposes of this act:

(1) "Correctional institution" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(2) "inmate" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(3) "parole officer" means the same as prescribed by K.S.A. 75-5202, and amendments thereto;

(4) "postrelease supervision" means the same as prescribed in the Kansas sentencing guidelines act in K.S.A. 21-4703, and amendments thereto;

(5) "juvenile detention facility" means the same as prescribed by K.S.A. 2006 Supp. 38-2302, and amendments thereto;

(6) "juvenile correctional facility" means the same as prescribed by K.S.A. 2006 Supp. 38-2302, and amendments thereto;

(7) "sanctions house" means the same as prescribed by K.S.A. 2006 Supp. 38-2302, and amendments thereto;

(8) "institution" means the same as prescribed by K.S.A. 76-12a01, and amendments thereto; and

(9) "teacher" means and includes teachers, supervisors, principals, superintendents and any other professional employee in any public or private school *offering any of grades kindergarten through 12*;

(10) "community corrections" means the entity responsible for supervising adults and juvenile offenders for confinement, detention, care or treatment, subject to conditions imposed by the court pursuant to the community corrections act, K.S.A. 75-5290, and amendments thereto, and the Kansas juvenile justice code, K.S.A. 38-1601 et seq., and amendments thereto;

(11) "court services" means the entity appointed by the district court that is responsible for supervising adults and juveniles placed on probation and misdemeanants placed on parole by district courts of this state;

(12) "law enforcement officer" means the same as prescribed by K.S.A. 21-3110, and amendments thereto; and

(13) "juvenile community supervision agency" means an entity that receives grants for the purpose of providing direct supervision to juveniles in the custody of the juvenile justice authority.

(c) Unlawful sexual relations is a severity level 10, person felony.

Sec. 3. K.S.A. 2006 Supp. 21-3437 and 21-3520 are hereby repealed.";

And by renumbering sections accordingly;

In the title, in line 17, by striking "certain"; also in line 17, by striking "relating to"; by striking all in lines 18 and 19; in line 20, by striking all before the period and inserting "amending K.S.A. 2006 Supp. 21-3437 and 21-3520 and repealing the existing sections";

And your committee on conference recommends the adoption of this report.

MICHAEL R. O'NEAL

LANCE KINZER

JANICE L. PAULS

Conferees on part of House

JOHN VRATIL

TERRY BRUCE

GRETA GOODWIN

Conferees on part of Senate

On motion of Rep. O'Neal, the conference committee report on **SB 324** was adopted.

On roll call, the vote was: Yeas 121; Nays 0; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Hill, Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 362**, submits the following report:

The Senate accedes to all House amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with House Committee of the Whole amendments, as follows:

On page 11, in line 21, by striking "\$500" and inserting "\$300"; in line 22, by striking "retirant dividend" and inserting "postretirement benefit"; also in line 22, after "payment" by inserting "for retirants other than insured disability benefit recipients"; in line 23, by striking "the retirant" and inserting "such retirants"; in line 24, after the period, by inserting "Each such postretirement benefit payment for retirants who are insured disability benefit recipients shall be paid by the retirement system to such retirants and shall be payable from the group insurance reserve fund.";

On page 16, in line 13, after "(11)" by inserting "or insured disability benefit recipients";

On page 17, after line 9, by inserting the following:

"Sec. 18..

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Reimbursement for postretirement benefit payments \$7,000,000

Provided, That all moneys in the reimbursement for postretirement benefit payments account shall be paid into the Kansas public employees retirement fund on July 1, 2007, or as soon thereafter as moneys are available therefor, for the purpose of reimbursing the Kansas public employees retirement fund for the postretirement benefit payment for retirants, other than local retirants and insured disability benefit recipients, pursuant to section 16 of this act.;

And by renumbering sections accordingly;

On page 1, in the title, in line 14, after the semicolon, by inserting "making and concerning appropriations for the fiscal year ending June 30, 2008.;"

And your committee on conference recommends the adoption of this report.

RICHARD CARLSON
KEVIN W. YODER
GERALDINE FLAHARTY
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
ANTHONY HENSLEY
Conferees on part of Senate

On motion of Rep. Carlson, the conference committee report on **SB 362** was adopted.

On roll call, the vote was: Yeas 116; Nays 3; Present but not voting: 1; Absent or not voting: 5.

Yeas: Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Hodge, Kinzer.

Present but not voting: Neufeld.

Absent or not voting: Brown, Kelley, Powers, Sharp, Swenson.

The House stood at ease until the sound of the gavel.

Speaker pro tem Dahl called the House to order.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **HB 2368**.

The Senate adopts the conference committee report to agree to disagree on **SB 23** and has appointed Senators Schodorf, Vratil and Lee as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **SB 239** and has appointed Senators Teichman, Wysong and Steineger as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2145** and has appointed Senators Taddiken, Pine and Francisco as second conferees on the part of the Senate.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to Joint Rule 3 (f), Rep. Merrick moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **HB 2368**. The motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2368**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed with Senate Committee of the Whole amendments, as follows:

On page 1, by striking all in lines 22 through 26 and inserting the following:

“Section 1. (a) For the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, appropriations are hereby made, restrictions and limitations are hereby imposed, and transfers, capital improvement projects, fees, receipts, disbursements and acts incidental to the foregoing are hereby directed or authorized as provided in this act.

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

(c) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

On page 12, by striking all in lines 41, 42 and 43;

On page 13, by striking all in lines 1, 2 and 3;

And by renumbering the remaining sections accordingly;

Also on page 13, in line 38, by striking “this act” and inserting “sections 2 through 11”; in line 40, by striking “this”; in line 41, by striking “act” and inserting “sections 2 through 11”;

On page 14, in line 4, by striking “this act” and inserting “sections 2 through 11”; following line 7, by inserting the following material to read as follows:

“Sec. 13.

BOARD OF ACCOUNTANCY

(a) During the fiscal year ending June 30, 2007, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2007, shall not exceed \$15,000: *And provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 14.

STATE BANK COMMISSIONER

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the bank commissioner fee fund is hereby increased from \$6,860,191 to \$7,065,191.

Sec. 15.

KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the board of barbering fee fund is hereby decreased from \$136,475 to \$135,722.

Sec. 16.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the behavioral sciences regulatory board fee fund is hereby increased from \$561,070 to \$569,616.

Sec. 17.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the credit union fee fund is hereby decreased from \$955,349 to \$882,168.

Sec. 18.

KANSAS DENTAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the dental board fee fund is hereby increased from \$302,967 to \$373,847.

Sec. 19.

REAL ESTATE APPRAISAL BOARD

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the appraiser fee fund is hereby increased from \$262,214 to \$265,355.

Sec. 20.

STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the veterinary examiners fee fund is hereby decreased from \$280,897 to \$278,002.

Sec. 21.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, of the \$494,180 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 78(a) of chapter 174 of the 2005 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$20,563 is hereby lapsed.

(b) On and after the effective date of this act, during the fiscal year ending June 30, 2007, all expenditures made by the above agency for the fiscal year ending June 30, 2007, for the purpose of conducting the heartland council on governmental ethics laws conference shall be in addition to any expenditure limitation imposed on the governmental ethics commission fee fund for fiscal year 2007.

Sec. 22.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Office of revisor of statutes — operations \$108,888

Sec. 23.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Governor's department \$2,106

Sec. 24.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operations..... \$316

Sec. 25.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures..... \$5,439

(b) On the effective date of this act, any unencumbered balance in each of the following accounts of the state general fund is hereby lapsed: Interstate water litigation reserve; death penalty litigation; operating expenditures relating to interstate water rights regarding the Republican river and its tributaries; additional operating expenditures for investigation and litigation regarding interstate water rights.

Sec. 26.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the operating expenditures account of the health care stabilization fund is hereby increased from \$1,208,448 to \$1,243,425.

Sec. 27.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures..... \$90,121

Capital defense operations..... \$1,750

(b) On the effective date of this act, of the \$1,534,461 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 70(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the capital defense operations account, the sum of \$330,625 is hereby lapsed.

(c) On the effective date of this act, the director of accounts and reports shall transfer \$169,375 from the capital defense operations account of the state general fund of the state board of indigents' defense services to the operating expenditures account of the state general fund of the state board of indigents' defense services.

Sec. 28.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 38-2102 and amendments thereto, section 72(e) of chapter 142 of the 2006 Session Laws of Kansas and amendments thereto, or any other statute, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102 and amendments thereto to be transferred on July 1, 2006, or as soon thereafter as moneys are available, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby decreased to \$43,651,166.

Sec. 29.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures..... \$3,583

Sec. 30.

STATE CORPORATION COMMISSION

(a) On the effective date of this act, the aggregate expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on expenditures from the public service regulation fund, the motor carrier license fees fund, and the conservation fee fund, in the aggregate, is hereby decreased from \$15,585,100 to \$15,555,100.

(b) On or after the effective date of this act, during the fiscal year ending June 30, 2007, notwithstanding the provisions of any other statute, the executive director of the state cor-

poration commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 31.

CITIZENS' UTILITY RATEPAYER BOARD

(a) On the effective date of this act, the position limitation established by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas for the citizens' utility ratepayer board is hereby increased from 3.00 to 6.00.

Sec. 32.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

General administration	\$1,885
Personnel services.....	\$4,652
Purchasing.....	\$1,261
Budget analysis.....	\$2,511
Long-term care ombudsman	\$716

(b) On the effective date of this act, the \$150,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 76(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the gubernatorial transition account, is hereby lapsed.

(c) On the effective date of this act, of the \$659,139 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 76(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the public broadcasting digital conversion debt service account, the sum of \$41,812 is hereby lapsed.

(d) On the effective date of this act, of the \$8,463,690 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 136(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the statehouse improvements — debt service account, the sum of \$2,448,422 is hereby lapsed.

Sec. 33.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$1,800
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Sec. 34.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$40,251
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(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 126 of chapter 142 of the 2006 Session Laws of Kansas on the KSIP - VIPS/CAMA technology hardware fund is hereby decreased from \$239.10 to \$0.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 126 of chapter 142 of the 2006 Session Laws of Kansas on the KSIP - electronic databases fee fund is hereby decreased from \$163.20 to \$0.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the division of vehicles operating fund is hereby increased from \$39,584,659 to \$40,095,777.

Sec. 35.

KANSAS LOTTERY

(a) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto, in addition to the aggregate amount of not less than \$66,288,000 that shall be transferred from the lottery operating fund to the state gaming revenues fund for the fiscal year ending June 30,

2007, as prescribed by section 79(b) of chapter 142 of the 2006 Session Laws of Kansas, an additional amount of not less than \$3,752,000 shall be transferred from the lottery operating fund to the state gaming revenues fund during the fiscal year ending June 30, 2007, for a new aggregate amount of not less than \$70,040,000 to be transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2007 in monthly transfers concluding on or before July 15, 2007.

Sec. 36.

KANSAS RACING AND GAMING COMMISSION

(a) Notwithstanding the provisions of K.S.A. 74-8831 and amendments thereto or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2007, by subsection (b)(1) of K.S.A. 74-8831 and amendments thereto, and (2) shall not make any other transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to any other fund of the Kansas racing and gaming commission during fiscal year 2007.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 60(c) of chapter 216 of the 2006 Session Laws of Kansas on the state racing fund is hereby increased from \$2,700,000 to \$2,791,446.

Sec. 37.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Kansas commission on disability concerns \$278

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser — federal fund for fiscal year 2007, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser — federal fund during fiscal year 2007, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair \$199,250

(c) In addition to the other purposes for which expenditures may be made by the above agency from the adult program WIA — federal fund for fiscal year 2007, expenditures may be made by the above agency from the following capital improvement account or accounts of the adult program WIA — federal fund during fiscal year 2007, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair \$199,250

Sec. 38.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$440

Sec. 39.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures — Kansas soldiers' home \$10,205

Operating expenditures — Kansas veterans' home..... \$10,831

Operating expenditures — administration \$314,577

(b) On the effective date of this act, of the \$512,362 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 85(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the operations — state veterans cemeteries account, the sum of \$71,825 is hereby lapsed.

(c) On the effective date of this act, of the \$1,433,433 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 85(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the operating expenditures — veterans services account, the sum of \$310,909 is hereby lapsed.

(d) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2007, the following:

Soldiers' home repair and rehabilitation projects	\$72,000
Soldiers' home facilities conservation improvement.....	\$100,000

Sec. 40.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures (including official hospitality)	\$314,186
Flu pandemic treatment products.....	\$4,234,615

Sec. 41.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Administration	\$6,067
Administration — assessments	\$116

(b) On the effective date of this act, of the \$1,710,111 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 88(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the administration — medicaid account, the sum of \$75,582 is hereby lapsed.

(c) On the effective date of this act, of the \$181,318 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 88(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the administration — older Americans act match account, the sum of \$92 is hereby lapsed.

(d) On the effective date of this act, of the \$136,443,560 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 88(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$3,617,891 is hereby lapsed.

(e) On the effective date of this act, of the \$1,929,857 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 88(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the nursing facilities regulation account, the sum of \$49,458 is hereby lapsed.

(f) On the effective date of this act, of the \$992,935 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 88(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the nursing facilities regulation — title XIX account, the sum of \$74 is hereby lapsed.

Sec. 42.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$635,674
Children's health insurance program	\$432,432
Other medical assistance	\$21,114,567

(b) On the effective date of this act, the \$500,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 89(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the business health partnership account, is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established by section 35(e) of chapter 216 of the 2006 Session Laws of Kansas on the medical programs fee fund is hereby decreased from \$88,489,636 to \$43,400,000.

Sec. 43.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

State operations	\$7,946,884
Kansas neurological institute — operating expenditures.....	\$55,331
Larned state hospital — operating expenditures	\$74,559

Larned state hospital — sexual predator treatment program.....	\$201,315
Osawatomie state hospital — operating expenditures.....	\$519,661
Parsons state hospital and training center — operating expenditures.....	\$47,853
Rainbow mental health facility — operating expenditures.....	\$123,366
Cash assistance	\$2,492,740
Other medical assistance	\$8,547,547

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2007, by section 40(f) of chapter 216 of the 2006 Session Laws of Kansas for Larned state hospital is hereby increased from 966.20 to 978.20.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas for Osawatomie state hospital is hereby increased from 398.60 to 404.60.

(d) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas for rainbow mental health facility is hereby increased from 115.20 to 117.20.

(e) On the effective date of this act, of the \$529,821 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2007, by section 90(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the sex predator program account, the sum of \$5,668 is hereby lapsed.

(f) On the effective date of this act, of the \$2,470,277 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2007, by section 40(a) of chapter 216 of the 2006 Session Laws of Kansas from the state general fund in the community based services account, the sum of \$168,670 is hereby lapsed.

(g) On the effective date of this act, of the \$4,558,621 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2007, by section 90(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the vocational rehabilitation aid and assistance account, the sum of \$150 is hereby lapsed.

(h) On the effective date of this act, of the \$101,133,346 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2007, by section 90(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$7,779,126 is hereby lapsed.

(i) On the effective date of this act, of the \$228,000 appropriated for the department of social and rehabilitation services for the fiscal year ending June 30, 2007, by section 90(d) of chapter 142 of the 2006 Session Laws of Kansas from the children’s initiatives fund in the school violence prevention account, the sum of \$114,000 is hereby lapsed.

(j) On the effective date of this act, the expenditure limitation established by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the social welfare fund is hereby decreased from \$44,614,911 to \$43,986,771.

(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the title XIX fund is hereby decreased from \$45,795,587 to \$44,941,888.

(l) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the Kansas neurological institute fee fund is hereby increased from \$1,085,316 to \$1,193,826.

(m) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the Larned state hospital fee fund is hereby decreased from \$3,465,843 to \$3,165,015.

(n) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the Osawatomie state hospital fee fund is hereby increased from \$4,828,183 to \$6,399,438.

(o) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 90(b) of chapter 142 of the 2006 Session Laws of Kansas on the Parsons state hospital and training center fee fund is hereby decreased from \$1,364,346 to \$1,129,041.

(p) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 40(e) of chapter 216 of the 2006 Session Laws of Kansas on the Rainbow mental health facility fee fund is hereby decreased from \$1,005,558 to \$715,625.

Sec. 44.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Kansas guardianship program	\$858
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Sec. 45.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures (including official hospitality)	\$13,347
KPERS — employer contributions	\$8,466,233
Mentor teacher program grants	\$100,000
Special education services aid	\$10,383,966
Supplemental general state aid	\$11,514,439

Sec. 46.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$2,914
Grants to libraries and library systems	\$44

Sec. 47.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$442
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Sec. 48.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$6,973
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Sec. 49.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$82,752
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Sec. 50.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$10,878
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Sec. 51.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2007, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund	No limit
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Sec. 52.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures (including official hospitality)	\$4,426
Operating grant	\$896,072
Sec. 53.	

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Treatment and programs	\$991
Topeka correctional facility — facilities operations	\$117,120
Hutchinson correctional facility — facilities operations	\$233,168
Lansing correctional facility — facilities operations	\$273,115
Ellsworth correctional facility — facilities operations	\$195,336
Winfield correctional facility — facilities operations	\$59,881
Norton correctional facility — facilities operations	\$75,691
El Dorado correctional facility — facilities operations	\$95,921
Larned correctional mental health facility — facilities operations	\$47,669
Community correctional conservation camp	\$90,000
Debt service payment for the reception and diagnostic unit relocation bond issue	\$68,000

(b) On the effective date of this act, of the \$13,595,076 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 108(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the facilities operations account, the sum of \$252,171 is hereby lapsed.

(c) On the effective date of this act, of the \$1,861,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 108(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the local jail payments account, the sum of \$500,000 is hereby lapsed.

(d) On the effective date of this act, of the \$3,014,215 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 108(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the day reporting centers and reentry programs account, the sum of \$1,087,768 is hereby lapsed.

(e) On the effective date of this act, of the \$17,375,093 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 108(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the central administration operations and parole and postrelease supervision operations account, the sum of \$99,738 is hereby lapsed.

Sec. 54.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$3,848
Management information systems	\$1,539

(b) On the effective date of this act, of the \$14,610,879 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 109(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the Kansas juvenile correctional complex facility operations account, the sum of \$303,348 is hereby lapsed.

(c) On the effective date of this act, of the \$5,798,909 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 109(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the Atchison juvenile correctional facility operations account, the sum of \$66,197 is hereby lapsed.

(d) On the effective date of this act, of the \$4,285,135 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 109(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the Beloit juvenile correctional facility operations account, the sum of \$47,119 is hereby lapsed.

(e) On the effective date of this act, of the \$7,939,515 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 109(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$91,053 is hereby lapsed.

(f) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2007 to raze the swimming pool enclosure building no. 20 at Beloit juvenile correctional facility.

(g) On the effective date of this act, of the \$5,414,487 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 109(b) of chapter 142 of the 2006 Session Laws of Kansas from the children's initiatives fund in the prevention program grant account, the sum of \$710 is hereby lapsed.

Sec. 55.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$10,203
Civil air patrol — operating expenditures	\$434
NG death benefits	\$999,634
NG life insurance premium reimbursement	\$71,725

(b) On the effective date of this act, of the \$2,026,811 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 153(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the debt service — rehabilitation and repair of the statewide armories account, the sum of \$44,129 is hereby lapsed.

Sec. 56.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the fire marshal fee fund is hereby increased from \$3,485,136 to \$3,489,873.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the hazardous material program fund is hereby decreased from \$385,753 to \$382,076.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the liquefied petroleum gas fee fund is hereby decreased from \$154,488 to \$80,000.

Sec. 57.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$84,544
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(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by section 152(c) of chapter 142 of the 2006 Session Laws of Kansas on the debt service — port weigh stations account of the Kansas highway patrol operations fund is hereby decreased from \$108,611 to \$0.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the Kansas highway patrol operations fund is hereby decreased from \$17,664,100 to \$17,590,382.

(d) On the effective date of this act, the director of accounts and reports shall transfer \$29,955,733 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2007 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2007 for the support and maintenance of the Kansas highway patrol.

(e) On the effective date of this act, the amount prescribed by section 113(d) of chapter 142 of the 2006 Session Laws of Kansas to be transferred on January 1, 2007, by the director of accounts and reports from the motor carrier license fees fund of the state corporation

commission to the motor carrier safety assistance program state fund of the Kansas highway patrol is hereby decreased from \$658,318.50 to \$266,570.

(f) On the effective date of this act, the amount prescribed by section 113(e) of chapter 142 of the 2006 Session Laws of Kansas to be transferred on April 1, 2007, by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol is hereby decreased from \$4,371,802 to \$3,860,360.

(g) On the effective date of this act, the amount of \$681,469 authorized by section 152 (d) of chapter 142 of the 2006 Session Laws of Kansas to be transferred by the director of accounts and reports from the state highway fund of the department of transportation to the Kansas highway patrol operations fund is hereby decreased to \$572,858.

Sec. 58.

ATTORNEY GENERAL—KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$28,161

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the private detective fee fund is hereby increased from \$38,286 to \$43,591.

(c) On the effective date of this act, of the \$15,504,323 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 114(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$131,606 is hereby lapsed.

Sec. 59.

EMERGENCY MEDICAL SERVICES BOARD

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2007, by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas, is hereby increased from 13.00 to 14.00.

Sec. 60.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$672

(b) On the effective date of this act, of the \$8,850,000 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 116(a) of chapter 142 of the 2006 Session Laws of Kansas, from the state general fund in the substance abuse treatment programs account, the sum of \$460,000 is hereby lapsed.

(c) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2007, by section 19(b) of chapter 216 of the 2006 Session Laws of Kansas, is hereby increased from 9.00 to 10.00.

Sec. 61.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$20,426

(b) On the effective date of this act, the director of accounts and reports shall transfer \$2,482 from the state highway fund of the department of transportation to the water structures — state highway fund of the Kansas department of agriculture.

Sec. 62.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures \$1,252

Sec. 63.

STATE FAIR BOARD

(a) On the effective date of this act, the position limitation established for the fiscal year

ending June 30, 2007, by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas for the state fair board is hereby decreased from 24.00 to 23.00.

(b) There is appropriated for the above agency from the economic development initiatives fund for the fiscal year ending June 30, 2007, the following:

Utility expenses	\$95,384
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Sec. 64.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$41,304
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(b) On the effective date of this act, of the \$3,412,218 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 120(c) of chapter 142 of the 2006 Session Laws of Kansas, from the state water plan fund in the water resources cost share account, the sum of \$895,522 is hereby lapsed.

(c) On the effective date of this act, of the \$2,757,520 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 120(c) of chapter 142 of the 2006 Session Laws of Kansas, from the state water plan fund in the nonpoint source pollution assistance account, the sum of \$480,104 is hereby lapsed.

(d) On the effective date of this act, of the \$307,157 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 120(c) of chapter 142 of the 2006 Session Laws of Kansas, from the state water plan fund in the Kansas water quality buffer initiatives account, the sum of \$279,512 is hereby lapsed.

(e) On the effective date of this act, the \$3,588,429 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 20(a) of chapter 216 of the 2006 Session Laws of Kansas from the state water plan fund in the conservation reserve enhancement program account, is hereby lapsed.

(f) On the effective date of this act, the \$411,571 appropriated for the above agency for the fiscal year ending June 30, 2007, by section 20(d) of chapter 216 of the 2006 Session Laws of Kansas from the unencumbered balance in the state water plan fund on June 30, 2006, in the conservation reserve enhancement program account, is hereby lapsed.

Sec. 65.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Water resources operating expenditures	\$3,466
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Sec. 66.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Operating expenditures	\$6,194
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(b) On the effective date of this act, of the amount of the reappropriated balance for the above agency for the fiscal year ending June 30, 2007, by section 122(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$18,296 is hereby lapsed.

(c) On the effective date of this act, of the amount of the reappropriated balance for the above agency for the fiscal year ending June 30, 2007, by section 122(a) of chapter 142 of the 2006 Session Laws of Kansas from the state general fund in the reimbursement for annual park permits issued to national guard members account, the sum of \$159,151 is hereby lapsed.

Sec. 67.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2007, by the state finance council on the agency operations account of the state highway fund is hereby decreased from \$265,290,943 to \$264,538,972.

(b) On the effective date of this act, the position limitation established by section 125(a) of chapter 142 of the 2006 Session Laws of Kansas for the department of transportation is hereby decreased from 3,237.50 to 3,220.50.

Sec. 68.

ABSTRACTERS' BOARD OF EXAMINERS

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

Abstracters' fee fund

For the fiscal year ending June 30, 2008.....	\$21,797
For the fiscal year ending June 30, 2009.....	\$21,814

Sec. 69.

BOARD OF ACCOUNTANCY

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

Board of accountancy fee fund

For the fiscal year ending June 30, 2008.....	\$302,234
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Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$750.

For the fiscal year ending June 30, 2009.....	\$305,037
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Provided, That expenditures from the board of accountancy fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$750.

Special litigation reserve fund

For the fiscal year ending June 30, 2008.....	No limit
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Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2008, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2009.....	No limit
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Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2009, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

(b) During the fiscal year ending June 30, 2008, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of accountancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2008, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

(c) During the fiscal year ending June 30, 2009, the executive director of the board of accountancy, with the approval of the director of the budget, may transfer moneys from the board of accountancy fee fund to the special litigation reserve fund of the board of account-

ancy: *Provided*, That the aggregate of such transfers for the fiscal year ending June 30, 2009, shall not exceed \$15,000: *Provided further*, That the executive director of the board of accountancy shall certify each such transfer of moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of the budget and the director of legislative research.

Sec. 70.

STATE BANK COMMISSIONER

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

Bank commissioner fee fund

For the fiscal year ending June 30, 2008..... \$7,673,144
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2008, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2008, for official hospitality for the division of banking shall not exceed \$1,000.

For the fiscal year ending June 30, 2009..... \$7,946,778
Provided, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2009, for official hospitality for the division of consumer and mortgage lending shall not exceed \$1,000: *Provided further*, That expenditures from the bank commissioner fee fund for the fiscal year ending June 30, 2009, for official hospitality for the division of banking shall not exceed \$1,000.

Bank examination and investigation fund

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

Consumer education settlement fund

For the fiscal year ending June 30, 2008..... No limit
Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2008, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

For the fiscal year ending June 30, 2009..... No limit
Provided, That expenditures may be made from the consumer education settlement fund for the fiscal year ending June 30, 2009, for consumer education purposes, which may be in accordance with contracts for such activities which are hereby authorized to be entered into by the state bank commissioner or the deputy commissioner of the consumer and mortgage lending division, as the case may require, and the entities conducting such activities.

(b) During the fiscal years ending June 30, 2008, and June 30, 2009, notwithstanding the provisions of K.S.A. 9-2209, 9-2218, 16a-2-302 and 16a-6-104 and amendments thereto or any other statute, all moneys received under the Kansas mortgage business act or the uniform consumer credit code for fines or settlements shall be deposited in the state treasury to the credit of the consumer education settlement fund.

Sec. 71.

KANSAS BOARD OF BARBERING

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

Board of barbering fee fund

For the fiscal year ending June 30, 2008..... \$135,594
 For the fiscal year ending June 30, 2009..... \$140,514

Sec. 72.

BEHAVIORAL SCIENCES REGULATORY BOARD

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

Behavioral sciences regulatory board fee fund

For the fiscal year ending June 30, 2008..... \$594,001

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2009..... \$605,134

Provided, That expenditures from the behavioral sciences regulatory board fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.

Sec. 73.

STATE BOARD OF HEALING ARTS

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

Healing arts fee fund

For the fiscal year ending June 30, 2008..... \$2,973,429

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2008, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2008: *And Provided further*, That the board of healing arts shall prepare a report that addresses the board of healing arts utilization of the seven new full-time equivalent positions for fiscal year 2008: *And provided further*, That this report shall detail the steps the board of healing arts has taken to address the concerns and issues raised in the October 2006 legislative post audit report (no. 06PA10), and the targeted impact that the new full-time equivalent positions have had in eliminating those issues raised in the legislative post audit report: *And provided further*, That this report is to be presented to the house committee on appropriations and the senate committee on ways and means on or before February 1, 2008.

For the fiscal year ending June 30, 2009..... \$3,095,005

Provided, That expenditures from the healing arts fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$1,000: *Provided further*, That all expenditures from the healing arts fee fund for the fiscal year ending June 30, 2009, for disciplinary hearings shall be in addition to any expenditure limitation imposed on the healing arts fee fund for fiscal year 2009.

Sec. 74.

KANSAS STATE BOARD OF COSMETOLOGY

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

Cosmetology fee fund

For the fiscal year ending June 30, 2008..... \$737,671

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2009..... \$743,998

Provided, That expenditures from the cosmetology fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.

Sec. 75.

STATE DEPARTMENT OF CREDIT UNIONS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified all moneys now or hereafter lawfully credited

to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit union fee fund

For the fiscal year ending June 30, 2008..... \$891,767
Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$300.

For the fiscal year ending June 30, 2009..... \$902,493
Provided, That expenditures from the credit union fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$300.

Sec. 76.

KANSAS DENTAL BOARD

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

Dental board fee fund

For the fiscal year ending June 30, 2008..... \$370,184
Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$400.

For the fiscal year ending June 30, 2009..... \$373,138
Provided, That expenditures from the dental board fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$400.

Sec. 77.

STATE BOARD OF MORTUARY ARTS

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

Mortuary arts fee fund

For the fiscal year ending June 30, 2008..... \$260,975
 For the fiscal year ending June 30, 2009..... \$267,609

Sec. 78.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

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

Hearing instrument board fee fund

For the fiscal year ending June 30, 2008..... \$28,111
 For the fiscal year ending June 30, 2009..... \$28,318

Sec. 79.

BOARD OF NURSING

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

Board of nursing fee fund

For the fiscal year ending June 30, 2008..... \$1,678,666
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2009..... \$1,695,014
Provided, That expenditures from the board of nursing fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.

Gifts and grants fund	
For the fiscal year ending June 30, 2008.....	No limit
For the fiscal year ending June 30, 2009.....	No limit
Education conference fund	
For the fiscal year ending June 30, 2008.....	No limit
For the fiscal year ending June 30, 2009.....	No limit

Sec. 80.

BOARD OF EXAMINERS IN OPTOMETRY

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

Optometry fee fund	
For the fiscal year ending June 30, 2008.....	\$128,774
<i>Provided</i> , That expenditures from the optometry fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$300.	
For the fiscal year ending June 30, 2009.....	\$128,454
<i>Provided</i> , That expenditures from the optometry fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$300.	

Sec. 81.

STATE BOARD OF PHARMACY

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

State board of pharmacy fee fund	
For the fiscal year ending June 30, 2008.....	\$712,112
<i>Provided</i> , That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2009.....	\$729,309
<i>Provided</i> , That expenditures from the state board of pharmacy fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.	

Federal grant fund	
For the fiscal year ending June 30, 2008.....	No limit
For the fiscal year ending June 30, 2009.....	No limit

Sec. 82.

REAL ESTATE APPRAISAL BOARD

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

Appraiser fee fund	
For the fiscal year ending June 30, 2008.....	\$312,211
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.	
For the fiscal year ending June 30, 2009.....	\$320,937
<i>Provided</i> , That expenditures from the appraiser fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.	

Federal registry clearing fund	
For the fiscal year ending June 30, 2008.....	No limit
For the fiscal year ending June 30, 2009.....	No limit

Sec. 83.

KANSAS REAL ESTATE COMMISSION

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

Real estate fee fund

For the fiscal year ending June 30, 2008..... \$923,397
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$200.
 For the fiscal year ending June 30, 2009..... \$946,679
Provided, That expenditures from the real estate fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$200.
 Real estate recovery revolving fund
 For the fiscal year ending June 30, 2008..... No limit
 For the fiscal year ending June 30, 2009..... No limit

Sec. 84.

OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

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

Securities act fee fund

For the fiscal year ending June 30, 2008..... \$2,631,626
Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2008, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2008, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$2,000.

For the fiscal year ending June 30, 2009..... \$2,656,100
Provided, That, in the discretion of the securities commissioner, one or more transfers of money may be made from the securities act fee fund for the fiscal year ending June 30, 2009, to the appropriate account of the restricted fees fund of Wichita state university for the Kansas council on economic education to conduct an investor education program: *Provided further*, That the total amount of such transfers for the fiscal year ending June 30, 2009, shall not exceed \$20,000: *And provided further*, That expenditures from the securities act fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$2,000.

Investor education fund

For the fiscal year ending June 30, 2008..... No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$5,000.
 For the fiscal year ending June 30, 2009..... No limit
Provided, That expenditures from the investor education fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$5,000.

(b) On July 1, 2007, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$1,250,000 from the investor education fund of the office of the securities commissioner of Kansas to the state general fund: *Provided*, That the amount transferred from the investor education fund of the office of the securities commissioner of Kansas to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the office of the securities commissioner of Kansas by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 85.

STATE BOARD OF TECHNICAL PROFESSIONS

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

Technical professions fee fund

For the fiscal year ending June 30, 2008..... \$553,620
Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.

For the fiscal year ending June 30, 2009..... \$561,664
Provided, That expenditures from the technical professions fee fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.

Special litigation reserve fund

For the fiscal year ending June 30, 2008..... No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2008, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

For the fiscal year ending June 30, 2009..... No limit
Provided, That no expenditures shall be made from the special litigation reserve fund for the fiscal year ending June 30, 2009, except upon the approval of the director of the budget acting after ascertaining that: (1) Unforeseeable occurrence or unascertainable effects of a foreseeable occurrence characterize the need for the requested expenditure, and delay until the next legislative session on the requested action would be contrary to clause (3) of this proviso, (2) the requested expenditure is not one that was rejected in the next preceding session of the legislature and is not contrary to known legislative policy; and (3) the requested action will assist the above agency in attaining an objective or goal which bears a valid relationship to powers and functions of the above agency.

Sec. 86.

STATE BOARD OF VETERINARY EXAMINERS

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

Veterinary examiners fee fund

For the fiscal year ending June 30, 2008..... \$272,592
 For the fiscal year ending June 30, 2009..... \$271,955

Sec. 87.

GOVERNMENTAL ETHICS COMMISSION

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

Operating expenditures

For the fiscal year ending June 30, 2008..... \$522,415
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

For the fiscal year ending June 30, 2009..... \$511,910
Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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

Governmental ethics commission fee fund

For the fiscal year ending June 30, 2008..... \$119,135
 For the fiscal year ending June 30, 2009..... \$158,223

Sec. 88. *Position limitations.* The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations

for the fiscal years specified made in this or other appropriation act of the 2007 or 2008 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council:

Abstracters' Board of Examiners	
For the fiscal year ending June 30, 2008.....	0
For the fiscal year ending June 30, 2009.....	0
Board of Accountancy	
For the fiscal year ending June 30, 2008.....	3.00
For the fiscal year ending June 30, 2009.....	3.00
State Bank Commissioner	
For the fiscal year ending June 30, 2008.....	97.00
For the fiscal year ending June 30, 2009.....	99.00
Kansas Board of Barbering	
For the fiscal year ending June 30, 2008.....	1.50
For the fiscal year ending June 30, 2009.....	1.50
Behavioral Sciences Regulatory Board	
For the fiscal year ending June 30, 2008.....	8.00
For the fiscal year ending June 30, 2009.....	8.00
State Board of Healing Arts	
For the fiscal year ending June 30, 2008.....	39.00
For the fiscal year ending June 30, 2009.....	39.00
Kansas State Board of Cosmetology	
For the fiscal year ending June 30, 2008.....	12.00
For the fiscal year ending June 30, 2009.....	12.00
State Department of Credit Unions	
For the fiscal year ending June 30, 2008.....	12.00
For the fiscal year ending June 30, 2009.....	12.00
Kansas Dental Board	
For the fiscal year ending June 30, 2008.....	3.00
For the fiscal year ending June 30, 2009.....	3.00
State Board of Mortuary Arts	
For the fiscal year ending June 30, 2008.....	3.00
For the fiscal year ending June 30, 2009.....	3.00
Kansas Board of Examiners in Fitting and Dispensing of Hearing Instruments	
For the fiscal year ending June 30, 2008.....	0.40
For the fiscal year ending June 30, 2009.....	0.40
Board of Nursing	
For the fiscal year ending June 30, 2008.....	23.00
For the fiscal year ending June 30, 2009.....	23.00
Board of Examiners in Optometry	
For the fiscal year ending June 30, 2008.....	0.80
For the fiscal year ending June 30, 2009.....	0.80
State Board of Pharmacy	
For the fiscal year ending June 30, 2008.....	8.00
For the fiscal year ending June 30, 2009.....	8.00
Real Estate Appraisal Board	
For the fiscal year ending June 30, 2008.....	2.00
For the fiscal year ending June 30, 2009.....	2.00
Kansas Real Estate Commission	
For the fiscal year ending June 30, 2008.....	14.00
For the fiscal year ending June 30, 2009.....	14.00
Office of the Securities Commissioner of Kansas	
For the fiscal year ending June 30, 2008.....	32.13
For the fiscal year ending June 30, 2009.....	32.13

State Board of Technical Professions	
For the fiscal year ending June 30, 2008.....	6.00
For the fiscal year ending June 30, 2009.....	6.00
State Board of Veterinary Examiners	
For the fiscal year ending June 30, 2008.....	3.00
For the fiscal year ending June 30, 2009.....	3.00
Governmental Ethics Commission	
For the fiscal year ending June 30, 2008.....	9.00
For the fiscal year ending June 30, 2009.....	9.00

Sec. 89. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2008 or fiscal year 2009, as the case may be, from any account of the state general fund reappropriated by this act for such fiscal year for any state agency named in section 22 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2006 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That the total of all such expenditures from such account of the state general fund for such fiscal year shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of the June 30 immediately preceding such fiscal year, in such account of the state general fund that is reappropriated for such fiscal year and that is in excess of the amount authorized to be expended for such fiscal year from such reappropriated balance, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during such fiscal year pursuant to subsection (g)(1)(A) of K.S.A. 2006 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further*, That all such expenditures from the reappropriated balance in any such account for such fiscal year shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for such fiscal year.

(b) In addition to other expenditures authorized by law, expenditures may be made for fiscal year 2008 or fiscal year 2009, as the case may be, from any special revenue fund appropriated by this act for such fiscal year for a state agency named in section 22 of this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2006 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for such fiscal year shall be in addition to any expenditure limitation imposed on such fund or any account thereof for such fiscal year: *Provided, however*, That the total amount of such expenditures from such fund for such fiscal year shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for the fiscal year preceding such fiscal year for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further*, That the 50% limitation shall not apply to purchase or other acquisition of technology equipment which was included in the budget estimates for such fiscal year submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto: *And provided further*, That the total cost of all such non-monetary awards to any individual employee during such fiscal year that is paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during such fiscal year pursuant to subsection (g)(1)(A) of K.S.A. 2006 Supp. 75-37,105 and

amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2007, in any account of the state general fund of any state agency named in section 22 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2008, and any unencumbered balance in excess of \$100 as of June 30, 2008, in any account of the state general fund of any state agency named in section 22 of this act, which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2008, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2007, in any Kansas savings incentive account or KSIP account of any special revenue fund of any state agency named in section 22 of this act, which was appropriated by section 80 of chapter 174 of the 2005 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2008, and any unencumbered balance in excess of \$100 as of June 30, 2008, in any such account of any such special revenue fund is hereby appropriated for the fiscal year ending June 30, 2009, and may be expended for fiscal year 2008 or fiscal year 2009, as the case may be, for the purposes authorized in subsection (a). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for such fiscal year.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2008 or fiscal year 2009 shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

Sec. 90.

LEGISLATIVE COORDINATING COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Legislative coordinating council — operations	\$831,908
<i>Provided</i> , That any unencumbered balance in the legislative coordinating council — operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

Legislative research department — operations.....	\$3,194,933
<i>Provided</i> , That any unencumbered balance in the legislative research department — operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

Office of revisor of statutes — operations	\$3,488,260
<i>Provided</i> , That any unencumbered balance in the office of revisor of statutes — operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund.....	No limit
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Sec. 91.

LEGISLATURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operations (including official hospitality)..... \$15,302,894

Provided, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008:

Provided further, That expenditures may be made from this account, pursuant to vouchers approved by the chairperson or vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *And provided further*, That expenditures may be made from this account for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of any joint committee of the legislature during fiscal year 2008 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this account for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2008: *And provided further*, That expenditures shall be made during the fiscal year ending June 30, 2008, from the operations (including official hospitality) account of the state general fund by the legislature to pay per diem compensation and travel expenses and subsistence expenses or allowances as provided by law for members of the legislature for all official travel during fiscal year 2008 authorized as provided by law: *And provided further*, That, if the legislative coordinating council approves any official travel by members of the legislature during fiscal year 2008, then the legislative coordinating council shall not limit the amounts or rates of per diem compensation or any expense reimbursement authorized by law for any official travel during fiscal year 2008 authorized as provided by law, except that any such member of the legislature shall be reimbursed for the actual and reasonable expenses incurred during such official travel in an amount of not more than the amount allowed for all other similarly situated employees: *And provided further*, That the legislative coordinating council may establish limitations for the following specific categories of travel and subsistence expenses: Meals, local transportation, tips and other related incidental travel expenses, and may require legislators to agree to such limitations as a condition of approval of the official travel.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative special revenue fund No limit

Provided, That expenditures may be made from the legislative special revenue fund, pursuant to vouchers approved by the chairperson or the vice-chairperson of the legislative coordinating council, to pay compensation and travel expenses and subsistence expenses or allowances as authorized by K.S.A. 75-3212 and amendments thereto for members and associate members of the advisory committee to the Kansas commission on interstate cooperation established under K.S.A. 46-407a and amendments thereto for attendance at

meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee of the legislature during fiscal year 2008 unless such meeting is approved by the legislative coordinating council: *And provided further*, That no expenditures shall be made from this fund for any meeting of the compensation commission established by K.S.A. 46-3101 and amendments thereto during fiscal year 2008: *And provided further*, That expenditures shall be made during the fiscal year ending June 30, 2008, from the legislative special revenue fund by the legislature to pay per diem compensation and travel expenses and subsistence expenses or allowances as provided by law for members of the legislature for all official travel during fiscal year 2008 authorized as provided by law: *And provided further*, That, if the legislative coordinating council approves any official travel by members of the legislature during fiscal year 2008, then the legislative coordinating council shall not limit the amounts or rates of per diem compensation or any expense reimbursement authorized by law for any official travel during fiscal year 2008 authorized as provided by law, except that any such member of the legislature shall be reimbursed for the actual and reasonable expenses incurred during such official travel in an amount of not more than the amount allowed for all other similarly situated employees: *And provided further*, That the legislative coordinating council may establish limitations for the following specific categories of travel and subsistence expenses: Meals, local transportation, tips and other related incidental travel expenses, and may require legislators to agree to such limitations as a condition of approval of the official travel.

Capitol restoration — gifts and donations fund No limit

(c) In addition to the other purposes for which expenditures may be made by the legislature from the moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 to establish the state employee pay philosophy task force, hereafter referred to in this subsection as the task force, which shall be composed of members appointed as follows and subject to the following provisions, and to provide for the operating expenses of the task force: *Provided*, That the task force shall consist of the following 11 members, two members who are legislators appointed by the president of the senate, two members who are legislators appointed by the speaker of the house of representatives, one

member who is a legislator appointed by the minority leader of the senate, one member who is a legislator appointed by the minority leader of the house of representatives, three members appointed by the governor, one member shall be appointed by the chairperson of the state board of regents, and one member shall be appointed by the chief justice of the supreme court: *Provided further*, That the speaker of the house of representatives shall designate one member to serve as chairperson of the task force and the president of the senate shall designate one member to serve as the vice-chairperson of the task force: *And provided further*, That the task force shall meet on call of the chairperson or on the request of six members of the task force: *And provided further*, That six members of the task force shall constitute a quorum: *And provided further*, That all actions of the task force shall be taken by a majority of all members of the task force: *And provided further*, That the task force shall provide the philosophical framework for the development of the new state employee pay plan: *And provided further*, That, on or before June 15, 2007, the task force shall submit a report of the task force's activities and recommendations regarding philosophical framework for the development of the new state employee pay plan to the legislative coordinating council, governor and chief justice of the supreme court: *And provided further*, That the staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the task force and authorized by the legislative coordinating council: *And provided further*, That the members of the task force attending meetings of such task force, or attending a subcommittee meeting thereof authorized by such task force, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, for members of the legislature, upon vouchers approved by the chairperson of the task force or a person or persons designated by the chairperson.

(d) During the fiscal years ending June 30, 2007, and June 30, 2008, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made by the legislature from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or fiscal year 2008 for the legislature, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, the legislature is hereby authorized to make expenditures from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or fiscal year 2008 for the sale of the house chamber chairs for members for the 2007 regular session for the fair market value of such chairs as fixed by the director of legislative administrative services after consultation with the secretary of administration: *Provided*, That, in accordance with procedures determined by the director of legislative administrative services, such house chamber chairs shall be offered first and may be sold to the current members of the house of representatives, who are each hereby authorized to purchase one of such house chamber chairs, and then the remaining house chamber chairs shall be offered and may be sold to former members of the house of representatives in the priority of those serving most recently as members of the house of representatives: *Provided further*, That the authority to sell and purchase such house chamber chairs that is granted under this subsection shall not be subject to the provisions of any other law: *And provided further*, That all moneys received from such sales and purchases of house chamber chairs shall be deposited in the state treasury and credited to the legislative special revenue fund.

Sec. 92.

DIVISION OF POST AUDIT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operations (including legislative post audit committee) \$2,491,742

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Audit services fund..... No limit
Provided, That the division of post audit is hereby authorized to fix, charge and collect fees for copies of public records of the division, including distribution of such copies: *Provided further*, That such fees shall be fixed to recover all or part of the expenses incurred for reproducing and distributing such copies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a and amendments thereto: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the audit services fund.
 Conversion of materials and equipment fund No limit
 State agency audits fund..... No limit
 Sec. 93.

GOVERNOR'S DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Governor's department \$2,518,563

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for official hospitality and contingencies without limitation at the discretion of the governor.

Domestic violence prevention grants..... \$1,625,700

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from the domestic violence prevention grants account for official hospitality and contingencies without limitation at the discretion of the governor.

Child advocacy centers \$1,000,000

Provided, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

(b) Expenditures may be made by the above agency for travel expenses of the governor's spouse when accompanying the governor or when representing the governor on official state business, for travel and subsistence expenditures for security personnel when traveling with the governor and for entertainment of officials and other persons as guests from the amount appropriated for the fiscal year ending June 30, 2008, by subsection (a) from the state general fund in the governor's department account.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Special programs fund No limit

Provided, That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

Miscellaneous projects fund..... No limit

Provided, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such confer-

ences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental service fund No limit
Provided, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Conversion of materials and equipment fund No limit

Federal grants fund No limit

Justice assistance grant — federal fund No limit

Hispanic and Latino American affairs commission — donations fund No limit

Advisory commission on African-American affairs — donations fund No limit

Wireless enhanced 911 grant fund No limit

Provided, That expenditures may be made from the wireless enhanced 911 grant fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto: *And provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wireless enhanced 911 grant fund.

Sec. 94.

LIEUTENANT GOVERNOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operations \$209,886

Provided, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Special programs fund No limit

Provided, That expenditures may be made from the special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: *Provided further*, That the lieutenant governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the lieutenant governor under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieu-

tenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2008, in the operations account.

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2008, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 95.

ATTORNEY GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$4,751,214
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Litigation costs	\$41,617
<i>Provided</i> , That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Internet training education for Kansas kids	\$175,000
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2007, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2008.	

Abuse, neglect and exploitation unit	\$228,000
<i>Provided</i> , That any unencumbered balance in excess of \$100 as of June 30, 2007, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That expenditures may be made by the attorney general from the abuse, neglect and exploitation account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation: <i>And provided further</i> , That expenditures shall be made by the attorney general from the abuse, neglect and exploitation account of the state general fund to employ an inspector general who shall be an attorney in the classified service under the Kansas civil service act who shall be authorized to oversee, audit, investigate, and provide a performance review of the administration of the state medicaid program, mediKan program, and the state children's health insurance program.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Court cost fund	No limit
Bond transcript review fee fund.....	No limit
Conversion of materials and equipment fund	No limit
Attorney general's antitrust special revenue fund	No limit
Private gifts fund.....	No limit
Medicaid fraud reimbursement fund	No limit
Attorney general's antitrust suspense fund	No limit
Attorney general's consumer protection clearing fund.....	No limit
Attorney general's committee on crime prevention fee fund.....	No limit

Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury in ac-

cordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund No limit
Crime victims compensation fund No limit

Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed \$324,038: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund No limit
Protection from abuse fund No limit

Victims of crime assistance act — federal fund No limit
Crime victims grants and gifts fund No limit

Provided, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Attorney general's medicaid fraud control fund No limit
Other federal grants and reimbursement fund No limit

Debt collection administration cost recovery fund No limit

Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719 and amendments thereto.

Medicaid fraud prosecution revolving fund No limit

Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund.

Interstate water litigation fund No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802 and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund No limit
Children's advocacy center fund No limit

Abuse, neglect and exploitation of people with disabilities unit grant acceptance fund No limit

Concealed weapon licensure fund No limit

Provided, That the attorney general shall authorize the director of accounts and reports to transfer one or more amounts totaling \$260,000 from the concealed weapon licensure fund of the attorney general to the state general fund at such time as receipts to the concealed weapon licensure fund are sufficient to sustain expenditures for duties and activities relating to the administration of the personal and family protection act as well as to repay the state general fund for money advanced for such purpose: *Provided further*, That upon receipt of such authorization, the director of accounts and reports shall transfer each such amount authorized from the concealed weapon licensure fund of the attorney general to the state general fund.

(c) During the fiscal year ending June 30, 2008, grants made pursuant to K.S.A. 74-7325 and amendments thereto from the protection from abuse fund and grants made pursuant to K.S.A. 74- 7334 and amendments thereto from the crime victims assistance fund shall be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 82a-1801, and amendments thereto, or any other statute, the director of accounts and reports shall maintain the interstate water litigation reserve account of the state general fund into which \$19,366,401, which was part of the amount recovered by the state of Kansas from a settlement, judgment or decree in the litigation commenced in 1985 by the state of Kansas against the state of Colorado, was transferred and credited pursuant to section 79(f) of chapter 206 of the 2005 Session Laws of Kansas: *Provided*, That the interstate water litigation reserve account of the state general fund is hereby specifically continued as a separate reserve account within the state general fund: *Provided further*, That the amount transferred to the interstate water litigation reserve account of the state general fund pursuant to section 79(f) of chapter 206 of the 2005 Session Laws of Kansas shall be reserved for purposes to be prescribed by law: *And provided further*, That the state finance council shall have no authority to approve any transfer of moneys from the interstate water litigation reserve account of the state general fund, to authorize or approve any expenditure of moneys from the interstate water litigation reserve account of the state general fund or to increase any expenditure limitation on the interstate water litigation reserve account of the state general fund: *And provided further*, That no expenditures shall be authorized or made from the interstate water litigation reserve account of the state general fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

Sec. 96.

SECRETARY OF STATE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:
 Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: HAVA match.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund	No limit
HAVA ELVIS fund	No limit
Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
<i>Provided</i> , That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.	
State register fee fund	No limit
Uniform commercial code fee fund.....	No limit
State flag and banner fund	No limit
Secretary of state fee refund fund	No limit
Electronic voting machine examination fund.....	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit
Prepaid services fund.....	No limit
Athlete agent registration fee fund.....	No limit
Franchise fee recovery fund.....	No limit
Democracy fund	No limit
<i>Provided</i> , That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.	
Technology communication fee fund	No limit
HAVA federal fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2008 as authorized by this or any other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2008 to

provide part of the state matching requirement for the implementation of Title II of the federal help America vote act of 2002, public law 107—252.

(d) During the fiscal year ending June 30, 2008, notwithstanding the provisions of K.S.A. 2006 Supp. 75-445 and amendments thereto, the secretary of state shall not certify during each month of fiscal year 2008 to the director of accounts and reports the amount equal to the product of \$1 multiplied by the number of annual reports received by the secretary of state during the preceding month from professional corporations, domestic or foreign corporations, corporations organized not for profit, domestic or foreign limited liability companies, domestic or foreign limited partnerships or any other entities pursuant to statute, which include the receipt of an annual franchise tax or privilege fee, as prescribed by K.S.A. 2006 Supp. 75-445 and amendments thereto, and the director of accounts and reports shall not transfer any amount from the state general fund to the franchise fee recovery fund of the secretary of state, as prescribed by K.S.A. 2006 Supp. 75-445 and amendments thereto.

Sec. 97.

STATE TREASURER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$50,000

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund..... \$1,577,656

Provided, That, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58- 3934 et seq., and amendments thereto, or any other statute, of all the moneys received under the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, during fiscal year 2008, the state treasurer is hereby authorized and directed to credit the first \$1,337,476 received and deposited in the state treasury to the state treasurer operating fund: *Provided further*, That, after such aggregate amount has been credited to the state treasurer operating fund, then all of the moneys received under the uniform unclaimed property act during fiscal year 2008 shall be credited as prescribed under the unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto: *Provided further*, That all moneys credited to the state treasurer operating fund during fiscal year 2008 are to reimburse the state treasurer for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed to administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund No limit

Bond services fee fund No limit

City bond finance fund No limit

Local ad valorem tax reduction fund..... No limit

County and city revenue sharing fund No limit

Suspense fund..... No limit

County and city retailers' sales tax fund No limit

County and city compensating use tax fund..... No limit

Local alcoholic liquor fund No limit

Local alcoholic liquor equalization fund..... No limit

Unclaimed property claims fund No limit

Unclaimed property expense fund No limit

Provided, That expenditures from the unclaimed property expense fund for official hospitality shall not exceed \$2,000.

County and city transient guest tax fund..... No limit

Racing admissions tax fund..... No limit

Rental motor vehicle excise tax fund..... No limit

Transportation development district sales tax fund No limit

Redevelopment bond fund	No limit
Municipal investment pool fund	No limit
Pooled money investment portfolio fee fund	No limit

Provided, That on or before the fifth day of each month of the fiscal year ending June 30, 2008, the state treasurer shall certify to the pooled money investment board an accounting of the banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during such month: *Provided further*, That, prior to the 10th day of each month during the fiscal year ending June 30, 2008, the pooled money investment board shall review the certification from the state treasurer and shall make expenditures from the pooled money investment portfolio fee fund to pay the amount of banking fees incurred by the state treasurer during the second preceding month that are attributable to the investment of the pooled money investment portfolio during the second preceding month, as determined by the pooled money investment board.

Kansas postsecondary education savings program trust fund	No limit
Kansas postsecondary education savings program expense fund	No limit
Conversion of materials and equipment fund	No limit
Tax increment financing revenue replacement fund	No limit
Special qualified manufacturer fund	No limit

Provided, That, notwithstanding the provisions of K.S.A. 2006 Supp. 19-4108 and amendments thereto or any other statute, the special qualified manufacturer fund shall be maintained in the state treasury and shall be administered by the state treasurer for the purposes of the qualified manufacturer act: *Provided further*, That, on the 15th day of each month that commences during fiscal year 2008, the secretary of commerce and the secretary of revenue shall consult and determine the amount of revenue received by the state from withholding taxes paid by each taxpayer that is a qualified manufacturer during the preceding month and then, jointly, shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the director of the budget and the director of legislative research: *And provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the special qualified manufacturer fund established by this subsection: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the special qualified manufacturer fund interest earnings based on: (1) The average daily balance of moneys in the special qualified manufacturer fund established by this subsection for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the special qualified manufacturer fund from the withholding taxes paid by a qualified manufacturer shall be paid by the state treasurer to such qualified manufacturer on such dates as are mutually agreed to by the secretary of commerce and the state treasurer, serving as paying agent in accordance with the terms of the agreement entered into pursuant to K.S.A. 2006 Supp. 19-4108 and amendments thereto by the secretary of commerce and such qualified manufacturer: *And provided further*, That not more than \$1,000,000 shall be paid from the special qualified manufacturer fund established by this subsection by the state treasurer to a qualified manufacturer: *And provided further*, That the words and phrases used in these provisos to appropriation of moneys in the special qualified manufacturer fund shall have the meanings respectively ascribed thereto by K.S.A. 2006 Supp. 19-4107 and amendments thereto, unless the context requires otherwise.

Spirit bonds fund	No limit
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Provided, That, on the 15th day of each month that commences during fiscal year 2008, the secretary of revenue shall determine the amount of revenue received by the state during the preceding month from withholding taxes paid with respect to an eligible project by each taxpayer that is an eligible business for which bonds have been issued under K.S.A. 2006 Supp. 74-50,136 and amendments thereto and shall certify the amount so determined to the director of accounts and reports and, at the same time as such certification is transmitted to the director of accounts and reports, shall transmit a copy of such certification to the

director of the budget and the director of legislative research: *Provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the state general fund to the spirit bonds fund: *And provided further*, That, on or before the 10th day of each month commencing during fiscal year 2008, the director of accounts and reports shall transfer from the state general fund to the spirit bonds fund interest earnings based on: (1) The average daily balance of moneys in the spirit bonds fund for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month: *And provided further*, That the moneys credited to the spirit bonds fund from the withholding taxes paid by an eligible business and the interest earnings thereon shall be transferred by the state treasurer from the spirit bonds fund to the special economic revitalization fund administered by the state treasurer in accordance with K.S.A. 2006 Supp. 74-50,136 and amendments thereto.

(c) On July 1, 2007, the director of accounts and reports shall transfer any unencumbered balance in the services reimbursement fund of the state treasurer to the state treasurer operating fund of the state treasurer. On July 1, 2007, all liabilities of the services reimbursement fund of the state treasurer are hereby transferred to and imposed on the state treasurer operating fund to the state treasurer and the services reimbursement fund of the state treasurer is hereby abolished.

Sec. 98.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund No limit

Provided, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: *Provided further*, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company examination fund No limit

Provided, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company annual statement examination fund..... No limit

Insurance company examiner training fund No limit

Conversion of materials and equipment fund No limit

Commissioner's travel reimbursement fund..... No limit

Provided, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

Workers compensation fund..... No limit

Provided, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund No limit

Provided, That transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company tax and fee refund fund No limit

Group-funded workers' compensation pools fee fund No limit

Provided, That transfers may be made from the group-funded workers' compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Municipal group-funded pools fee fund No limit

Provided, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Uninsurable health insurance plan fund No limit
 Insurance education and training fund No limit
Provided, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.
 Other federal grants fund No limit
Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2008, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature.
 Monumental life settlement fund No limit
Provided, That all expenditures from the monumental life settlement fund shall be made for scholarship purposes: *Provided further*, That the scholarship recipients shall be African-American students who are currently enrolled and are attending an accredited higher education institution in the state of Kansas and who have designated a major in mathematics, computer science or business.
 Fines and penalties fund \$10,000
Provided, That, notwithstanding the provisions of K.S.A. 40-2606 and amendments thereto or any other statute, all moneys received during fiscal year 2008 for penalties imposed pursuant to K.S.A. 40-2606 and amendments thereto shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto: *Provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the fines and penalties fund.
 Settlements fund No limit

(b) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2008 as authorized by K.S.A. 40-223 and amendments thereto, notwithstanding the provisions of K.S.A. 40-223 or 75-3721 and amendments thereto or any other statute, expenditures may be made by the insurance department from the insurance company examination fund for fiscal year 2008 for the examination of annual statements filed with the commissioner of insurance, regardless of when the services were rendered, when the expenses were incurred or when any claim was submitted or processed for payment and regardless of whether or not the services were rendered or the expenses were incurred prior to the effective date of this act.

Sec. 99.

HEALTH CARE STABILIZATION FUND BOARD OF GOVERNORS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2008, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures	\$1,253,999
<i>Provided</i> , That expenditures from the operating expenditures account for official hospitality shall not exceed \$500.	
Fees — legal and professional services	No limit
Claims and benefits	No limit
Sec. 100.	

JUDICIAL COUNCIL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$70,000
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Judicial council fund	No limit
Grants and gifts fund	No limit

Provided, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund	No limit
Judicial performance fund	No limit

(c) On June 30, 2008, notwithstanding the provisions of K.S.A. 2006 Supp. 20-2207 and amendments thereto or any other statute the director of accounts and reports shall transfer the amount of any unencumbered balance in the publications fee fund as of June 30, 2008, in excess of \$175,000 from the publications fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the publications fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the publications fee fund to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the judicial council by other state agencies which receive appropriations from the state general fund to provide such services: *And provided further*, That when the judicial council must expend moneys for unforeseen and unbudgeted items, that such moneys shall be paid first from the judicial council fund and then from the publication fees fund.

Sec. 101.

STATE BOARD OF INDIGENTS' DEFENSE SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$10,783,874
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures for indigents' defense services are authorized to be made from the operating expenditures account regardless of when services were rendered: *Provided further*, That expenditures may be made from the operating expenditures account for negotiated contracts for malpractice insurance for public defenders and deputy or assistant public defenders: *And provided further*, That all contracts for malpractice insurance for public defenders and deputy or assistant public defenders shall be negotiated and purchased by the state board of indigents' defense services, shall not be subject to approval or purchase by the committee on surety bonds and insurance under K.S.A. 75-4114 and 75-6111 and amendments thereto and shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto.

Assigned counsel expenditures	\$10,000,000
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the assigned counsel expenditures account regardless of when services were rendered.

Capital defense operations..... \$1,641,846
Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the capital defense operations account is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures for indigents' defense services are authorized to be made from the capital defense operations account regardless of when services were rendered.

Legal services for prisoners..... \$376,287

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Indigents' defense services fund No limit
Provided, That expenditures may be made from the indigents' defense services fund for the purpose of assigned counsel and other professional services related to contract cases.

Inservice education workshop fee fund..... No limit
Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: *Provided further*, That the state board of indigents' defense services is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: *And provided further*, That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.

(c) During the fiscal year ending June 30, 2008, the executive director of the state board of indigents' defense services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2008 from the state general fund for the state board of indigents' defense services. The executive director shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 102.

JUDICIAL BRANCH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Judiciary operations..... \$105,180,735

Provided, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That contracts for computer input of judicial opinions under this appropriation shall be executed in the name of the supreme court by the chief justice and may be interrelated with contracts for the comprehensive legislative information system: *And provided further*, That all such contracts for computer input of judicial opinions and all purchases thereunder shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures may be made from the judiciary operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judiciary operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judiciary operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judiciary operations account for the travel expenses of panels of the court of appeals for travel to cities across the state to hear appealed cases.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Library report fee fund..... No limit

Judiciary technology fund No limit

Judicial branch gifts fund..... No limit

Dispute resolution fund	No limit
Judicial branch education fund.....	No limit
<i>Provided</i> , That expenditures may be made from the judicial branch education fund to provide services and programs for the purpose of educating and training judicial branch officers and employees, administering the training, testing and education of municipal judges as provided in K.S.A. 12-4114 and amendments thereto, educating and training municipal judges and municipal court support staff, and for the planning and implementation of a family court system, as provided by law, including official hospitality: <i>Provided further</i> , That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: <i>And provided further</i> , That such fees may be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: <i>And provided further</i> , That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the judicial branch education fund.	
Conversion of materials and equipment fund	No limit
Child welfare federal grant fund	No limit
Child support enforcement contractual agreement fund	No limit
Bar admission fee fund	No limit
Permanent families account — family and children investment fund.....	No limit
Duplicate law book fund	No limit
Court reporter fund.....	No limit
Access to justice fund.....	No limit
Judicial technology and building and grounds fund.....	No limit
Judicial branch nonjudicial salary initiative fund	No limit
Federal grants fund	No limit

(c) On July 1, 2007, the judiciary technology fee fund — federal grants of the judicial branch is hereby redesignated as the federal grants fund of the judicial branch.

Sec. 103.

KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

13th retirement check — debt service.....	\$3,214,217
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas public employees retirement fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Group insurance reserve fund.....	No limit
Optional death benefit plan reserve fund.....	No limit
Kansas endowment for youth fund.....	No limit
Senior services trust fund.....	No limit
Family and children endowment account — family and children investment fund	No limit
Non-retirement administration fund.....	No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account — family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b and amendments thereto.

KDFA series 2003H bond debt service fund.....	No limit
<i>Provided</i> , That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments	

thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939 and amendments thereto, and K.S.A. 74-4967 and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2008: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2008.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2008, for the following specified purposes:
 Agency operations..... \$8,072,763
Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses No limit
 KPERS technology project No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2008, for the following specified purposes:

Agency operations..... \$79,517
 Investment-related expenses No limit

(e) On July 1, 2007, notwithstanding the provisions of K.S.A. 38-2102 and amendments thereto, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102 and amendments thereto to be transferred on July 1, 2007, by the director of accounts and reports from the Kansas endowment for youth fund to the children's initiatives fund is hereby decreased to \$47,721,081.

Sec. 104.

KANSAS HUMAN RIGHTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$1,690,256

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, that expenditures from this account for official hospitality shall not exceed \$150: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Federal fund No limit
 Conversion of materials and equipment fund No limit
 Annual banquet fund No limit

Provided, That expenditures may be made from the annual banquet fund for operating expenditures for the commission's annual banquet, including official hospitality: *Provided further*, That the executive director is hereby authorized to fix, charge and collect fees for such banquet: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such banquet, including official hospitality: *And provided further*, That all fees received for such banquet shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the annual banquet fund.

Education and training fund..... No limit

Provided, That expenditures may be made from the education and training fund for operating expenditures for the commission's education and training programs for the general public, including official hospitality: *Provided further*, That the executive director is hereby

authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto shall be credited to the education and training fund.

Sec. 105.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Public service regulation fund.....	No limit
Motor carrier license fees fund	No limit
Conservation fee fund	No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: *And provided further*, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That the state corporation commission shall include as part of the fiscal year 2009 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717 and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2009, 2010 and 2011.

Natural gas underground storage fee fund	No limit
Gas pipeline inspection fee fund.....	No limit
Abandoned oil and gas well fund.....	No limit
Well plugging assurance fund	No limit
Facility conservation improvement program fund.....	No limit
Gas pipeline safety program — federal fund.....	No limit
Energy related grants — federal fund	No limit
Energy grants management fund.....	No limit
Energy conservation plan — federal fund.....	No limit
Underground injection control class II — federal fund.....	No limit
Pipeline damage prevention grant program — federal fund.....	No limit
Other federal grants fund.....	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2008, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature.

Inservice education workshop fee fund.....	No limit
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Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: *Provided further*, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: *And provided further*, That such fees shall be fixed in order to recover all or part

of the operating expenditures incurred for conducting such inservice workshops and conferences: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the in service education workshop fee fund.

Base state registration clearing fund	No limit
Credit card clearing fund	No limit
Suspense fund	No limit
KETA development fund	\$1,000,000

(b) Expenditures for the fiscal year ending June 30, 2008, by the state corporation commission from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund shall not exceed, in the aggregate, \$15,559,438: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2008 from the public service regulation fund, the motor carrier license fees fund and the conservation fee fund for official hospitality shall not exceed, in the aggregate, \$1,500.

(c) Expenditures for the fiscal year ending June 30, 2008, by the state corporation commission from the conservation fee fund or the abandoned oil and gas well fund may be made for the service of independent on-site supervision of well plugging contracts: *Provided*, That all expenditures from the conservation fee fund or the abandoned oil and gas well fund for the purpose of plugging of abandoned oil and gas wells shall be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto and shall not be exempt from such competitive bidding requirements on the basis of the estimated amount of such purchases.

(d) During the fiscal year ending June 30, 2008, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer additional moneys from the conservation fee fund of the state corporation commission, which are in excess of \$400,000 prescribed by K.S.A. 2006 Supp. 55-193 and amendments thereto, to the abandoned oil and gas well plugging fund of the state corporation commission: *Provided*, That the executive director of the state corporation commission shall certify each such transfer of additional moneys to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) In addition to other purposes for which expenditures may be made by the Kansas corporation commission from the public service regulation fund for fiscal year 2008 for the corporation commission as authorized by this or other appropriation act of the 2007 regular session of the legislature, notwithstanding the provisions of any other statute to the contrary, the Kansas corporation commission may make expenditures from the public service regulation fund for fiscal year 2008 for expenses incurred by the Kansas electric transmission authority: *Provided*, That expenditures from the public service regulation fund for the expenses of the Kansas electric transmission authority shall not exceed \$100,000.

(f) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, the executive director of the state corporation commission, with the approval of the director of the budget, may transfer funds from any special revenue fund or funds of the state corporation commission to any other special revenue fund or funds of the state corporation commission. The executive director of the state corporation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,000,000 from the state general fund to the KETA development fund of the state corporation commission.

Sec. 106.

CITIZENS' UTILITY RATEPAYER BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund	\$780,280
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Provided, That expenditures may be made by the citizens' utility ratepayer board from the utility regulatory fee fund pursuant to contracts for professional services, which are hereby

authorized to be entered into by the board: *Provided further*, That such professional services shall include but are not limited to the services of engineers, accountants, attorneys and economists, to assist in carrying out the duties of the board, which assistance may include preparation and presentation of expert testimony, when the expenses of such professional services are required to be assessed under K.S.A. 66-1502 and amendments thereto against the public utilities involved: *And provided further*, That such contracts shall be negotiated by a negotiating committee composed of the following persons: The consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee, the director of the budget or that director's designee, the director of accounts and reports or that director's designee, and the chairperson of the citizens' utility ratepayer board or the chairperson's designee: *And provided further*, That the consumer counsel of the citizens' utility ratepayer board or the consumer counsel's designee shall convene the negotiating committee for each such contract and the negotiating committee shall consider all proposals by persons applying to perform such contract and shall award the contract: *And provided further*, That such contracts shall not be subject to the provisions of K.S.A. 75-3739 and amendments thereto or to the provisions of the acts contained in article 58 of chapter 75 of the Kansas Statutes Annotated: *And provided further*, That, of the amount of additional expenditures authorized by the expenditure limitation prescribed by this subsection, no portion of such unspent expenditure authority for fiscal year 2008 shall be the basis for any amount being transferred into a Kansas savings incentive program account or KSIP account under the Kansas savings incentive program of any other Kansas savings incentive program section in this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, if the total amount of additional expenditures authorized by the expenditure limitation prescribed by this section are not expended or encumbered for fiscal year 2008, then the amount equal to the amount of such increased expenditure authority for fiscal year 2008 remaining may be expended from the utility regulatory fee fund for fiscal year 2009 pursuant to contracts for professional services and any such expenditure for fiscal year 2008 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2008.

(b) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, or as soon after each such date as moneys are available, and upon receipt of certification by the state corporation commission of the amount to be transferred, the director of accounts and reports shall transfer from the public service regulation fund of the state corporation commission to the utility regulatory fee fund of the citizens' utility ratepayer board all moneys assessed by the state corporation commission for the citizens' utility ratepayer board under K.S.A. 66-1502 or 66-1503 and amendments thereto and deposited in the state treasury to the credit of the public service regulation fund.

Sec. 107.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

General administration	\$899,012
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Provided, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Department of administration systems	\$2,684,329
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Provided, That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.

Personnel services.....	\$1,947,785
<i>Provided</i> , That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures for such reappropriated balance shall be made only upon approval of the state finance council.	
Purchasing.....	\$497,433
<i>Provided</i> , That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.	
Budget analysis.....	\$1,368,327
<i>Provided</i> , That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: <i>And provided, further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Public broadcasting council grants.....	\$1,999,447
<i>Provided</i> , That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: <i>And provided further</i> , That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: <i>And provided further</i> , That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal capital equipment grants.	
KMUW — Wichita grant.....	\$218,620
KPTS — Wichita grant.....	\$148,075
KCPT — Kansas City grant.....	\$132,840
KPERS bonds debt service.....	\$26,076,303
Public broadcasting digital conversion debt service.....	\$603,552
Policy analysis initiatives.....	\$194,926
<i>Provided</i> , That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That expenditures from this account for official hospitality shall not exceed \$5,000.	
Long-term care ombudsman.....	\$253,795
<i>Provided</i> , That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: <i>Provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds or indirect cost recoveries authorized by law shall not exceed the following:	
Federal cash management fund.....	No limit
State leave payment reserve fund.....	No limit
Building and ground fund.....	No limit
<i>Provided</i> , That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.	
General fees fund.....	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and	

official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund of the department of administration.

Human resource information systems cost recovery fund No limit
Budget fees fund No limit

Provided, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the budget fees fund.

Purchasing fees fund No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses.

Architectural services fee fund No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the architectural services fee fund.

Budget equipment conversion fund No limit

Conversion of materials and equipment fund No limit

Architectural services equipment conversion fund No limit

Property contingency fund No limit

Flood control emergency — federal fund No limit

CJIS Byrne Grant — federal fund No limit

FICA reimbursements medical residents fund No limit

Information technology fund No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury to the credit of the information technology fund: *Provided, however*, That no expenditures shall be made by the above agency from such increase for voice-over-internet protocol.

Information technology reserve fund No limit

State buildings operating fund No limit

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682 and amendments

thereto for approving the use of such property: *And provided further*, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *And provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739 and amendments thereto shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2006 Supp. 75-37,123 and amendments thereto shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That any moneys collected from a fee increase for the monumental buildings surcharge recommended by the governor shall be deposited in the state treasury to the credit of the state buildings operating fund: *Provided, however*, That no fee greater than \$2.07 per square foot shall be collected for the monumental buildings surcharge by the above agency during the fiscal year ending June 30, 2008.

Accounting services recovery fund	No limit
<i>Provided</i> , That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: <i>Provided further</i> , That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: <i>And provided further</i> , That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the accounting services recovery fund.	
Architectural services recovery fund	No limit
<i>Provided</i> , That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: <i>Provided further</i> , That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: <i>And provided further</i> , That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the architectural services recovery fund.	
Motor pool service fund	No limit
Kansas public employees retirement clearing fund	No limit
Intragovernmental printing service fund	No limit
Intragovernmental printing service depreciation reserve fund	No limit
Municipal accounting and training services recovery fund	No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants payment fund	No limit
State emergency fund	No limit
Bid and contract deposit fund	No limit
Federal withholding tax clearing fund	No limit
State gaming revenues fund	No limit
Legal office collection clearing fund	No limit
Excise tax refund clearing fund	No limit
State withholding tax clearing fund	No limit
Unemployment compensation tax clearing fund	No limit
Construction defects recovery fund	No limit
Facilities conservation improvement fund	No limit
State revolving fund services fee fund	No limit
Conversion of materials and equipment — recycling program fund	No limit
Curtis office building maintenance reserve fund	No limit
Employees faithful performance bond clearing fund	No limit
Deferred compensation clearing fund	No limit
Deferred compensation fees fund	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund	No limit
Series E savings bond clearing fund	No limit
Optional life insurance clearing fund	No limit
Employee organization dues clearing fund	No limit
United Way contributions clearing fund	No limit
Setoff clearing fund	No limit
Parking fees clearing fund	No limit
Electronic funds transfer suspense fund	No limit
State employee contribution clearing fund for OASDHI	No limit
Intergovernmental cooperation agreement for development of statewide cost allocation plan clearing fund	No limit
Medicare fund clearing account	No limit
Surplus property program fund — on budget	No limit
Surplus property program fund — off budget	No limit
Leave payment reserve clearing fund	No limit
Administrative hearings office fund	No limit
Older Americans act long-term care ombudsman federal fund	No limit
Long-term care ombudsman gift and grant fund	No limit
Title XIX — long-term care ombudsman medicaid federal grant fund	No limit
Wireless enhanced 911 grant fund	No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer from the state general fund to the deferred compensation fees fund of the department of administration interest earnings based on: (1) The average daily balance of moneys in the deferred compensation fees fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2007, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(e) During the fiscal year ending June 30, 2008, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto.

(f) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2008 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(g) (1) On July 1, 2007, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2008, except that such amount shall be proportionally adjusted during fiscal year 2008 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2008. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2007 and fiscal year 2008 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2008 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2008.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (g) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (j) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(h) (1) On July 1, 2007, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2008, except that such amount shall be proportionally adjusted during fiscal year 2008 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives

fund during fiscal year 2008. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2008 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2008.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2007, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2008, except that such amount shall be proportionally adjusted during fiscal year 2008 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2008. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2008 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2008.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(j) (1) On July 1, 2007, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children's cabinet during the fiscal year ending June 30, 2008, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2008 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2008.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (j) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the

reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (g) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund.

(k) During the fiscal year ending June 30, 2008, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department of administration to another item of appropriation for fiscal year 2008 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(l) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, the following:

SIBF — state building insurance \$77,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05 and amendments thereto, expenditures may be made by the above agency from the SIBF — state building insurance account of the state institutions building fund for state building insurance premiums.

(m) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2008, the following:

EBF — state building insurance \$415,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b02 and amendments thereto, expenditures may be made by the above agency from the EBF — state building insurance account of the Kansas educational building fund for state building insurance premiums.

(n) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2008, the following:

CIBF — state building insurance \$71,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09 and amendments thereto, expenditures may be made by the above agency from the CIBF — state building insurance account of the correctional institutions building fund for state building insurance premiums.

(o) On July 1, 2007, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2008 shall be equal to and shall not exceed the Older Americans Act Title VII: Ombudsman Award and 4.38% of the Kansas Older Americans Act Title III: Part B Supportive Services Award.

(p) (1) On July 1, 2007, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount credited and debited on or before June 30, 2007, pursuant to section 76(p)(9)(D) of chapter 142 of the 2006 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2007, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2008.

(3) (A) (i) Prior to August 15, 2007, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2008 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2008.

(ii) On or before June 30, 2008, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund

that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2008, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, cancelled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (p)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2007, the director of the budget shall determine and certify to the director of accounts and reports the amount equal to 10% of the amount determined by the director of the budget to be the amount (i) that is available to be expended for fiscal year 2008 from each Kansas savings incentive program account in the state general fund or in any special revenue fund of each state agency, other than any regents agency, under the Kansas savings incentive program, and (ii) that is in excess of \$50,000 in such Kansas savings incentive program account.

(C) Prior to August 15, 2007, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2007 and which were not reappropriated for fiscal year 2008, as determined by the director of the budget: *Provided*, That, as used in this subsection (p)(3)(C), "unanticipated lapses of moneys" shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2007 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2007 regular session of the legislature.

(D) Prior to August 15, 2007, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2006, that were released during fiscal year 2007, and that were not specifically reappropriated by an appropriation act of the 2007 regular session of the legislature.

(4) On August 15, 2007, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3), the expenditure limitation established for fiscal year 2008 for each special revenue fund account under the Kansas savings incentive program that is appropriated for the fiscal year ending June 30, 2008, by this or other appropriation act of the 2007 regular session of the legislature is hereby respectively decreased by the amount equal to the amount certified under subsection (p)(3).

(5) (A) On August 15, 2007, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(i), the appropriation for fiscal year 2008 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2008, by this or other appropriation act of the 2007 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(i).

(B) On August 15, 2007, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(B), the appropriation for fiscal year 2008 for each account of the state general fund, state economic development initiatives fund, state water plan fund, children's initiatives fund and Kansas endowment for youth fund under the Kansas savings incentive program that is appropriated or reappropriated for the fiscal year ending June 30, 2008, by this or other appropriation act of the 2007 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(B).

(C) On June 30, 2008, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(ii), the appropriation for fiscal year 2008 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2008, by this or other appro-

priation act of the 2007 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(ii).

(6) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (p)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(7) (A) Prior to August 15, 2007, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (p): *Provided* That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (p). At the same time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2007, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (p)(7), the appropriation for fiscal year 2008 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2008, by this or other appropriation act of the 2007 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (p)(7).

(8) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (p), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2008.

(9) (A) On or before September 1, 2007, after receipt of each certification by the director of the budget pursuant to this subsection (p), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (p)(3) and subsection (p)(7) in accordance with such certifications.

(B) On September 1, 2007, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2007, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2008.

(D) On or before June 30, 2008, after receipt of each certification by the director of the budget pursuant to subsection (p)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (p)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2008, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(F) On June 30, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2008.

(G) On June 30, 2008, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.

(H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) and all reductions and adjustments thereto made pursuant to this subsection (p). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(10) As used in this subsection (p), "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, and Wichita state university.

(11) The provisions of this subsection (p) shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors;

(B) any money held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;

(C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (p);

(D) any account of the Kansas educational building fund or the state institutions building fund; or

(E) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection (p), including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(12) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (p), is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(13) On or after July 1, 2007, notwithstanding the provisions of K.S.A. 75-4209 and amendments thereto or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than \$6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The

pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.

(q) During the fiscal year ending June 30, 2008, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2008, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711 and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 2006 Supp. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 2006 Supp. 75-1269 and amendments thereto to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the architectural services recovery fund.

(r) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2008, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a and amendments thereto, without charge or cost to such employees for such parking: *Provided*, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: *Provided further*, That the secretary of administration shall continue otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: *And provided further*, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

(s) In addition to the other purposes for which expenditures may be made by the department of administration from moneys appropriated in any special revenue fund or in any account of the state general fund for the above agency for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from any such special revenue fund or any such account of the state general fund for fiscal year 2008 to prepare and submit a report on the use of credit cards issued by the state of Kansas to state officers and employees for the purposes, including, but not limited to, paying for certain job related expenses or making purchases for such state officers and employees state agency: *Provided*, That a summary of internal audit findings shall be included as a part of such report including any abuse or misuse of such credit cards reported in such internal audits: *Provided further*, That the secretary of administration shall make a full report on such issues to the legislature during the 2008 regular session of the legislature.

(t) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or

any special revenue fund for the above agency for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to establish the state employee compensation oversight commission, hereafter referred to in this subsection as the commission, which shall be composed of members appointed as follows and subject to the following provisions, and to provide for the duties, functions and operations of the commission in accordance with the following: *Provided*, That the commission shall consist of the following 11 members, two members who are legislators appointed by the president of the senate, two members who are legislators appointed by the speaker of the house of representatives, one member who is a legislator appointed by the minority leader of the senate, one member who is a legislator appointed by the minority leader of the house of representatives, three members appointed by the governor, one member shall be appointed by the chairperson of the state board of regents, and one member shall be appointed by the chief justice of the supreme court: *Provided further*, That the speaker of the house of representatives shall designate one member to convene and organize the first meeting at which the commission shall elect a chairperson and a vice- chairperson from among the members of the commission: *And provided further*, That the commission shall meet on call of the chairperson or on the request of six members of the commission: *And provided further*, That six members of the commission shall constitute a quorum: *And provided further*, That all actions of the commission shall be taken by a majority of all members of the commission: *And provided further*, That the commission shall review classified employee fringe benefits and focus on the development of a new state pay plan for officers and employees in the classified service under the Kansas civil service act: *And provided further*, That, on or before June 8, 2007, the commission shall convene for the first meeting: *And provided further*, That the commission shall develop and submit to the legislature, governor and chief justice of the supreme court at the beginning of the 2008 regular session a new state pay plan for officers and employees in the classified service under the Kansas civil service act: *And provided further*, That each member of the commission attending meetings of such commission, or attending a subcommittee meeting thereof authorized by such commission, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from appropriations for the state agency of the officer who appointed the member of the commission.

Sec. 108.

STATE BOARD OF TAX APPEALS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$1,554,014
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Duplicating fees fund	\$5,000
BOTA filing fee fund	\$494,265

Sec. 109.

DEPARTMENT OF REVENUE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$20,398,845
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$1,500.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund	No limit
Division of vehicles operating fund	\$39,525,978

Provided, That all receipts collected under authority of K.S.A. 74-2012 and amendments thereto shall be credited to the division of vehicles operating fund: *Provided further*, That any expenditure from the division of vehicles operating fund of the department of revenue to reimburse the audit services fund of the division of post audit for a financial-compliance audit in an amount certified by the legislative post auditor shall be in addition to any expenditure limitation imposed on the division of vehicles operating fund for the fiscal year ending June 30, 2008: *And provided further*, That, notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or of any statute, expenditures may be made from this fund for other operating expenditures of the department of revenue.

Vehicle dealers and manufacturers fee fund	No limit
Kansas qualified agricultural ethyl alcohol producer incentive fund	No limit
Kansas qualified biodiesel fuel producer incentive fund	No limit
Local report fee fund	No limit
Military retirees income tax refund fund	No limit
Conversion of materials and equipment fund	No limit
Forfeited property fee fund	No limit
Setoff services revenue fund	No limit
Publications fee fund	No limit
State bingo regulation fund	No limit
Child support enforcement contractual agreement fund	No limit
County treasurers' vehicle licensing fee fund	No limit
Reappraisal reimbursement fund	No limit

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the board of tax appeals under K.S.A. 79-1479 and amendments thereto.

Special training fund	No limit
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Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the special training fund.

Recovery fund for enforcement actions and attorney fees	No limit
Federal commercial motor vehicle safety fund	No limit
Central stores fund	No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*, That all moneys received for such supplies shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the central stores fund.

Microfilming fund	No limit
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Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further*, That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund	No limit
Liquor excise tax guarantee bond fund	No limit
Non-resident contractors cash bond fund	No limit
Bond guaranty fund.....	No limit
Interstate motor fuel user cash bond fund	No limit
Motor fuel distributor cash bond fund.....	No limit
Special county mineral production tax fund	No limit
County drug tax fund	No limit
Escheat proceeds suspense fund.....	No limit
Privilege tax refund fund	No limit
Suspense fund.....	No limit
Cigarette tax refund fund.....	No limit
Motor-vehicle fuel tax refund fund	No limit
Cereal malt beverage tax refund fund	No limit
Income tax refund fund	No limit
Sales tax refund fund	No limit
Compensating tax refund fund	No limit
Alcoholic liquor tax refund fund	No limit
Cigarette/tobacco products regulation fund	No limit
Motor carrier tax refund fund.....	No limit
Car company tax fund	No limit
Protested motor carrier taxes fund.....	No limit
Tobacco products refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-1694a.....	No limit
Interstate motor fuel taxes clearing fund	No limit
Bingo refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100	No limit
Interstate motor fuel taxes refund fund.....	No limit
Interfund clearing fund.....	No limit
Local alcoholic liquor clearing fund.....	No limit
International registration plan distribution clearing fund.....	No limit
Rental motor vehicle excise tax refund fund.....	No limit
International fuel tax agreement clearing fund.....	No limit
Mineral production tax refund fund	No limit
Special fuels tax refund fund.....	No limit
LP-gas motor fuels refund fund.....	No limit
Local alcoholic liquor refund fund.....	No limit
Sales tax clearing fund	No limit
Rental motor vehicle excise tax clearing fund	No limit
VIPS/CAMA technology hardware fund.....	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021 and amendments thereto or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund — county and city sales tax.....	No limit
City and county compensating use tax clearing fund.....	No limit
County and city transient guest tax clearing fund.....	No limit
Automated tax systems fund.....	No limit
Dyed diesel fuel fee fund.....	No limit
Electronic databases fee fund	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2022 and amendments thereto or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems</i>	

of the department of revenue, including the costs incurred to provide access to or to furnish copies of public records in such database systems and for the administration and operation of the department of revenue.

Photo fee fund	No limit
<i>Provided</i> , That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of implementing Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.	
Estate tax abatement refund fund.....	No limit
Distinctive license plate fund.....	No limit
Repossessed certificates of title fee fund	No limit
Hazmat fee fund	No limit
Intra-governmental service fund	No limit

(c) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, the director of accounts and reports shall transfer \$9,673,794.75 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2007, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2007, the director of accounts and reports shall transfer \$60,000 from the social welfare fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

Sec. 110.

KANSAS LOTTERY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund	No limit
Lottery operating fund.....	No limit

Provided, That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.

(b) Notwithstanding the provisions of K.S.A. 74-8711 and amendments thereto and subject to the provisions of this subsection, an amount of not less than \$4,500,000 shall be certified by the executive director of the Kansas lottery to the director of accounts and reports on or before August 15, 2007, and on or before the 15th of each month thereafter through July 15, 2008: *Provided*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the amount certified from the lottery operating fund to the state gaming revenues fund and shall credit such amount to the state gaming revenues fund for the fiscal year ending June 30, 2008: *Provided, however*, That, after the date that an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2008 pursuant to this subsection, the executive director of the Kansas lottery shall continue to certify amounts to the director of accounts and reports on or before the 15th of each month through July 15, 2008, except that the amounts certified after such date shall not be subject to the minimum amount of \$4,500,000: *Provided further*, That the amounts certified by the executive director of the Kansas lottery to the director of accounts and reports, after the date an amount of \$54,000,000 has been transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2008 pursuant to this subsection, shall be determined by the executive director so that an aggregate of all amounts certified pursuant to this subsection for fiscal year 2008 is equal to or more than \$72,040,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2008 pursuant to

this subsection shall be equal to or more than \$72,040,000: *And provided further*, That the transfers prescribed by this subsection shall be made in lieu of transfers under subsection (d) of K.S.A. 74-8711 and amendments thereto for fiscal year 2008.

(c) Notwithstanding the provisions of K.S.A. 79-4801 and amendments thereto or any other statute and in addition to the requirements of subsection (b) of this section, on or after June 15, 2008, upon certification by the executive director of the lottery, the director of accounts and reports shall transfer from the lottery operating fund to the state gaming revenues fund the amount of total profit attributed to the special veterans benefits game under K.S.A. 2006 Supp. 74-8724, and amendments thereto, during fiscal year 2008: *Provided*, That the director of accounts and reports shall transfer immediately thereafter such amount of total profit attributed to the special veterans benefits game from the state gaming revenues fund to the state general fund: *Provided further*, That, on or before June 15, 2008, the executive director of the lottery shall certify to the director of accounts and reports the amount equal to the amount of total profit attributed to the special veterans benefits game under K.S.A. 2006 Supp. 74-8724, and amendments thereto, during fiscal year 2008: *And provided further*, That, at the same time as such certification is transmitted to the director of accounts and reports, the executive director of the lottery shall transmit a copy of such certification to the director of the budget and the director of legislative research.

Sec. 111.

KANSAS RACING AND GAMING COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund.....	\$2,849,186
<i>Provided</i> , That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.	
Racing reimbursable expense fund.....	No limit
Racing applicant deposit fund.....	No limit
Kansas horse breeding development fund.....	No limit
Kansas greyhound breeding development fund.....	No limit
Racing investigative expense fund.....	No limit
Horse fair racing benefit fund.....	No limit
Tribal gaming fund.....	No limit

Provided, That expenditures from the tribal gaming fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$1,500.

(b) On July 1, 2007, the director of accounts and reports shall transfer \$450,000 from the state general fund to the tribal gaming fund of the Kansas racing and gaming commission.

(c) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer one or more amounts certified by the executive director of the state gaming agency from the tribal gaming fund to the state general fund: *Provided*, That all such transfers shall be for the purpose of reimbursing the state general fund for the amount equal to the net amount obtained by subtracting (1) the aggregate of any costs incurred by the state gaming agency during fiscal year 2008 for any arbitration or litigation in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act, from (2) the aggregate of the amounts transferred to the tribal gaming fund of the Kansas racing and gaming commission during fiscal year 2008 for the operating expenditures for the state gaming agency and any other expenses incurred in connection with the administration and enforcement of tribal-state gaming compacts or the provisions of the tribal gaming oversight act.

(d) During the fiscal year ending June 30, 2008, all payments for services provided by the Kansas bureau of investigation shall be paid by the Kansas racing and gaming commission in accordance with subsection (b) of K.S.A. 75-5516 and amendments thereto, pursuant to bills which are presented in a timely manner by the Kansas bureau of investigation for services rendered. Any expenditure from the state racing fund during fiscal year 2008 to reimburse the Kansas bureau of investigation for professional services and fees in an amount certified by the director of the Kansas bureau of investigation shall be in addition to any

expenditure limitation imposed on the state racing fund for the fiscal year ending June 30, 2008.

(e) In addition to the other purposes for which expenditures may be made from the moneys appropriated in the tribal gaming fund for fiscal year 2008 for the Kansas racing and gaming commission by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2008 for the state gaming agency regulatory oversight of class III gaming, including but not limited to the regulatory oversight and law enforcement activities of monitoring compliance with tribal-state gaming compacts and conducting investigations of violations of tribal-state gaming compacts, investigations of criminal violations of the laws of this state at tribal gaming facilities, criminal violations of the tribal gaming oversight act, and investigations of other criminal activities related to tribal gaming, which are hereby authorized.

(f) Notwithstanding the provisions of K.S.A. 74-8831, and amendments thereto, or any other statute, the director of accounts and reports (1) shall not make the transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to the greyhound tourism fund of the department of commerce that is directed to be made on or before June 30, 2008, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall not make any other transfer from the Kansas greyhound breeding development fund of the Kansas racing and gaming commission to any other fund of the Kansas racing and gaming commission during fiscal year 2008.

Sec. 112.

DEPARTMENT OF COMMERCE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Senior community service employment program.....	\$4,377
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the senior community service employment program account is hereby reappropriated for fiscal year 2008.

Kansas commission on disability concerns.....	\$231,138
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the Kansas commission on disability concerns account is hereby reappropriated for fiscal year 2008.

Strong military bases program.....	\$375,000
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(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Older Kansans employment program.....	\$330,481
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Rural opportunity program.....	\$2,100,000
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Operating grant (including official hospitality)	\$15,744,808
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Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *And provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: *And provided further*, That during fiscal year 2008, expenditures made by the department of commerce from the operating grant (including official hospitality) account of the state economic development initiatives fund shall be made for the purpose of achieving the following outcome measures:

Measure	Budget Year Projection FY 2008
Jobs created by projects utilizing KDOC assistance	6,500
Jobs retained by projects utilizing KDOC assistance	7,000
Payroll generated by projects utilizing KDOC assistance	\$256,150,000
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$315,000,000
Funds leveraged through match in projects utilizing KDOC assistance	\$16,500,000
Individuals trained through workforce development programs	10,400
Sales generated by projects utilizing KDOC assistance	\$110,000,000
Increase in visitation resulting from KDOC tourism promotion efforts	334,000
Tourism revenue generated as a result of KDOC tourism promotion	\$33,600,000
Kansans served with counseling, technical assistance or business services	4,450
Number of communities receiving community assistance services	315

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Publication and other sales fund	No limit
Conversion of equipment and materials fund	No limit
Conference registration and disbursement fund	No limit
Trademark fund.....	No limit
Flood mitigation assistance federal fund.....	No limit
Trade show promotion fund.....	No limit
Kansas tourist attraction matching grant development fund.....	No limit
Greyhound tourism fund	No limit
Reimbursement and recovery fund	No limit
Community development block grant — federal fund.....	No limit
Community development block grant — federal fund — revolving loan account	No limit
Other federal grants fund.....	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the fiscal year 2008, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature.

National main street center fund.....	No limit
IMPACT program services fund	No limit
IMPACT program repayment fund.....	No limit
Kansas partnership fund	No limit

Provided, That the interest rate on any loan made from the Kansas partnership fund shall be annually indexed to the federal discount rate.

Goodyear bond repayment fund No limit

Provided, That, on July 1, 2007, or as soon thereafter as moneys are available, the director of the division of accounts and reports shall transfer from the state general fund to the Goodyear bond repayment fund in an amount or amounts sufficient to pay debt service on the bond obligations authorized pursuant to K.S.A. 74-8942 through 74-8945 and amendments thereto as certified by the secretary of commerce, in accordance with and subject to the provisions of K.S.A. 74-8943 and amendments thereto.

Goodyear revenue anticipation note fund No limit

General fees fund No limit

Provided, That expenditures may be made from the general fees fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under programs of the department.

Market development fund No limit

Provided, That expenditures may be made from the market development fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the agricultural value added center program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the market development fund.

Kansas economic opportunity initiatives fund No limit

Kansas existing industry expansion fund No limit

Provided, That expenditures may be made from the Kansas existing industry expansion fund for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the Kansas existing industry expansion program: *Provided further*, That all moneys received by the department of commerce for repayment of loans made under the Kansas existing industry expansion program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas existing industry expansion fund.

Kansas community entrepreneurship fund No limit

Athletic fee fund No limit

Wheat harvest program — non-federal fund No limit

Adult program — WIA — federal fund No limit

Youth program — WIA — federal fund No limit

Dislocated worker — WIA — federal fund No limit

Trade adjustment assistance — federal fund No limit

Workforce opportunity tax credit — federal fund No limit

Alien labor certification — federal fund No limit

Local veterans employment representative — federal fund No limit

School to work — federal fund No limit

Disabled veterans outreach program — federal fund No limit

Wagner Peyser — federal fund No limit

Re-employment services — federal fund No limit

Senior community service employment program — federal fund No limit

Indirect cost — federal fund No limit

Kansas commission on disability concerns operating fund No limit

Kansas commission on disability concerns — donations fund No limit

Kansas commission on disability concerns — private grant fund No limit

Apprenticeship — federal fund No limit

WIA — setaside — federal fund No limit

State affordable airfare fund \$5,000,000

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2008, for (1) the provision and administration of conferences held for the purposes of programs and activities of the department of commerce and for which fees are not specifically prescribed by statute, (2) sale of *Kansas!* magazine and other publications of the department of commerce and for sale of educational and other promotional items and for which fees are not specifically prescribed by statute, and (3) promotional and other advertising and related economic development activities and services provided under economic development programs and activities of the department of commerce, including those provided at tourist information centers: *Provided*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services, conferences, publications and items, advertising and other economic development activities and services provided under economic development programs and activities of the department of commerce for which fees are not specifically prescribed by statute: *Provided further*, That all such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to one or more special revenue funds of the department of commerce as specified by the secretary of commerce: *And provided further*, That expenditures may be made from such special revenue funds of the department of commerce for fiscal year 2008, in accordance with the provisions of this or other appropriation act of the 2007 regular session of the legislature, for operating expenses incurred in providing such services, conferences, publications and items, advertising, programs and activities and for operating expenses incurred in providing similar economic development activities and services provided under economic development programs and activities of the department of commerce.

(e) In addition to the other purposes for which expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2008 for the department of commerce as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of commerce from moneys appropriated in any special revenue fund for fiscal year 2008 for official hospitality.

(f) On August 15, 2007, and December 15, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,500,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

Sec. 113.

KANSAS, INC.

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Operations (including official hospitality).....	\$497,999
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas, Inc., private operations fund	No limit
Conversion of materials and equipment fund	No limit

Sec. 114.

KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Operations, assistance and grants (including official hospitality)	\$12,457,085
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Provided, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

MAMTC federal fund	No limit
KTEC special revenue fund	No limit

(c) No moneys appropriated for the fiscal year ending June 30, 2008, by this or other appropriation act of the 2007 regular session of the legislature for the Kansas technology enterprise corporation shall be expended for any bonus or other payment of additional compensation for any officer or employee of the Kansas technology enterprise corporation, or any subsidiary corporation, agency or instrumentality thereof, except longevity bonus payments pursuant to K.S.A. 75-5541 and amendments thereto or as otherwise specifically authorized by statute or other bonus payments that are in conformance with the governor's executive order no. 06-07, which was filed with the secretary of state and was effective on June 18, 2006.

(d) In addition to the other purposes for which expenditures may be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 for the Kansas technology enterprise corporation as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the Kansas technology enterprise corporation from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008, notwithstanding the provisions of any other statute, to adopt, implement and administer policies limiting bonus payments that are applicable to all officers and employees of the Kansas technology enterprise corporation for fiscal year 2008, that are equivalent to the provisions of the governor's executive order no. 06-07, or a succeeding executive order of the governor for fiscal year 2008, and that, in addition, include a prohibition on payment of any employee bonuses from any moneys of KTEC Holding, Inc., and to take all administrative and other actions as may be required, including adopting additional policies and entering into such new agreements, or modifications of existing agreements as may be required for the implementation and administration of such policies limiting bonus payments to officers and employees of Kansas technology enterprise corporation for fiscal year 2008.

Sec. 115.

DEPARTMENT OF LABOR

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$457,314
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That in addition to the other purposes for which expenditures may be made by the above agency from this account for the fiscal year ending June 30, 2008, expenditures may be made from this account for the costs incurred for court reporting under K.S.A. 72-5413 *et seq.*, and 75-4321 *et seq.*, and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of labor shall not exceed \$2,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen's compensation fee fund	\$12,462,231
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Provided, That in addition to the other purposes for which expenditures may be made by the above agency from this fund for the fiscal year ending June 30, 2008, expenditures may be made by the above agency from this fund for the costs incurred to establish two full-time investigative auditors: *Provided further*, That expenditures from this fund for fiscal year 2008 for such auditors shall not exceed \$107,438.

Occupational health and safety — federal fund	No limit
Boiler inspection fee fund	No limit
General fees fund	No limit
Special employment security fund	No limit

Provided, That expenditures may be made from the special employment security fund for payment for the department of administration's lease space agreement: *Provided further*,

That expenditures from this fund for payment of such lease space agreement shall not exceed \$13,414: *And provided further*, That expenditures may be made from the special employment security fund for payment of communications costs: *And provided further*, That expenditures from this fund for payment of communications costs shall not exceed \$15,000.

Employment security administration fund.....	No limit
State workplace health and safety fund.....	No limit
Wage claims assignment fee fund.....	No limit
Employment security computer systems institute fund.....	No limit
Department of labor special projects fund.....	No limit
Federal indirect cost offset fund.....	\$404,992
Dispute resolution fund.....	No limit

Provided, That all moneys received by the secretary of labor for reimbursement of expenditures for the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto shall be deposited in the state treasury and credited to the dispute resolution fund: *Provided further*, That expenditures may be made from this fund to pay the costs incurred for mediation under K.S.A. 72-5427 and amendments thereto and for fact-finding under K.S.A. 72-5428 and amendments thereto, subject to full reimbursement therefor by the board of education and the professional employees' organization involved in such mediation and fact-finding procedures.

Employment security fund..... No limit

(c) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2008 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of debt service on a bond issued for the rewrite of the unemployment insurance benefit system: *Provided*, That expenditures from the employment security fund during fiscal year 2008 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such debt service shall not exceed \$2,642,700.

(d) In addition to the other purposes for which expenditures may be made by the department of labor from the employment security fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2008 from the employment security fund from moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of expenses incurred for issuing and processing unemployment insurance benefit warrants and conducting electronic transactions for unemployment insurance benefit payments from the employment security fund: *Provided*, That expenditures from the employment security fund during fiscal year 2008 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for payment of such expenses shall not exceed \$270,000.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2008, expenditures may be made by the above agency from the special employment security fund for fiscal year 2008 for the following capital improvement purposes: Payment on the master lease agreement for the renovation of the Eastman building on the Topeka west complex: *Provided*, That expenditures from this fund for fiscal year 2008 for such capital improvement purposes shall not exceed \$92,157: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2008.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2007, expenditures may be made by the above agency from the workmen's compensation fee fund for fiscal year 2007 to establish two full-time investigative auditors: *Provided*, That expenditures from this fund for fiscal year 2007 for such auditors shall not exceed \$113,438: *Provided further*, That

all expenditures from this fund for any such auditors shall be in addition to any expenditure limitation imposed on the workmen's compensation fee fund for fiscal year 2007.

Sec. 116.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures — veteran services \$1,110,809

Provided, That any unencumbered balance in the operating expenditures — veterans affairs account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the operating expenditures — veteran services account for fiscal year 2008.

Operations — state veterans cemeteries \$526,313

Provided, That any unencumbered balance in the operations — state veterans cemeteries account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$500.

Operating expenditures — Kansas soldiers' home \$2,379,588

Provided, That any unencumbered balance in the operating expenditures — Kansas soldiers' home account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Operating expenditures — Kansas veterans' home..... \$2,636,670

Provided, That any unencumbered balance in the operating expenditures — Kansas veterans' home account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Additional operating expenditures — veterans homes and cemeteries... \$355,000

Provided, That any unencumbered balance in the additional operating expenditures — soldiers and veterans homes account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the additional operating expenditures — veterans homes and cemeteries account for fiscal year 2008.

Operating expenditures — administration \$444,730

Provided, That any unencumbered balance in the operating expenditures — administration account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Operating expenditures — Persian Gulf War veterans health initiatives \$4,000

Veterans claim assistance program — service grants..... \$500,000

Provided, That any unencumbered balance in the veterans claim assistance program — service grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from the veterans claims assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided however*, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234 and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Soldiers' home fee fund	No limit
Soldiers' home benefit fund	No limit
Soldiers' home work therapy fund	No limit
Veterans' home fee fund.....	No limit
Persian Gulf War veterans health initiative fund.....	No limit
Veterans' home canteen fund	No limit
Veterans' home benefit fund	No limit
Soldiers' home outpatient clinic fund.....	No limit
State veterans cemeteries fee fund.....	No limit
State veterans cemeteries donations and contributions fund	No limit

Outpatient clinic patient federal reimbursement fund — federal	No limit
VA burial reimbursement fund — federal	No limit
Veterans home federal fund	No limit
Soldiers home federal fund	No limit
Commission on veterans affairs federal fund	No limit
Kansas veterans memorials fund	No limit

(c) During the fiscal year ending June 30, 2008, the Kansas commission on veterans affairs, with the approval of the director of the budget, may transfer one or more amounts of moneys from the operating expenditures — administration account of the state general fund of the Kansas commission on veterans affairs to one or more of the following state general fund accounts of the Kansas commission on veterans affairs: Operating expenditures — Kansas soldiers' home, operating expenditures — Kansas veterans' home, operating expenditures — state veterans cemeteries, or operating expenditures — veteran services: *Provided*, That the aggregate of all such transfers from the operating expenditures — administration account of the state general fund during fiscal year 2008 shall not exceed \$413,989. The executive director of the Kansas commission on veterans affairs shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) On July 1, 2007, the additional operating expenditures — soldiers and veterans homes account of the state general fund of the Kansas commission on veterans affairs is hereby redesignated as the additional operating expenditures — veterans homes and cemeteries account of the state general fund of the Kansas commission on veterans affairs.

Sec. 117.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF HEALTH

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)	\$4,249,877
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of health in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Operating expenditures (including official hospitality) — health	\$4,438,821
SIDS network grant	\$75,000
<i>Provided</i> , That any unencumbered balance in the SIDS network grant account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Vaccine purchases	\$869,598
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Infant and toddler program	\$3,771,305
<i>Provided</i> , That any unencumbered balance in the infant and toddler program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Aid to local units	\$5,051,807
<i>Provided</i> , That any unencumbered balance in the aid to local units account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That expenditures from the aid to local units account for child care licensure activities are hereby authorized to be made for contracts which are hereby authorized to be entered into by the secretary of health and environment with local health departments, private individuals and others: <i>And provided further</i> , That all expenditures from this account for state financial assistance to local health departments shall be in accordance with the formula prescribed by K.S.A. 65-241 through 65-246 and amendments thereto.	
Aid to local units — primary health projects	\$2,520,840
<i>Provided</i> , That any unencumbered balance in the aid to local units — primary health projects account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Teen pregnancy prevention activities	\$537,660
<i>Provided</i> , That any unencumbered balance in the teen pregnancy prevention activities account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That expenditures from the teen pregnancy prevention activities account	

shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens.

Aid to local units — family planning..... \$98,880

Provided, That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all expenditures from the aid to local units — family planning account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs \$550,000

Prescription support for community based primary care clinics..... \$750,000

Provided, That any unencumbered balance in the prescription support for community based primary care clinics account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures shall be made from the prescription support for community based primary care clinics account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes as defined by 42 U.S.C. 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay. Policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Breast cancer screening program \$230,000

Provided, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Ryan White matching funds \$50,000

Provided, That any unencumbered balance in the Ryan White matching funds account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Pregnancy maintenance initiative \$400,000

Provided, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Newborn hearing aid loaner program..... \$50,000

Provided, That any unencumbered balance in the newborn hearing aid loaner program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Youth mentoring program \$250,000

Provided, That any unencumbered balance in the youth mentoring program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: Advanced education general dentistry residency program.

Domestic violence support training grant \$225,000

Provided, That any unencumbered balance in the domestic violence support training grant account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Rape crisis centers \$300,000

Provided, That any unencumbered balance in the rape crisis centers account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Cerebral palsy posture seating \$110,000

Domestic violence and sexual assault outreach services \$2,000,000

Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: Flu pandemic treatment products.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care database fee fund..... No limit
 Title XIX fund..... No limit
 Breast and cervical cancer program and detection fund..... No limit
 Health and environment training fee fund — health No limit
Provided, That expenditures may be made from the health and environment training fee fund — health for acquisition and distribution of division of health program literature and films and for participation in or conducting training seminars for training employees of the division of health of the department of health and environment, for training recipients of state aid from the division of health of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of health: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the health and environment training fee fund — health: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of health from moneys appropriated from the health and environment training fee fund — health for fiscal year 2008, expenditures may be made by the department of health and environment from the health and environment training fee fund — health for fiscal year 2008 for agency operations for the division of health.
 Health facilities review fund..... No limit
 Food service inspection reimbursement fund No limit
 Food inspection fee fund No limit
Provided, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of health and environment under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the food inspection fee fund: *And provided further*, That, on July 1, 2007, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.
 Insurance statistical plan fund..... No limit
 Health and environment publication fee fund — health..... No limit
Provided, That expenditures from the health and environment publication fee fund — health shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.
 District coroners fund No limit
 Sponsored project overhead fund — health No limit
 Child care facilities licensure — federal fund No limit
 Federal cancer registry fund No limit
 Domestic violence prevention fund — federal No limit
 Child care and development block grant — federal fund..... No limit
 Office of rural health — federal fund..... No limit
 Medicare fund — federal..... No limit
Provided, That transfers of moneys from the medicare fund — federal to the state fire marshal may be made during fiscal year 2008 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Federal migrant health program fund	No limit
Venereal disease control project fund — federal.....	No limit
Disease prevention and health promotion federal grants fund	No limit
<i>Provided</i> , That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the disease prevention and health promotion federal grants fund.	
Federal women, infants and children health program fund	No limit
Federal occupational health and safety statistics program fund	No limit
Other federal grants fund — health	No limit
<i>Provided</i> , That the department of health and environment is authorized to make expenditures for the division of health and environment from the other federal grants fund — health of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature:	
<i>Provided, however</i> , That, upon application to and authorization by the governor, the division of health and environment may make expenditures for the division of health and environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.	
Immunization grant funds — federal fund	No limit
Title I — P.L. 99-457 child development — federal fund.....	No limit
Preventive health and health services block grant fund.....	No limit
Maternal and child health services block grant fund.....	No limit
National center for health statistics fund — federal	No limit
Federal title X family planning fund	No limit
Early childhood developmental services — federal fund	No limit
Commodity supplemental food program fund.....	No limit
Special child clinic program — federal fund	No limit
Make a difference information network — federal fund.....	No limit
Ryan White Title II — federal fund	No limit
Bicycle helmet revolving fund.....	No limit
SSA fee fund	No limit
Lead poisoning prevention — federal fund.....	No limit
Title IV-E — federal fund.....	No limit
Trauma fund	No limit
<i>Provided</i> , That, notwithstanding the provisions of K.S.A. 2006 Supp. 75-5670 and amendments thereto, expenditures may be made by the department of health and environment for fiscal year 2008 for the stroke prevention project from the trauma fund of the department of health and environment.	
Federal homeland security fund	No limit
AIDS project — education and risk reduction fund — federal	No limit
Medical student loan repayment fund — federal	No limit
HRSA federal grant fund	No limit
Gifts, grants and donations fund — health	No limit
Special bequest fund — health.....	No limit
Civil registration and health statistics fee fund	No limit
Vital statistics system project fund	No limit
Tobacco use prevention and control program fund.....	No limit
Lead-based paint hazard fee fund.....	No limit
Census of traumatic occupational fatalities — federal fund	No limit
Avian flu vaccine — federal fund	No limit
(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2008, the following:	
Healthy start	\$250,000
<i>Provided</i> , That any unencumbered balance in the healthy start account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

Infants and toddlers program	\$1,200,000
<i>Provided</i> , That any unencumbered balance in the infants and toddlers program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.	
Smoking prevention.....	\$1,000,000
<i>Provided</i> , That any unencumbered balance in the smoking prevention account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from such reappropriated balance shall be made only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto.	
PKU/hemophilia	\$208,000

(d) On July 1, 2007, and on other occasions during fiscal year 2008 when necessary as determined by the secretary of health and environment, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — health of the department of health and environment — division of health.

(e) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$559,307 from the child care and development federal fund of the department of social and rehabilitation services to the child care and development block grant — federal fund of the department of health and environment.

(f) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment — division of health, which have available moneys, to the sponsored project overhead fund — health of the department of health and environment — division of health for expenditures, as the case may be, for administrative expenses.

(g) In addition to the other purposes for which expenditures may be made by the department of health and environment from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of health and environment from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 for up to four full-time equivalent positions in the unclassified service under the Kansas civil service act: *Provided*, That all such additional full-time equivalent positions in the unclassified service under the Kansas civil service act shall be in addition to other positions within the department of health and environment in the unclassified service as prescribed by law and shall be established by the secretary of health and environment within the position limitation established for the department of health and environment on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2008 made by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That the authority to establish such additional positions in the unclassified service shall not affect the classified service status of any person who is an employee of the department of health and environment in the classified service under the Kansas civil service act.

(h) During the fiscal year ending June 30, 2008, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of health to the sponsored project overhead fund — health of the department of health and environment — division of health pursuant to this section

may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(i) During the fiscal year ending June 30, 2008, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for fiscal year 2008 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from moneys appropriated from the district coroners fund for fiscal year 2008, as authorized by this or other appropriation act of the 2007 regular session of the legislature, and notwithstanding the provisions of K.S.A. 22a-245 and amendments thereto, or any other statute, expenditures may be made by the department of health and environment — division of health from such moneys appropriated from the district coroners fund for fiscal year 2008 pursuant to K.S.A. 22a-242 and amendments thereto.

(k) On July 1, 2007, the director of accounts and reports shall transfer \$200,000 from the health care stabilization fund of the health care stabilization fund board of governors to the health facilities review fund of the department of health and environment for the purpose of financing a review of records of licensed medical care facilities and an analysis of quality of health care services provided to assist in correcting substandard services and to reduce the incidence of liability resulting from the rendering of health care services and implementing the risk management provisions of K.S.A. 65-4922 *et seq.*, and amendments thereto.

(l) On July 1, 2007, the child care facilities licensure fund of the department of health and environment — division of health is hereby redesignated as the child care facilities licensure — federal fund of the department of health and environment — division of health. Sec. 118.

DEPARTMENT OF HEALTH AND ENVIRONMENT — DIVISION OF ENVIRONMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)	\$4,847,227
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Operating expenditures (including official hospitality) — laboratories....	\$4,452,180
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) — laboratories account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Treece buyout	\$680,000
Use attainability analyses	\$269,932
<i>Provided</i> , That any unencumbered balance in the use attainability analysis account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Newborn screening	\$800,000
Any unencumbered balance in the stream II account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Radiation control operations fee fund	No limit
Mined-land conservation and reclamation fee fund.....	No limit
Solid waste management fund.....	No limit

Provided, That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2008, for official hospitality: *Provided further*, That such expenditures for official hospitality shall not exceed \$2,500.

Public water supply fee fund	No limit
Voluntary cleanup fund	No limit
Storage tank fee fund	No limit
Air quality fee fund	No limit
Hazardous waste collection fund	No limit
Power generating facility fee fund	No limit
Health and environment training fee fund — environment	No limit

Provided, That expenditures may be made from the health and environment training fee fund — environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the health and environment training fee fund — environment: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund — environment for fiscal year 2008, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2008 for agency operations for the division of environment.

Driving under the influence equipment fund	No limit
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Provided, That expenditures from the driving under the influence equipment fund may be made only for the purpose of purchasing blood or breath alcohol concentration testing equipment, and other related expenditures.

Nuclear safety emergency preparedness special revenue fund	No limit
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Provided, That all moneys received from the adjutant general from the nuclear safety management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment — division of environment.

Waste tire management fund	No limit
Health and environment publication fee fund — environment	No limit

Provided, That expenditures from the health and environment publication fee fund — environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662 and amendments thereto.

Local air quality control authority regulation services fund	No limit
Environmental response fund	No limit
Sponsored project overhead fund — environment	No limit
Resource conservation and recovery act — federal fund	No limit
Water supply fund — federal	No limit
EPA voluntary cleanup federal fund	No limit

Provided, That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2008 shall be supplemental to fees collected for direct or indirect costs of administering the voluntary cleanup and property redevelopment act: *Provided, however*, That such expenditures shall be in accordance with the federal agreement entered into by the secretary of health and environment for the grant moneys.

Clinical laboratory improvement amendments — federal fund	No limit
EPA — core support fund	No limit

Other federal grants fund — environment	No limit
<i>Provided</i> , That the department of health and environment is authorized to make expenditures for the division of environment from the other federal grants fund — environment of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature:	
<i>Provided, however</i> , That, upon application to and authorization by the governor, the department of health and environment may make expenditures for the division of environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: <i>Provided further</i> , That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.	
Federal air quality program fund	No limit
Leaking underground storage tank trust — federal fund	No limit
National surface mining control and reclamation act — federal fund	No limit
Abandoned mined-land fund	No limit
State indoor radon grant — federal fund	No limit
EPA non-point source implementation — federal fund	No limit
Pollution prevention program — federal fund	No limit
Gifts, grants and donations fund — environment	No limit
Special bequest fund — environment	No limit
Aboveground petroleum storage tank release trust fund	No limit
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund	No limit
Public water supply loan operations fund	No limit
Kansas water pollution control revolving fund	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
Kansas water pollution control operations fund	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds	No limit
Debt service reserve fund	No limit
EPA water related federal grants fund	No limit
<i>Provided</i> , That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related federal grants fund.	
Chemical control fund — federal	No limit
Subsurface hydrocarbon storage fund	No limit
Clean air leadership fund — federal	No limit
Natural resources damages trust fund	No limit
Hazardous waste management fund	No limit
Brownfields revolving loan federal fund	No limit
Mined—land reclamation fund	No limit
104 (6) (1) outreach operator training program — federal fund	No limit
Underground storage tank fund — federal	No limit
Federal EPA underground injection control fund	No limit
Laboratory medicaid cost recovery fund — environment	No limit

Diagnostic X-ray program — federal fund	No limit
Environmental control use fund	No limit
Environmental response remedial activity specific site — lead site federal fund.....	No limit
Emergency environmental response — nonspecific sites federal fund....	No limit
Chemical control fund	No limit
Medicare fund — federal — environment fund	No limit
Federal EPA 106 water pollution control fund.....	No limit
Salt mining well plugging fund.....	No limit
Kansas essential fuels supply trust fund	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, for the state water plan project or projects specified as follows:

Contamination remediation	\$978,833
<i>Provided</i> , That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
TMDL initiatives and use attainability analysis.....	\$299,277
<i>Provided</i> , That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Watershed restoration and protection plan.....	\$800,000
Local environmental protection program.....	\$1,502,735
<i>Provided</i> , That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
<i>Provided</i> , That any unencumbered balance in the watershed restoration and protection plan (WRAPS) account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the watershed restoration and protection plan account for fiscal year 2008.	
Nonpoint source program	\$290,675
<i>Provided</i> , That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Soil treatment field trials	\$120,361

(d) During the fiscal year ending June 30, 2008, the secretary of health and environment, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2008 from the state water plan fund for the department of health and environment — division of environment to another item of appropriation for fiscal year 2008 from the state water plan fund for the department of health and environment — division of environment: *Provided*, That the secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research, the chairperson of the house of representatives agriculture and natural resources budget committee and the chairperson of the subcommittee on health and environment/human resources of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2008, the director of accounts and reports shall not make the transfers of amounts of interest earnings from the state general fund to the air quality fee fund of the department of health and environment which are directed to be made on or before the 10th day of each month by K.S.A. 65-3024 and amendments thereto.

(f) On July 1, 2007, and on other occasions during fiscal year 2008 when necessary, the director of accounts and reports shall transfer amounts specified by the secretary of health and environment, which amounts constitute reimbursements, credits and other amounts received by the department of health and environment for activities related to federal programs, from specified special revenue funds of the department of health and environment — division of health or of the department of health and environment — division of environment, to the sponsored project overhead fund — environment of the department of health and environment — division of environment.

(g) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer an amount or amounts specified by the secretary of health and environment from any one or more special revenue funds of the department of health and environment —

division of environment, which have available moneys, to the sponsored project overhead fund — environment of the department of health and environment — division of environment or to the sponsored project overhead fund — health of the department of health and environment — division of health, as the case may be, for expenditures for administrative expenses.

(h) During the fiscal year ending June 30, 2008, the secretary of health and environment, with approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment to another item of appropriation for fiscal year 2008 from the state general fund for the department of health and environment — division of health or the department of health and environment — division of environment. The secretary of health and environment shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(i) During the fiscal year ending June 30, 2008, the amounts transferred by the director of accounts and reports from each of the special revenue funds of the department of health and environment — division of environment to the sponsored project overhead fund — environment of the department of health and environment — division of environment pursuant to this section may include amounts equal to up to 25% of the expenditures from such special revenue fund, excepting expenditures for contractual services.

(j) In addition to the other purposes for which expenditures may be made by the department of health and environment from the waste tire management fund for fiscal year 2008 as authorized by subsection (c) of K.S.A. 65-3424g and amendments thereto, or by this or other appropriation act of the 2007 regular session of the legislature, notwithstanding any provisions of subsection (c) of K.S.A. 65-3424g and amendments thereto or any other statute to the contrary, expenditures may be made from the waste tire management fund during fiscal year 2008 for waste tire recycling grants and grants to local units of government for recycled waste tire ground cover materials for playgrounds.

(k) Any unencumbered balance in the Treece buyout account of the state general fund in excess of \$100 as of June 30, 2008, for the above agency is hereby reappropriated for the above agency for fiscal year 2009.

Sec. 119.

DEPARTMENT ON AGING

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Administration	\$917,817
<i>Provided</i> , That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from this account for official hospitality by the secretary of aging shall not exceed \$550: <i>Provided further</i> , That expenditures from this account may be made for printing the agency's newsletter: <i>And provided further</i> , That printing the agency's newsletter shall not be subject to K.S.A. 75-1005 and amendments thereto.	
Administration — assessments	\$153,865
<i>Provided</i> , That any unencumbered balance in the administration — assessments account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Administration — assessments — Level II care	\$36,000
<i>Provided</i> , That any unencumbered balance in the administration — assessments — Level II care account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Administration — assessments — Level I care	\$287,870
<i>Provided</i> , That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Administration — medicaid	\$1,636,603
<i>Provided</i> , That any unencumbered balance in the administration — medicaid account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	

Administration — older Americans act match \$180,722
Provided, That any unencumbered balance in the administration — older Americans act match account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Senior care act \$2,931,200
Provided, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That each grant agreement with an area agency on aging for a grant from the senior care act account shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2007 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2007: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2008 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2007: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Program grants — nutrition — state match \$3,077,403
Provided, That any unencumbered balance in the program grants — nutrition — state match account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That each grant agreement with an area agency on aging for a grant from the program grants — nutrition — state match account shall require the area agency on aging to submit to the secretary of aging a report for federal fiscal year 2007 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during federal fiscal year 2007: *And provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2008 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for federal fiscal year 2007: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — TCM/FE \$2,940,801
Provided, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — TCM/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — HCBS/FE \$25,761,538
Provided, That any unencumbered balance in the LTC — medicaid assistance — HCBS/FE account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from the LTC — medicaid assistance — HCBS/FE account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — NF \$142,300,000
Provided, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

LTC — medicaid assistance — PACE..... \$2,863,146
Provided, That all expenditures made from the LTC — medicaid assistance — PACE account shall be for the PACE program: *Provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this account shall be placed in appropriate services which are determined to be the most economical services available with regard to state general fund expenditures.

Nursing facilities regulation \$2,161,442
Provided, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Nursing facilities regulation — title XIX..... \$779,862
Provided, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008. Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: Program grants — rural nutrition — pilot program.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Older Americans act — federal fund No limit
 Title XIX fund — federal..... No limit
Provided, That transfers of moneys from the title XIX fund — federal to the state fire marshal may be made during fiscal year 2008 pursuant to a contract which is hereby authorized to be entered into by the secretary of aging with the state fire marshal to provide fire and safety inspections for adult care homes and hospitals.

Senior care act — social service block grant fund..... \$4,500,000
Provided, That each grant agreement with an area agency on aging for a grant from the senior care act — social service block grant fund shall require the area agency on aging to submit to the secretary of aging a report for fiscal year 2007 by the area agency on aging which shall include information about the kinds of services provided and the number of persons receiving each kind of service during fiscal year 2007: *Provided further*, That the secretary of aging shall submit to the senate committee on ways and means and the house of representatives committee on appropriations at the beginning of the 2008 regular session of the legislature a report of the information contained in such reports from the area agencies on aging on expenditures for fiscal year 2007: *And provided further*, That all people receiving or applying for services that are funded, either partially or entirely, through expenditures from this fund shall be placed in appropriate services which are determined to be the most economical services available.

Nutrition fund — federal..... No limit
 Senior citizen nutrition check-off fund No limit
 Conferences and workshops attendance and publications fees fund No limit
Provided, That the secretary of aging is hereby authorized to fix, charge and collect conference and workshop attendance fees for conferences and workshops sponsored by the department on aging and fees for copies of publications: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the conferences and workshops attendance and publications fees fund: *And provided further*, That expenditures may be made from this fund to defray all or part of the costs of such conferences and workshops including official hospitality and of such publications.

General fees fund..... No limit
Provided, That the secretary of aging is hereby authorized to collect (1) fees from the sale of surplus property, (2) fees charged for searching, copying and transmitting copies of public records, (3) fees paid by employees for personal long distance calls, postage, faxed messages, copies and other authorized uses of state property, and (4) other miscellaneous fees: *Provided further*, That such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund: *And provided further*, That expenditures shall be made from this fund to meet

the obligations of the department on aging, or to benefit and meet the mission of the department on aging.

Gifts and donations fund No limit

Provided, That the secretary of aging is hereby authorized to receive gifts and donations of money for services to senior citizens or purposes related thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury and credited to the gifts and donations fund.

Medical resources and collection fund..... No limit

Provided, That all moneys received or collected by the secretary of aging due to medicaid overpayments shall be deposited in the state treasury and credited to the medical resources and collection fund and expenditures from such fund shall be made for medicaid program-related expenses and used to reduce state general fund outlays for the medicaid program: *Provided further*, That all moneys received or collected by the secretary of aging due to civil monetary penalty assessments against adult care homes shall be deposited in the state treasury and credited to this fund and expenditures from such fund shall be made to protect the health or property of adult care home residents as required by federal law.

SHICK fund — grants — federal..... No limit

SHICK fund — state operations — federal No limit

Senior services fund No limit

Long-term care loan and grant fund..... No limit

Provided, That, notwithstanding the provisions of K.S.A. 2006 Supp. 75-4265 and amendments thereto, expenditures may be made by the above agency from the long-term care loan and grant fund for fiscal year 2008 for expenditures related to providing home and community based services.

Intergovernmental transfer administration fund..... \$0

Non-government grant fund..... No limit

Other federal grants and assistance fund No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants and assistance fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Alzheimer’s disease demonstration grant — federal fund No limit

Health facilities review fund..... No limit

Adult care licensing revolving fund No limit

Medicare fund — federal..... No limit

(c) During the fiscal year ending June 30, 2008, the secretary of aging, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department on aging to another item of appropriation for fiscal year 2008 from the state general fund for the department on aging. The secretary of aging shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) In addition to the other purposes for which expenditures may be made by the department on aging from the senior care act account of the state general fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the above agency from the senior care act account of the state general fund for fiscal year 2008 for the senior companion program: *Provided*, That expenditures for such purpose from the senior care act account of the state general fund for fiscal year 2008 shall not exceed \$25,000.

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

general fund or any special revenue fund for fiscal year 2008 for the department of social and rehabilitation services and in addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 for the department of health and environment — division of health, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the secretary of social and rehabilitation services and the secretary of health and environment for fiscal year 2008 to enter into a contract with the secretary of aging, which is hereby authorized and directed to be entered into by such secretaries, to provide for the secretary of aging to perform the powers, duties, functions and responsibilities prescribed by and to conduct investigations pursuant to K.S.A. 39-1404 and amendments thereto in conjunction with the performance of such powers, duties, functions, responsibilities and investigations by the secretary of social and rehabilitation services and the secretary of health and environment under such statute, with respect to reports of abuse, neglect or exploitation of residents or reports of residents in need of protective services on behalf of the secretary of social and rehabilitation services or the secretary of health and environment, as the case may be, in accordance with and pursuant to K.S.A. 39-1404 and amendments thereto during fiscal year 2008: *Provided*, That, in addition to the other purposes for which expenditures may be made by the department on aging from moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 for the department on aging, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2008 to provide for the performance of such powers, duties, functions and responsibilities and to conduct such investigations: *Provided further*, That, the words and phrases used in this subsection shall have the meanings respectively ascribed thereto by K.S.A. 39-1401 and amendments thereto.

Sec. 120.

KANSAS HEALTH POLICY AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$20,728,574

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, and any unencumbered balance in the Kansas health policy authority account in excess of \$100 as of June 30, 2007, are hereby reappropriated to the operating expenditures account for fiscal year 2008.

Generic drug program \$400,000

Other medical assistance \$440,000,000

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Children's health insurance program \$18,908,711

Provided, That any unencumbered balance in the children's health insurance program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State workers compensation self-insurance fund No limit

Preventive health care program fund No limit

Cafeteria benefits fund No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2008, for salaries and wages and other operating expenditures shall not exceed \$1,858,206.

Kansas health policy authority special revenue fund No limit

Provided, That expenditures from the Kansas health policy authority special revenue fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$1,000.

Health committee insurance fund No limit

Health care database fee fund No limit

Medical programs fee fund	\$38,500,000
Health and hospitalization insurance clearing fund	No limit
Health insurance premium reserve fund	No limit
Dependent care assistance program fund	No limit
Non-state employer group benefit fund	No limit
Other state fees fund	No limit
Health care access improvement fund	No limit
Other federal grants and assistance fund	No limit
Medical assistance federal fund	No limit
Children's health insurance federal fund	No limit
Ticket to work infrastructure grant federal fund	No limit
Health policy and finance — PERM grant federal fund.....	No limit
Ryan White title II federal fund	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2008, the following:

Immunization outreach	\$500,000
HealthWave	\$2,000,000
Medical assistance	\$3,000,000

Provided, That any unencumbered balance in the immunization outreach account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(d) During the fiscal year ending June 30, 2008, the executive director of the Kansas health policy authority, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2008 from the state general fund for the Kansas health policy authority. The executive director of the Kansas health policy authority shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) In addition to the other purposes for which expenditures may be made by the Kansas health policy authority from the moneys appropriated from the state general fund or from any special revenue fund for the Kansas health policy authority for fiscal year 2008, as authorized by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the Kansas health policy authority from moneys appropriated from the state general fund or from any special revenue fund for the Kansas health policy authority for fiscal year 2008 to support ongoing health information exchange initiatives that include health information exchange infrastructure planning, privacy and security collaboration, the advanced identification card project and the community health record project and to support the inclusion of disease management, a strengthening of electronic prescribing and electronic medical records and the development of pilot programs and compatibility with the private sector.

Sec. 121.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

State operations	\$106,927,531
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Provided, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for the purchase of professional liability insurance for physicians and dentists at any institution, as defined by K.S.A. 76-12a01 and amendments thereto: *And provided further*, That expenditures from this account for official hospitality by the secretary of social and rehabilitation services shall not exceed \$500.

Alcohol and drug abuse services grants	\$3,066,297
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Provided, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Mental health and retardation services aid and assistance	\$168,585,313
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Provided, That any unencumbered balance in the mental health and retardation services aid

and assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas neurological institute — operating expenditures \$12,492,595

Provided, That any unencumbered balance in the Kansas neurological institute — operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the Kansas neurological institute — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Kansas neurological institute with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Larned state hospital — operating expenditures \$29,763,893

Provided, That any unencumbered balance in the Larned state hospital — operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the Larned state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Larned state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Larned state hospital — sexual predator treatment program \$10,480,763

Provided, That any unencumbered balance in the Larned state hospital — sexual predator treatment program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Osawatomie state hospital — operating expenditures \$10,800,250

Provided, That any unencumbered balance in the Osawatomie state hospital — operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from the Osawatomie state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Osawatomie state hospital with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Parsons state hospital and training center — operating expenditures \$9,196,571

Provided, That any unencumbered balance in the Parsons state hospital and training center — operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from the Parsons state hospital and training center — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Parsons state hospital and training center with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto: *And provided further*, That expenditures shall be made from this account to assist residents of the institution to take personally-used items, which were constructed for use by such residents and which are hereby authorized to be transferred to such residents, from the institution to communities when such residents leave the institution to reside in the communities.

Rainbow mental health facility — operating expenditures..... \$4,349,820

Provided, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from the Rainbow mental health facility — operating expenditures account for official hospitality by the superintendent shall not exceed \$150: *And provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by Rainbow mental health facility with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

Children’s mental health initiative \$1,500,000

Provided, That any unencumbered balance in the children’s mental health initiative account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That no expenditures shall be made from the children’s mental health initiative account for inpatient hospital beds for children.

Youth services aid and assistance..... \$111,985,973

Provided, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Vocational rehabilitation aid and assistance..... \$4,588,621

Provided, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for the acquisition of durable medical equipment and assistive technology devices: *Provided, however*, That all such expenditures for durable equipment or assistive technology devices shall require a \$1 for \$1 match from non-state sources: *And provided further*, That expenditures may be made from this account by the secretary of social and rehabilitation services for the purchase of worker’s compensation insurance for consumers of vocational rehabilitation services and assessments at work site and job tryout sites throughout the state.

Cash assistance \$65,232,370

Provided, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Community based services \$51,043,147

Provided, That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Other medical assistance \$66,516,985

Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Low income energy assistance \$1,000,000

Provided, That any unencumbered balance in the low income energy assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Title XIX fund..... \$46,406,787

Provided, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians’ malpractice insurance, and for transfers to the other federal grants and assistance fund.

Nonfederal reimbursements fund..... No limit

Provided, That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: *Provided further*, That moneys in the nonfederal reimbursements

fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund	\$1,085,316
Kansas neurological institute — foster grandparents program — federal fund	No limit
Larned state hospital fee fund	\$3,465,843
Larned state hospital — elementary and secondary education fund — federal	No limit
Larned state hospital — vocational education fund — federal	No limit
Larned state hospital — ECIA fund — federal	No limit
Larned state hospital — motor pool revolving fund	No limit
Osawatomie state hospital fee fund	\$4,828,183

Provided, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Osawatomie state hospital — ECIA fund — federal	No limit
Osawatomie state hospital — motor pool revolving fund	No limit
Osawatomie state hospital — training fee revolving fund	No limit

Provided, That all moneys received as fees for training activities for Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Osawatomie state hospital — training fee revolving fund: *Provided further*, That the superintendent of Osawatomie state hospital is hereby authorized to fix, charge and collect fees for training activities at Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Parsons state hospital and training center fee fund	\$1,364,346
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Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Rainbow mental health facility fee fund	\$1,005,558
Rainbow mental health facility — elementary and secondary education fund — federal	No limit
Social services clearing fund	No limit
Social welfare fund	\$19,865,428
Health committee insurance fund	No limit
Other state fees fund	No limit
Alcohol and drug abuse block grant federal fund	No limit
Child welfare services block grant federal fund	No limit
Mental health block grant federal fund	No limit
Social services block grant — federal fund	No limit
Child care and development federal fund	No limit
Children's cabinet grants federal fund	No limit

Temporary assistance to needy families federal fund	No limit
Disability determination services federal fund	No limit
Food stamp assistance federal fund	No limit
Foster care assistance federal fund	No limit
Medical assistance federal fund	No limit
Rehabilitation services federal fund	No limit
Other federal grants and assistance fund	No limit
SRS enterprise fund	No limit
SRS trust fund	No limit

Provided, That all contributions from local entities shall be credited to the vocational rehabilitation special revenue account of the SRS trust fund for the purpose of providing the required state match for receipt of federal vocational rehabilitation funds: *Provided further*, That expenditures may be made from the vocational rehabilitation special revenue account of this fund for local community-based vocational rehabilitation programs.

SRS — IGT fund	No limit
Child support enforcement administration fund	No limit
Energy assistance block grant federal fund	No limit
Family and children trust account — family and children investment fund	No limit

Provided, That expenditures from the family and children trust account — family and children investment fund for official hospitality shall not exceed \$1,500.

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2008, the following:

Children’s cabinet accountability fund	\$541,802
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Provided, That any unencumbered balance in the children’s cabinet accountability fund account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Children’s mental health waiver	\$3,800,000
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Provided, That any unencumbered balance in the children’s mental health waiver account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Family centered system of care	\$5,000,000
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Provided, That any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Therapeutic preschool	\$1,000,000
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Provided, That any unencumbered balance in the therapeutic preschool account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Child care	\$1,400,000
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Provided, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Community services for child welfare	\$3,492,101
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Provided, That any unencumbered balance in the community services for child welfare account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Children’s cabinet early childhood discretionary grant program	\$8,443,279
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Provided, That any unencumbered balance in the children’s cabinet early childhood discretionary grant program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Family preservation	\$2,957,899
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Provided, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

School violence prevention	\$228,000
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Provided, That any unencumbered balance in the school violence prevention account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Attendant care for independent living	\$50,000
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Provided, That any unencumbered balance in the attendant care for independent living account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Pre-K Pilot	\$2,000,000
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Provided, That any unencumbered balance in the pre-K pilot account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Early headstart \$1,600,000

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2008, the following:

Children's cabinet administration \$259,533

(e) During the fiscal year ending June 30, 2008, the secretary of social and rehabilitation services, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services to another item of appropriation for fiscal year 2008 from the state general fund for the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(f) During the fiscal year ending June 30, 2008, the secretary of social and rehabilitation services, with the approval of the director of the budget and subject to the provisions of federal grant agreements, may transfer moneys received under a federal grant that are credited to a federal fund of the department of social and rehabilitation services, or of any institution or facility under the general supervision and management of the secretary of social and rehabilitation services, to another federal fund of the department of social and rehabilitation services, or of another institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) On July 1, 2007, the superintendent of Osawatomi state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomi state hospital — canteen fund to the Osawatomi state hospital — patient benefit fund.

(h) On July 1, 2007, the superintendent of Parsons state hospital and training center, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Parsons state hospital and training center — canteen fund to the Parsons state hospital and training center — patient benefit fund.

(i) On July 1, 2007, the superintendent of Larned state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Larned state hospital — canteen fund to the Larned state hospital — patient benefit fund.

(j) (1) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the title XIX fund to the other federal grants and assistance fund the amount specified by the secretary of social and rehabilitation services.

(2) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports may transfer, in one or more amounts, from the nonfederal reimbursements fund to the social welfare fund the amount specified by the secretary of social and rehabilitation services.

(k) During the fiscal year ending June 30, 2008, all moneys received by the secretary of social and rehabilitation services, to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund, shall be deposited in the state treasury to the credit of the family and children endowment account of the family and children investment fund.

(l) During the fiscal year ending June 30, 2008, to the extent it is determined by the secretary of social and rehabilitation services to be cost effective, the secretary of social and rehabilitation services shall apply for and accept donations from private sources to provide an endowment to provide interest earnings for the purposes for which expenditures may be made from the family and children trust account of the family and children investment fund.

During the fiscal year ending June 30, 2008, upon receipt of one or more donations of moneys from private sources for deposit to the credit of the family and children endowment account of the family and children investment fund, in addition to the other purposes for which expenditures may be made by the department of social and rehabilitation services from any moneys appropriated from the state general fund or any special revenue fund or funds for the fiscal year 2008, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of social and rehabilitation services from any such moneys appropriated for fiscal year 2008 for payments into the family and children endowment account of the family and children investment fund that match the aggregate amount of all such donations and that are equal to the aggregate amount of moneys donated to and credited to the family and children endowment account of the family and children investment fund during fiscal year 2008.

(m) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer the amounts specified by the director of the budget from the LTC — medicaid assistance — NF account of the state general fund of the department on aging to the LTC — medicaid assistance — HCBS/FE account of the state general fund of the department on aging or to the community based services account of the department of social and rehabilitation services: *Provided*, That such amounts to be transferred shall be certified by the director of the budget on December 1, 2007, and on June 1, 2008, to reflect the nursing facility rate paid for persons moving from a nursing facility to the home and community-based services waiver for the physically disabled or the frail elderly for the six months preceding the date of certification: *Provided further*, That the aggregate of all such transfers certified during fiscal year 2008 shall not exceed the amount required to support the movement of 80 individuals from nursing facilities to home and community-based services: *And provided further*, That each of the 80 individuals must meet the requirements described in a policy jointly developed by the secretary of aging and the secretary of social and rehabilitation services governing the operations of this transfer: *And provided further*, That the director of the budget shall transmit a copy of each such certification to the director of legislative research: *And provided further*, That the department of social and rehabilitation services shall report to the legislature at the beginning of the regular session in 2008 with expenditure data regarding this program.

(n) During the fiscal year ending June 30, 2008, no moneys paid by the department of social and rehabilitation services from the mental health and retardation services aid and assistance account of the state general fund shall be expended by the entity receiving such moneys to pay membership dues and fees to any entity that does not provide the department of social and rehabilitation services, the legislative division of post audit, or another state agency with access to its financial records upon request for such access.

Sec. 122.

KANSAS GUARDIANSHIP PROGRAM

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Kansas guardianship program \$1,273,841

Provided, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Sec. 123.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$10,604,530

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Governor's teaching excellence scholarships and awards \$252,525

Provided, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be to

provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: *And provided further*, That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: *And provided further*, That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: *And provided further*, That all moneys received by the department of education for repayment of grants for governor's teaching excellence scholarships shall be deposited in the state treasury and credited to the governor's teaching excellence scholarships program repayment fund.

Mentor teacher program grants	\$1,150,000
Special education services aid	\$7,913,435

Provided, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983 and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978 and amendments thereto.

Supplemental general state aid	\$9,564,000
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Provided, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas foundation for agriculture project grant	\$35,000
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Provided, That expenditures from the Kansas foundation for agriculture project grant account shall be used for agriculture in the classroom programs to supplement existing elementary and secondary curricula with agricultural information: *Provided further*, That expenditures from this account shall be made only if private funding sources are available to match such state grants on a 60% state and 40% private basis.

Professional development aid	\$1,750,000
Discretionary grants	\$905,000

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2008, in an amount not less than \$400,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high school: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a dollar-for-dollar local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program for fiscal year 2008 shall not exceed \$25,000: *And provided further*, That the above agency shall report to the house appropriations committee and the senate ways and means committee, during the 2008 legislative session, on the outcomes of the after school programs that received the discretionary grants.

School food assistance	\$2,510,486
School safety hotline	\$10,000
KPERS — employer contributions	\$218,428,360

Provided, That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all expenditures from the KPERS — employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939 and amendments thereto: *And*

provided further, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Teacher performance assessment (including official hospitality)	\$325,000
Parent education program	\$7,567,000

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant: *Provided further*, That expenditures from this account for fiscal year 2008 for establishing and maintaining a Kansas training model that meets the requirement for the parents as teachers program shall not exceed \$27,500.

Declining enrollment state aid	\$100,000
Educable deaf-blind and severely handicapped children's programs aid	\$110,000
School district juvenile detention facilities and Flint Hills job corps center grants	\$7,184,835

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187 and amendments thereto.

Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: General state aid.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law and transfers to other state agencies shall not exceed the following:

State school district finance fund	No limit
School district capital improvements fund	No limit

Provided, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761 and amendments thereto.

Conversion of materials and equipment fund	No limit
State safety fund	No limit
School bus safety fund	No limit
Motorcycle safety fund	No limit
Federal indirect cost reimbursement fund	No limit
Certificate fee fund	No limit
Food assistance — federal fund	No limit
Food assistance — school breakfast program — federal fund	No limit
Food assistance — national school lunch program — federal fund	No limit
Food assistance — child and adult care food program — federal fund	No limit
Elementary and secondary school aid — federal fund	No limit
Elementary and secondary school aid — educationally deprived children — federal fund	No limit
Educationally deprived children — state operations — federal fund	No limit
Elementary and secondary school — educationally deprived children — LEA's fund	No limit
ESEA chapter II — state operations — federal fund	No limit
Education of handicapped children fund — federal	No limit
Education of handicapped children fund — state operations — federal	No limit
Education of handicapped children fund — preschool — federal fund ..	No limit
Education of handicapped children fund — preschool state operations — federal	No limit
Elementary and secondary school aid — federal fund — migrant education fund	No limit

Elementary and secondary school aid — federal fund — migrant education — state operations	No limit
Vocational education amendments of 1968 — federal fund	No limit
Vocational education title II — federal fund	No limit
Vocational education title II — federal fund — state operations	No limit
Educational research grants and projects fund	No limit
Education for economic security act — federal fund	No limit
Drug abuse fund — department of education — federal	No limit
School renovation grants — federal fund	No limit
Drug abuse funds — federal — state operations fund	No limit
Inservice education workshop fee fund	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the inservice education workshop fee fund.	
Private donations, gifts, grants and bequests fund	No limit
Interactive video fee fund	No limit
<i>Provided</i> , That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: <i>And provided further</i> , That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the interactive video fee fund.	
Reimbursement for services fund	No limit
Communities in schools program fund	No limit
Governor's teaching excellence scholarships program repayment fund ...	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be to provide grants of \$1,000 each to Kansas elementary and secondary public school teachers who are accepted to participate in the national board for professional teaching standards certification program under the governor's teaching excellence scholarships program which shall be administered by the state board of education: <i>Provided further</i> , That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: <i>And provided further</i> , That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> , That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the governor's teaching excellence scholarships program repayment fund.	
Elementary and secondary school aid — federal fund — reading first ...	No limit
Elementary and secondary school aid — federal fund — reading first — state operations	No limit
State grants for improving teacher quality — federal fund	No limit
State grants for improving teacher quality — federal fund — state operations	No limit
Community service grants — federal fund	No limit
21st century community learning centers — federal fund	No limit
State assessments — federal fund	No limit
Rural and low-income schools program — federal fund	No limit

Language assistance state grants — federal fund	No limit
Service clearing fund	No limit
Helping schools license plate program fund.....	No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2008, the following:

Grant to the Kansas optometric association for vision study..... \$300,000
Provided, That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(d) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(e) On July 1, 2007, and quarterly thereafter, the director of accounts and reports shall transfer \$65,903 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(f) On July 1, 2007, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272 and amendments thereto.

(g) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, or as soon after each such date as moneys are available therefor, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$425,000 from the state safety fund of the department of education to the state general fund: *Provided*, That the amount transferred from the state safety fund of the department of education to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(h) On the effective date of this act, of the \$2,104,677,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$18,402,380 is hereby lapsed.

Sec. 124.

STATE LIBRARY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$1,894,478
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Grants to libraries and library systems.....	\$3,557,079
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Provided, That, of the moneys appropriated in the grants to libraries and library systems account, \$2,393,562 shall be distributed as grants-in-aid to libraries in accordance with K.S.A. 75-2555 and amendments thereto, \$624,670 shall be distributed for interlibrary loan development grants and \$538,847 shall be paid according to contracts with the subregional libraries of the Kansas talking book services.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund	No limit
Federal library services and technology act — fund	No limit

Grants and gifts fund No limit
 Sec. 125.

KANSAS ARTS COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$350,517

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$4,000: *Provided further*, That expenditures may be made by the above agency from any amount of savings in the operating expenditures account for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

Arts programming grants and challenge grants \$1,299,196

Provided, That expenditures from the arts programming grants and challenge grants account shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects: *Provided further*, That expenditures from this account shall be made in a manner to benefit the maximum number of Kansas communities in the development of Kansas talent and art.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas arts commission fee fund No limit

Kansas arts commission gifts, grants and bequests — federal fund No limit

Kansas arts commission special gifts fund No limit

Arts programming grants fund No limit

Provided, That moneys received by the Kansas arts commission from the remittance of the unexpended balance of arts programming grants to the commission shall be deposited in the state treasury and credited to the arts programming grants fund: *Provided further*, That expenditures from this fund shall be made only for the purpose of matching an equal or greater amount of federal grant moneys or local grant moneys, or both, for arts programming projects.

(c) In addition to the other purposes for which expenditures may be made by the Kansas arts commission from the moneys appropriated from the state general fund or from any special revenue fund for the Kansas arts commission for fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the Kansas arts commission from moneys appropriated from the state general fund or from any special revenue fund for the Kansas arts commission for fiscal year 2008 to establish a plan to create the celebrate Kansas art program: *Provided*, That the Kansas arts commission shall establish a plan whereby the Kansas arts commission, through cooperation and consultation with the state board of education and the statehouse architect, shall select artwork created by Kansas high school students from each of the 165 legislative districts to be displayed in the public areas of the ground floor of the state capitol building: *Provided further*, That such plan shall include the conducting of a biennial competition for determining the artwork from each legislative district to be displayed in the public areas of the ground floor of the state capitol building: *And provided further*, That such competition shall be open to all students enrolled in accredited high schools of the state and one winner shall be selected from each of the 165 legislative districts: *And provided further*, That such plan shall include provisions for the displaying of all the winning submissions in the public areas of the ground floor of the state capitol building until the winning submissions from the succeeding competition are selected: *And provided further*, That the plan shall be submitted on or before January 1, 2008 to the president of the senate, the speaker of the house of representatives, the minority leader of the house of representatives and the minority leader of the senate.

Sec. 126.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$5,048,322

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: Provided, however, That expenditures from the operating expenditures for official hospitality shall not exceed \$2,000.

Arts for the handicapped \$150,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit

Local services reimbursement fund No limit

Provided, That the Kansas state school for the blind is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: Provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local services reimbursement fund.

Student activity fees fund No limit

Special bequest fund No limit

Gift fund No limit

Technology lending library — federal fund No limit

Food assistance — cash for commodities — federal fund No limit

Food assistance — breakfast — federal fund No limit

Food assistance — lunch — federal fund No limit

Chapter I handicapped — federal fund No limit

Education improvement — federal fund No limit

Math and science improvement — federal fund No limit

Elementary and secondary — federal fund No limit

Supported employment initiative — federal fund No limit

(c) On July 1, 2007, the technology lending library fund of the Kansas state school for the blind is hereby redesignated as the technology lending library — federal fund.

Sec. 127.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$8,609,105

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit

Local services reimbursement fund No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: Provided further, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local services reimbursement fund: And provided further, That all expenditures from this fund shall be for capital outlay.

Student activity fees fund No limit

Elementary and secondary education act — federal fund No limit

Vocational education fund — federal No limit

School lunch program — federal fund.....	No limit
Special bequest fund.....	No limit
Special workshop fund.....	No limit
Gift fund.....	No limit

Sec. 128.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$5,784,198
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.

Kansas humanities council.....	\$151,830
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Credit card clearing fund.....	No limit
Vehicle repair and replacement fund	No limit
General fees fund	No limit
Archeology fee fund	No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the archeology fee fund.

Archeology federal fund	No limit
Microfilm fees fund.....	No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing microfilming services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the microfilm fees fund.

Records center fee fund	No limit
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Provided, That expenditures may be made from the records center fee fund for operating expenses for providing copying and related services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the records center fee fund.

Historic properties fee fund.....	No limit
National historic preservation act fund — state	No limit
Historic preservation overhead fees fund.....	No limit
National historic preservation act fund — local	No limit
Private gifts, grants and bequests fund	No limit
Museum and historic sites visitor donation fund	No limit
Insurance collection replacement/reimbursement fund.....	No limit
Heritage trust fund	No limit

Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$90,094.

Land survey fee fund No limit

Provided, That, notwithstanding the provisions of K.S.A. 58-2011 and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year ending June 30, 2008, for operating expenditures that are not related to administering the land survey program.

State historical society facilities fund..... No limit

Historic properties fund No limit

Law enforcement memorial fund No limit

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Property sale proceeds fund..... No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701 and amendments thereto shall be deposited in the state treasury and credited to the property sale proceeds fund.

Sec. 129.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$34,056,668

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Master's-level nursing capacity \$150,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund No limit

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund..... No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures maybe made from the general fees fund for official hospitality.

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops — noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject

to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.

Education opportunity act — federal fund	No limit
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Commencement fees fund	No limit
Health fees fund	No limit
<i>Provided</i> , That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Student union fees fund	No limit
Kansas career work study program fund.....	No limit
Economic opportunity act — federal fund	No limit
Kansas comprehensive grant fund	No limit
Faculty of distinction matching fund.....	No limit
Nine month payroll clearing account fund	No limit
Federal Perkins student loan fund	No limit
Housing system revenue fund.....	No limit
Institutional overhead fund.....	No limit
Oil and gas royalties fund.....	No limit
Housing system suspense fund.....	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Sponsored research overhead fund	No limit
Kansas distinguished scholarship fund.....	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101 and amendments thereto.

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 130.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$110,616,650
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Midwest institute for comparative stem cell biology \$150,000
Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund No limit
 Faculty of distinction matching fund..... No limit
 General fees fund..... No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund..... No limit
 Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for op-

eration of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages.

Kansas career work study program fund..... No limit
 Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Sponsored research overhead fund No limit
 Housing system suspense fund No limit
 Housing system operations fund No limit
 Housing system repairs, equipment and improvement fund No limit
 Mandatory retirement annuity clearing fund No limit
 Student health fees fund No limit

Provided, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund No limit
 Perkins student loan fund No limit
 Board of regents — U.S. department of education awards fund No limit
 State agricultural university fund No limit
 Federal extension civil service retirement clearing fund No limit
 Salina — student union fees fund No limit
 Salina — housing system operation fund No limit
 Kansas distinguished scholarship fund No limit
 Kansas comprehensive grant fund No limit
 Temporary deposit fund No limit
 Business procurement card clearing fund No limit
 Suspense fund No limit
 Voluntary tax shelter annuity clearing fund No limit
 Agency payroll deduction clearing fund No limit
 Payroll clearing fund No limit
 Pre-tax parking clearing fund No limit
 University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund to the Perkins student loan fund.

Sec. 131.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND
 AGRICULTURE RESEARCH PROGRAMS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$817,138

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Cooperative extension service (including official hospitality) \$19,740,972

Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Agricultural experiment stations (including official hospitality) \$31,399,369

Provided, That any unencumbered balance in the agricultural experiment stations (including

official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund..... No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy — Ashland farm; KSU agricultural research center — Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy — general; agronomy — experimental field crop sales; entomology sales; grain science and industry — Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; animal resource facility; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2008.

Fertilizer research fund..... No limit
Sponsored research overhead fund No limit
Federal extension fund No limit
Federal experimental station fund No limit
Federal awards — advance payment fund..... No limit
Smith-Lever special program grant — federal fund No limit
Faculty of distinction matching fund..... No limit
Kansas artificial breeding service unit fees fund No limit
Agricultural land use-value fund No limit
University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Agricultural experiment stations..... \$300,000

(d) During the fiscal years ending June 30, 2007, and June 30, 2008, no moneys appropriated from the state general fund or any special revenue fund for Kansas state university or Kansas state university extension systems and agriculture research programs shall be expended on or after the effective date of this act by Kansas state university or Kansas state university extension systems and agriculture research programs, directly or indirectly, for (1) any financial aid or other support for any 4-H competitive events or activities at county fairs for which the minimum age for participants is increased from 7 years of age to 9 years of age, or (2) any financial aid or other support for any 4-H organization or unit that sponsors

competitive events at county fairs and that is planning to increase or has increased the minimum age for participants in such events from 7 years of age to 9 years of age.

Sec. 132.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)	\$10,622,664
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Veterinary training program for rural Kansas.....	\$200,000
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Provided, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund	No limit
Hospital and diagnostic laboratory revenue fund.....	No limit
Faculty of distinction matching fund.....	No limit
Hospital and diagnostic laboratory improvement fund.....	No limit
Restricted fees fund.....	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Sponsored research, instruction, public service, equipment and facility grants; sponsored construction or improvement projects; technology equipment; pathology fees; laboratory test fees; miscellaneous renovations; dean of veterinary medicine receipts; gifts; application for postbaccalaureate programs; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; animal resource center; storerooms; departmental receipts for all sales re-funds and other collections; other specifically designated receipts not available for general operation of the Kansas state university veterinary medical center: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Sponsored research overhead fund	No limit
Health professions student loan fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed a total of \$15,000 from the general fees fund to the health professions student loan fund.

Sec. 133.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)	\$32,735,134
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Reading recovery program	\$242,889
Nat'l Board Cert/Future Teacher Academy	\$145,766
(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:	
Parking fees fund	No limit
<i>Provided</i> , That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.	
General fees fund	No limit
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys.	
Interest on state normal school fund fund.....	No limit
Restricted fees fund.....	No limit
<i>Provided</i> , That restricted fees shall be limited to receipts for the following accounts: Computer services, student activity; technology equipment; student union; sponsored research; computer services; extension classes; gifts and grants (for teaching, research and capital improvements); business school contributions; state department of education (vocational); library services; library collections; interest on local funds; receipts from conferences, clinics, and workshops held on campus for which no college credit is given; physical plant reimbursements from auxiliary enterprises; midwestern exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: <i>And provided further</i> , That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the midwestern student exchange account of the restricted fees fund.	
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Telecommunications services; office supplies inventory; state car operation; E.S.U. press including duplicating and reproducing; postage; physical plant storeroom including motor fuel inventory; data processing center; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.	
Commencement fees fund	No limit
Kansas career work study program fund.....	No limit
Student health fees fund.....	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Faculty of distinction matching fund.....	No limit
Bureau of educational measurements fund.....	No limit
National direct student loan fund.....	No limit
Economic opportunity act — work study — federal fund.....	No limit
Educational opportunity grants — federal fund.....	No limit

Basic opportunity grant program — federal fund	No limit
Research and institutional overhead fund	No limit
Kansas comprehensive grant fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership federal fund No limit

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Emporia state university of not to exceed \$30,000 from the general fees fund to the national direct student loan fund.

(d) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$24,364 from the student union account of the restricted fees fund of Emporia state university to the state general fund.

(e) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$2,036 from the housing systems operations fund of Emporia state university to the state general fund.

Sec. 134.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$35,940,833

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund No limit

Provided, That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.

General fees fund No limit

Provided, That all moneys received for tuition received from students participating in the gorilla advantage program or the midwestern student exchange program shall be deposited in the state treasury to the credit of the general fees fund: *Provided further*, That expenditures may be made from the general fees fund to match federal grant moneys: *And provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Computer services; instructional technology fee; technology equipment; student activity fee accounts; commencement fees; ROTC activities; continuing education receipts; vocational auto parts and service fees; receipts from camps, conferences and meetings held on campus; library service collections and fines; and grants from other state agencies; *Midwest Quarterly*; chamber music series; contract — post office; gifts and grants; intensive English program; business and technology institute; public sector radio station activities; economic opportunity — state match; Kansas career work study; regents supplemental grants; departmental receipts, and other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in

accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That surplus restricted fees moneys generated by the music department may be transferred to the Pittsburg state university foundation, inc., for the express purpose of awarding music scholarships: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund No limit
Provided, That the service clearing fund shall be used for the following service activities: Duplicating and printing services; instructional media division; office stationery and supplies; motor carpool; postage services; photo services; telephone services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Hospital and student health fees fund No limit
Provided, That expenditures from the hospital and student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center: *Provided further*, That expenditures may be made from this fund for capital improvement projects for hospital and student health center improvements.

Suspense fund No limit
Faculty of distinction matching fund No limit
Perkins student loan fund No limit
Sponsored research overhead fund No limit
College work study fund No limit
Nursing student loan fund No limit
Housing system suspense fund No limit
Housing system operations fund No limit
Housing system repairs, equipment and improvement fund No limit
Kansas comprehensive grant fund No limit
Kansas distinguished scholarship program fund No limit
University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer amounts specified by the president of Pittsburg state university of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Perkins student loan fund; nursing student loan fund.

Sec. 135.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$138,483,496
Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Geological survey \$6,370,307
Provided, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Umbilical cord matrix project \$150,000
Provided, That any unencumbered balance in the umbilical cord matrix project account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facilities revenue fund	No limit
Faculty of distinction matching fund.....	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That all moneys received for tuition for students enrolled in courses offered at the regents center on the Edwards campus shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to this fund: *And provided further*, That the director of accounts and reports shall transfer on a periodic basis amounts generated from such courses as specified by the chancellor of the university of Kansas, or the chancellor's designee, from the general fees fund to the regents center development fund.

Regents center development fund	No limit
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Provided, That expenditures shall be made from the regents center development fund for program operations and development and for capital improvements at the Edwards campus: *Provided further*, That the fund may be pledged to debt service for capital improvements at the Edwards campus.

Interest fund	No limit
Sponsored research overhead fund	No limit

Law enforcement training center fund	No limit
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Provided, That expenditures may be made from the law enforcement training center fund to cover the costs of tuition for students enrolled in the law enforcement training program in addition to the costs of salaries and wages and other operating expenditures for the program: *Provided, however*, That any academic credit granted through this program shall not be included in the university's budgeted enrollment figures: *Provided further*, That expenditures may be made from this fund for the acquisition of tracts of land.

Law enforcement training center fees fund	No limit
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Provided, That all moneys received for tuition from students enrolling in the basic law enforcement training program for undergraduate or graduate credit shall be deposited in the state treasury and credited to the law enforcement training center fees fund.

Restricted fees fund	No limit
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Provided, That restricted fees shall be limited to receipts for the following accounts: Institute for public policy and business research; technology equipment; clinical psychology conference; concert course; residence hall maintenance; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; housing and residence halls; endowment research salaries; engineering research salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such

insurance: *And provided further*, That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund No limit
Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; furniture stores; business office stores; university printing service; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Health service fund No limit
Provided, That expenditures from the health service fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Kansas career work study program fund No limit
 Student union fund No limit
 Federal Perkins loan fund No limit
 Ford foundation — forgivable loan fund No limit
 Health professions student loan fund No limit
 Housing system suspense fund No limit
 Housing system revenue fund No limit
 Scientific research and development project — special revenue fund No limit
 Housing system operations fund No limit
 Housing system repairs, equipment and improvement fund No limit
 Educational opportunity act — federal fund No limit
 Loans for disadvantaged students fund No limit
 Prepaid tuition fees clearing fund No limit
 Kansas comprehensive grant fund No limit
 Fire service training fund No limit
 University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Lumina foundation grant fund No limit

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$285,000 for all such amounts, from the general fees fund to the following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, for the water plan project or projects specified, the following:

Geological survey \$40,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the geological survey account is hereby reappropriated for fiscal year 2008.

(e) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer one or more amounts specified by the chancellor of the university of Kansas from one or more accounts of the restricted fees fund to the multicultural resource center — construction fund.

Sec. 136.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$108,304,136

Provided, That any unencumbered balance in the operating expenditures (including official

hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for the purchase of malpractice insurance for students in training at the university of Kansas school of medicine, nursing and allied health: *And provided further*, That such malpractice insurance shall be approved by the commissioner of insurance of the state of Kansas: *And provided further*, That expenditures from this account may be used to reimburse medical residents in residency programs located in Kansas City at the university of Kansas medical center for the purchase of health insurance for residents' dependents.

Medical scholarships and loans	\$2,786,764
Cancer center	\$5,000,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund	No limit
Faculty of distinction matching fund	No limit
Restricted fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

That restricted fees shall be limited to the following accounts: Technology equipment; computer services; expenses reimbursed by the Kansas university endowment association; postgraduate fees; pathology fees; student health insurance premiums; gift receipts; designated research collaboration; facilities use; photography; continuing education; student activity fees; student application fees; department duplicating; student health services; student identification badges; student transcript fees; loan administration fees; fitness center fees; occupational health fees; computer remote access; employee health; telekid care fees; area outreach fees; police fees; endowment payroll reimbursement; rental property; e-learning fees; surplus property sales; student union fees; outreach air travel; student loan legal fees; hospital authority salary reimbursements; graduate medical education contracts; Kansas university physicians inc., salaries reimbursements; housestaff activity fees; anatomy cadavers; biotechnology services; energy center funded depreciation; fungal sales; biostatistics; electron microscope services; Wichita faculty contracts; physical therapy services; legal fee reimbursements; sponsored research; departmental commercial receipts for all sales, refunds and all other collections of receipts not specifically enumerated above; department of social and rehabilitation services cost-sharing: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *And provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be made from this fund to purchase health insurance coverage for all students enrolled in the school of allied health, school of nursing and school of medicine.

Scientific research and development — special revenue fund	No limit
Sponsored research overhead fund	No limit
Parking fees fund	No limit
Services to hospital authority fund	No limit
Direct medical education reimbursement fund	No limit
Service clearing fund	No limit

Provided, That the service clearing fund shall be used for the following service activities: Printing services; purchasing storeroom; university motor pool; clothing (uniforms); physical plant storeroom; photo services; telecommunications services; facilities operations discretionary repairs; animal care; graphic services; instructional services; biomedical engineering;

audiovisual services; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Educational nurse faculty loan program fund	No limit
Federal college work study fund	No limit
AMA education and research grant fund	No limit
Federal health professions/primary care student loan fund.....	No limit
Federal nursing student loan fund	No limit
Suspense fund.....	No limit
Federal student educational opportunity grant fund.....	No limit
Federal Pell grant fund	No limit
Federal Perkins student loan fund	No limit
Medical loan repayment fund	No limit
<i>Provided</i> , That expenditures from the medical loan repayment fund for attorney fees and litigation costs associated with the administration of the medical scholarship and loan program shall be in addition to any expenditure limitation imposed on the operating expenditures account of the medical loan repayment fund or on the total expenditures from the medical loan repayment fund.	
Medical student loan programs provider assessment fund.....	No limit
Graduate medical education administration reserve fund	No limit
University of Kansas medical center private practice foundation reserve fund.....	No limit
Robert Wood Johnson award fund	No limit
Federal scholarship for disadvantaged students fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership federal fund

No limit

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$125,000 for all such amounts, from the general fees fund to the following funds: Federal Perkins student loan fund; federal nursing student loan fund; federal student education opportunity grant fund; federal college work study fund; educational nurse faculty loan program fund; federal health professions/primary care student loan fund.

(d) During the fiscal year ending June 30, 2008, medical students enrolled at the university of Kansas medical center are hereby self-insured by the state of Kansas while in clinical training at the university of Kansas medical center or at other health care institutions. Such individuals shall be considered employees for purposes of the Kansas tort claims act and shall be provided defense and indemnification for claims arising out of their clinical training at the university of Kansas medical center or at other health care institutions in accordance with the provisions of the Kansas tort claims act. Within the limits of appropriations therefor, the university of Kansas medical center may enter into contracts to purchase additional malpractice insurance for such medical students. Any such malpractice insurance purchase shall be approved by the commissioner of insurance of the state of Kansas.

(e) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer an amount specified by the chancellor from the general fees fund to the student health insurance premiums account of the restricted fees fund.

(f) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2008, the following:

Telekid health care link.....	\$250,000
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2007, in the telekid health care link account is hereby reappropriated for fiscal year 2008.

(g) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university

of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to provide that the university of Kansas medical center and the school of medicine maintain, to the extent permitted by the appropriate graduate medical education accreditation organization guidelines, the current number of KU resident physician positions at the university of Kansas hospital: *Provided*, That the university of Kansas medical center and the university of Kansas school of medicine — Wichita maintain, to the extent permitted by the appropriate graduate medical education accreditation guidelines, the current number of KU resident physician positions at KU affiliated hospitals in Wichita: *Provided further*, That affiliation agreements for a research and education affiliation of Saint Luke’s health system shall be implemented unless action is taken by a majority vote of the members of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, to disapprove such agreements on or before July 1, 2007.

(h) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2007 or fiscal year 2008 to provide for the following: *Provided*, That the university of Kansas medical center and the university of Kansas school of medicine — Wichita shall investigate expanding the scope of the current affiliations with the Via Christi medical center and the Wesley medical center in Wichita, Kansas, to include evaluation of opportunities to provide more physicians for Kansas, enhanced educational opportunities for current and future medical students, and the acceleration of the discovery of new cures and treatments for the benefit of Kansas patients: *Provided further*, That the university of Kansas medical center and the university of Kansas school of medicine — Wichita shall prepare and submit a report of such investigation and the findings thereof to the legislature.

(i) On and after the effective date of this act, all moneys appropriated for the university of Kansas medical center from the state general fund and from each special revenue fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, are subject to the following: *Provided*, That, if the university of Kansas medical center or the university of Kansas school of medicine, or both, as part of the effort to build a stronger bioscience research capability, decide to expend an affiliation for research and teaching with Saint Luke’s health system, then no such affiliation agreement between the university of Kansas medical center or the university of Kansas school of medicine, or both, and Saint Luke’s health system shall be implemented until such affiliation has been reviewed and approved by the affirmative vote of a majority of the members of the state board of regents and the members of the board of directors of the university of Kansas hospital authority.

Sec. 137.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)	\$69,634,997
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Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

General fees fund No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Restricted fees fund No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund No limit
Provided, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755 and amendments thereto.

Faculty of distinction matching fund No limit

Kansas career work study program fund No limit

Scholarship funds fund No limit

Sponsored research fund No limit

Sponsored research overhead fund No limit

Economic opportunity act — federal fund No limit

Education opportunity grant — federal fund No limit

Matching education opportunity grant fund No limit

Health professions student assistance program — loans fund No limit

Nine month payroll clearing account fund No limit

Pell grants fund No limit

Housing system suspense fund No limit

Housing system operations fund No limit

Housing system renovation principal and interest fund No limit

Housing system renovation and bond reserve fund No limit

WSU housing system depreciation and replacement fund No limit

Perkins loan fund No limit

Kansas distinguished scholarship fund No limit

Kansas comprehensive grant fund No limit

WSU housing systems revenue fund No limit

University federal fund No limit
Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership — federal fund..... No limit

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$43,510 from the WSU housing systems revenue fund of Wichita state university to the state general fund.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Aviation research..... \$2,500,000
 Sec. 138.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality)..... \$3,491,111

Provided, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

State scholarship program..... \$1,133,199

Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816 and amendments thereto and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283 and amendments thereto: *And provided further*, That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program..... \$15,689,878

Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Ethnic minority scholarship program..... \$315,213

Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas work-study program..... \$528,172

Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC scholarship reimbursement..... \$186,401

Provided, That any unencumbered balance in the ROTC scholarship reimbursement account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Teachers scholarship program..... \$826,744

Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

National guard educational assistance..... \$925,838

Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Vocational scholarships..... \$121,275

Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Nursing student scholarship program..... \$443,592

Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Optometry education program..... \$113,850

Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Municipal university operating grant.....	\$11,926,216
Postsecondary aid for vocational education.....	\$25,938,835
Adult basic education.....	\$1,548,998
Community college operating grant.....	\$96,216,412
Technology equipment at community colleges and Washburn university.....	\$441,040
<i>Provided</i> , That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of education.	
Operating grant.....	\$10,088,564
<i>Provided</i> , That the state board of regents is hereby authorized to transfer moneys from the operating grant account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents: <i>Provided further</i> , That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the operating grant account: <i>And provided further</i> , That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of legislative research.	
Payment to KPERS.....	\$1,756,004
Southwest Kansas access project.....	\$200,000
<i>Provided</i> , That any unencumbered balance in the southwest Kansas access project account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Out-district tuition off-set.....	\$6,400,000
<i>Provided</i> , That the state board of regents is hereby authorized to make expenditures from the out- district tuition off-set account for grants to community colleges and Washburn university: <i>Provided further</i> , That such grants shall be distributed in proportion to the amount of out-district tuition received by the community colleges and Washburn university.	
Tuition waivers.....	\$90,000
Mathematics and science teacher service scholarship program.....	\$250,000
<i>Provided</i> , That any unencumbered balance in the mathematics and science teacher service scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Technical college hold harmless funding.....	\$764,400
<i>Provided</i> , That any unencumbered balance in the technical college hold harmless funding account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That the state board of regents is hereby authorized to make expenditures from the technical college hold harmless funding account for grants to the technical colleges and schools: <i>And provided further</i> , That such grants shall be distributed so that no technical college shall receive less state aid in the fiscal year ending June 30, 2008, than it received in the previous fiscal year.	
Nurse educator grant program.....	\$200,000
<i>Provided</i> , That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That the state board of regents is hereby authorized to make grants to qualified individuals from the nurse educator grant program account: <i>And provided further</i> , That such grants shall be awarded to Kansas residents who are registered nurses and enrolled in an accredited program leading to a master of science degree in nursing or a doctorate degree in nursing at a state educational institution or another institution of higher education located in Kansas: <i>And provided further</i> , That each grant to an individual enrolled at a state educational institution shall not exceed 70% of the cost of attendance for an individual enrolled at the state educational institution or, if the individual is enrolled at an institution other than a state educational institution, then the grant shall not exceed the lower of either 70% of the cost of attendance of the institution of higher education located in Kansas at which the individual is enrolled or the average cost of attendance at the state educational institutions: <i>And provided further</i> , That such grants shall be matched on the basis of \$2 from the nurse educator grant program account for \$1 from the state educational institution or the other	

institution of higher education located in Kansas: *And provided further*, That, as used in this proviso, “state educational institution” has the meaning ascribed thereto by K.S.A. 76-711 and amendments thereto.

Nursing faculty and supplies grant program \$1,800,000

Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008:

Provided further, That the state board of regents is hereby authorized to make grants to Kansas postsecondary education institutions from the nursing faculty and supplies grant program account for expansion of nursing faculty and consumable laboratory supplies: *Provided further*, That such grants shall be either need-based or competitive and shall be matched on the basis of \$1 from the nurse faculty and supplies grant program account for \$1 from the state educational institution receiving the grant.

Special education teacher scholarship program \$300,000

Provided, That any unencumbered balance in the special education teacher scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Teacher education scholarship program \$86,115

Provided, That any unencumbered balance in the teacher education scholarship program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Competitive teachers grant \$500,000

Midwest higher education commission \$90,000

Kansas academy for math and science \$100,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund No limit

Vocational education scholarship discontinued attendance fund No limit

Leveraging educational assistance program fund — federal No limit

Regents’ scholarship gift fund No limit

Provided, That expenditures may be made from the regents’ scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations: *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships: *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year: *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816 and amendments thereto or a tuition grant under K.S.A. 72-6107 through 72-6111 and amendments thereto, or both: *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund No limit

Provided, That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act: *Provided, however*, That, notwithstanding any provisions of subsection (f) of K.S.A. 2006 Supp. 66-2010, and amendments thereto, to the contrary, the amount of \$8,000,000 shall be certified before July 1, 2007, by the chief executive officer of the state board of regents to the administrator of the KUSF and the administrator of the KUSF shall pay such amount from the Kansas universal service fund of the state corporation commission to the KAN-ED fund of the state board of regents during fiscal year 2008 in accordance with the provisions of subsections (f)(1) and (f)(2) of K.S.A. 2006 Supp. 66-2010, and amendments thereto.

KAN-ED federal fund No limit

Earned indirect costs fund — federal No limit

Faculty of distinction program fund No limit

Paul Douglas teacher scholarship fund — federal No limit

GED credentials processing fees fund.....	No limit
Proprietary school fee fund.....	No limit
Tuition waiver gifts, grants and reimbursements fund.....	No limit
Adult basic education — federal fund.....	No limit
Truck driver training fund.....	No limit
No child left behind federal fund.....	No limit
Comprehensive grant program discontinued attendance fund.....	No limit
State scholarship discontinued attendance fund.....	No limit
Kansas ethnic minority fellowship program fund.....	No limit
Private postsecondary educational institution degree authorization ex- pense reimbursement fee fund.....	No limit
Substance abuse education fund — federal.....	No limit
Nursing service scholarship program fund.....	No limit
Kansas ethnic minority discontinued attendance fund.....	No limit
Clearing fund.....	No limit
Conversion of materials and equipment fund.....	No limit
Teacher scholarship program fund.....	No limit
Motorcycle safety fund.....	No limit
Financial aid services fee fund.....	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for op- erating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: <i>Provided</i> <i>further</i> , That the executive director of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications for student financial assistance under programs administered by the state board of regents: <i>And provided further</i> , That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the pro- visions of K.S.A. 75-4215 and amendments thereto and shall be credited to the financial aid services fee fund.	
Inservice education workshop fee fund.....	No limit
Optometry education repayment fund.....	No limit
Teacher scholarship repayment fund.....	No limit
Advanced registered nurse practitioner service scholarship program fund.....	No limit
Nursing service scholarship repayment fund.....	No limit
ROTC service scholarship program fund.....	No limit
ROTC service scholarship repayment fund.....	No limit
Carl D. Perkins vocational and technical education — federal fund.....	No limit
Carl D. Perkins vocational and technical education — federal fund — state operations.....	No limit
Other federal grants fund.....	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2008, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature.	
Kansas national guard educational assistance program repayment fund..	No limit
Carl D. Perkins technical preparation — federal fund.....	No limit
Grants fund.....	No limit
Workforce development loan fund.....	No limit
Regents clearing fund.....	No limit

Private and out-of-state postsecondary educational institution fee fund No limit

(c) During the fiscal year ending June 30, 2008, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2008, to another item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2008. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department. As used in this subsection, "account" (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each account of the state general fund of the state board of regents.

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 for such state educational institution as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 for the purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2008: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided, further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2008 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) In addition to other expenditures authorized to be made from the comprehensive grant program account of the state general fund for fiscal year 2008 for the awards of Kansas comprehensive grants in accordance with the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program, expenditures shall be made from the comprehensive grant program account of the state general fund for fiscal year 2008 for awards of Kansas comprehensive grants to eligible Kansas students who are enrolling or enrolled at an institution of higher education which is

accredited by the Association for Biblical Higher Education and which has its main campus or principal place of operation located in Kansas, and otherwise in accordance with and subject to the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program.

Sec. 139.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Central administration operations and parole and postrelease supervision operations \$18,658,136

Provided, That any unencumbered balance in the central administration operations and parole and postrelease supervision operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the central administration operations and parole and postrelease supervision operations account for official hospitality shall not exceed \$2,000.

Community corrections \$15,548,912

Provided, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That no expenditures may be made by any county from any grant made to such county from the community corrections account for either half of state fiscal year 2008 which supplant any amount of local public or private funding of existing programs as determined in accordance with rules and regulations adopted by the secretary of corrections.

Day reporting centers and reentry programs \$5,763,349

Provided, That any unencumbered balance in the day reporting centers and reentry programs account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all expenditures from the day reporting centers and reentry programs account shall be made pursuant to contracts which are hereby authorized to be entered into by the secretary of corrections with the counties of Sedgwick, Shawnee and Wyandotte and the cities of Topeka, Kansas City and Wichita, Kansas, for operation of such reentry programs.

Local jail payments \$1,361,000

Provided, That, notwithstanding the provisions of K.S.A. 19-1930 and amendments thereto, payments by the department of corrections under subsection (b) of K.S.A. 19-1930 and amendments thereto, for the cost of maintenance of prisoners shall not exceed the per capita daily operating cost, not including inmate programs, for the department of corrections.

Community correctional conservation camp \$2,469,450

Conservation camp for female offenders \$1,058,874

Provided, That any unencumbered balance in the conservation camp for female offenders account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council.

Treatment and programs \$51,700,791

Provided, That expenditures from the treatment and programs account for malpractice insurance shall not be greater than the amount obtained by multiplying \$5,000 by the approved number of positions equated to full-time for individuals employed as physician specialists, physician assistants and dentists.

DUI treatment services \$538,000

Provided, That any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2007, is hereby reappropriated for the fiscal year 2008: *Provided further*, That expenditures may be made from the DUI treatment services account for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

Topeka correctional facility — facilities operations \$11,693,789
Provided, That any unencumbered balance in the Topeka correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Topeka correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility — facilities operations \$26,729,577
Provided, That any unencumbered balance in the Hutchinson correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Hutchinson correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility — facilities operations \$34,968,459
Provided, That any unencumbered balance in the Lansing correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Lansing correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility — facilities operations \$11,626,545
Provided, That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Ellsworth correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility — facilities operations \$11,489,426
Provided, That any unencumbered balance in the Winfield correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Winfield correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility — facilities operations \$13,434,086
Provided, That any unencumbered balance in the Norton correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Norton correctional facility — facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility — facilities operations \$22,800,557
Provided, That any unencumbered balance in the El Dorado correctional facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the El Dorado correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Larned correctional mental health facility — facilities operations \$9,027,021
Provided, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the Larned correctional mental health facility — facilities operations account for official hospitality shall not exceed \$500.

Facilities operations..... \$13,848,364

Provided, That any unencumbered balance in the facilities operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$1,000,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: Provided, however, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$1,000,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Supervision fees fund..... No limit

Residential substance abuse treatment — federal fund..... No limit

Justice assistance — federal fund..... No limit

Department of corrections state asset forfeiture fund..... No limit

Chapter I — federal fund..... No limit

Victims of crime act — federal fund..... No limit

Correctional industries fund..... No limit

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Alcohol and drug abuse treatment fund..... No limit

Provided, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

State of Kansas — department of corrections inmate benefit fund..... No limit

Department of corrections — alien incarceration grant fund — federal..... No limit

Department of corrections — general fees fund..... No limit

Provided, That expenditures may be made from the department of corrections — general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: Provided further, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: And provided further, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to this fund.

JEHT reentry program fund..... No limit

Sedgwick county reentry program fund..... No limit

Shawnee county reentry program fund..... No limit

Wyandotte county reentry program fund..... No limit

Topeka correctional facility — community development block grant — federal fund..... No limit

Topeka correctional facility — bureau of prisons contract — federal fund..... No limit

Topeka correctional facility — general fees fund..... No limit

Hutchinson correctional facility — general fees fund..... No limit

Lansing correctional facility — general fees fund..... No limit

Ellsworth correctional facility — general fees fund..... No limit

Winfield correctional facility — general fees fund..... No limit

Norton correctional facility — general fees fund..... No limit

El Dorado correctional facility — general fees fund..... No limit

El Dorado correctional facility — community transition program federal fund..... No limit
 Larned correctional mental health facility — general fees fund..... No limit

(c) During the fiscal year ending June 30, 2008, the secretary of corrections, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections to another item of appropriation for fiscal year 2008 from the state general fund for the department of corrections or any correctional institution or facility under the general supervision and management of the secretary of corrections. The secretary of corrections shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(d) Notwithstanding the provisions of K.S.A. 75-3731 and amendments thereto or any other statute, the director of accounts and reports shall accept for payment from the secretary of corrections any duly authorized claim from the local jail payments account of the state general fund during fiscal year 2008 for costs pursuant to subsection (b) of K.S.A. 19-1930 and amendments thereto even though such claim is not submitted or processed for payment within the fiscal year in which the service is rendered and whether or not the services were rendered prior to the effective date of this act.

(e) On July 1, 2007, and on October 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$465,101 from the correctional industries fund to the department of corrections — general fees fund.

Sec. 140.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$31,830,166

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems..... \$1,128,352

Provided, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas juvenile correctional complex facility operations..... \$14,902,149

Provided, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2007, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2008: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Atchison juvenile correctional facility operations..... \$5,825,336

Provided, That any unencumbered balance in the Atchison juvenile correctional facility operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Beloit juvenile correctional facility operations..... \$3,976,777

Provided, That any unencumbered balance in the Beloit juvenile correctional facility operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by

the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

Larned juvenile correctional facility operations \$8,247,663

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739 and amendments thereto.

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2008, the following:

Prevention program grant \$5,579,530

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That all expenditures by the above agency from the prevention program grant account for fiscal year 2008 shall be for prevention program grants and evaluation of prevention programs: *Provided further*, That grantees may use prevention grant funds for graduated sanctions and intervention programs with written approval from the commissioner of juvenile justice: *And provided further*, That money awarded as grants from this account shall be distributed during fiscal year 2008 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2006 and fiscal year 2007: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants \$3,420,470

Provided, That any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Title XIX fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant — federal fund.....	No limit
Juvenile justice delinquency prevention — federal fund.....	No limit
Juvenile detention facilities fund.....	\$4,400,000
Juvenile justice fee fund — central office.....	No limit
Juvenile justice federal fund — Atchison juvenile correctional facility....	No limit
Juvenile justice federal fund — Beloit juvenile correctional facility.....	No limit
Juvenile justice federal fund — Larned juvenile correctional facility.....	No limit
Juvenile justice federal fund — Kansas juvenile correctional complex....	No limit
Juvenile justice federal fund.....	No limit
Kansas juvenile delinquency prevention trust fund.....	No limit
Going home — federal fund.....	No limit
Byrne grant — federal fund.....	No limit
Atchison juvenile correctional facility fee fund.....	No limit
Atchison juvenile correctional facility — elementary and secondary education fund — federal.....	No limit
Beloit juvenile correctional facility fee fund.....	No limit
Beloit juvenile correctional facility — elementary and secondary education fund — federal.....	No limit
Title VI-B — Beloit juvenile correctional facility — federal fund.....	No limit
Larned juvenile correctional facility fee fund.....	No limit

Larned juvenile correctional facility — elementary and secondary education fund — federal	No limit
Kansas juvenile correctional complex fee fund	No limit
Kansas juvenile correctional complex improvement fund.....	No limit
Kansas juvenile correctional complex — elementary and secondary education fund — federal	No limit

(d) During the fiscal year ending June 30, 2008, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2008 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2008, notwithstanding the provisions of K.S.A. 79-4803 and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2008 for purchase of services.

Sec. 141.

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$4,335,353
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Civil air patrol — operating expenditures	\$28,373
Disaster relief	\$2,000,000
Military activation payments.....	\$50,000
<i>Provided</i> , That all expenditures from the military activation payments account shall be for military activation payments which are hereby authorized and directed to be made in accordance with and subject to the procedures, guidelines, limitations and restrictions, including the eligibility conditions, prescribed in executive directive no. 05-356, to officers and employees of state agencies in the executive, judicial or legislative branches of state government, who are called or have been called to active military duty on or after September 11, 2001: <i>Provided further</i> , That any unencumbered balance in the military activation payments account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
NG life insurance premium reimbursement.....	\$390,000
<i>Provided</i> , That any unencumbered balance in the NG life insurance premium reimbursement account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures for fiscal year 2008 from the NG life insurance premium reimbursement account of the state general fund shall be made only for premiums paid under the servicemembers' group life insurance program pursuant to 38 U.S.C. §1965 et seq. as amended, and not otherwise reimbursed by the federal government or for supplemental life insurance if the adjutant general is able to secure a supplemental life insurance policy for members of the Kansas national guard serving on federal active duty in a combat zone.	
Kansas military emergency relief	\$50,000
<i>Provided</i> , That expenditures may be made from the Kansas military emergency relief account of the state general fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and	

families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account of the state general fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas military emergency relief fund.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund — military division	No limit
Emergency management — federal fund matching — equipment fund.....	No limit
Emergency management — federal fund matching — administration fund.....	No limit
Nuclear safety emergency management fee fund.....	No limit
<i>Provided</i> , That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2008 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.	
Military fees fund — federal	No limit
<i>Provided</i> , That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the military fees fund — federal.	
Emergency management — federal fund	No limit
Homeland security federal fund.....	No limit
Homeland security interest — federal fund.....	No limit
Armories and units general fees fund.....	No limit
Emergency management — disaster fund — federal fund.....	No limit
State emergency fund allocation — several disasters fund	No limit
State emergency fund allocation — weather related emergencies fund ..	No limit
Radioactive materials fund	No limit
Hazardous materials emergency preparedness federal fund.....	No limit
Civil air patrol — grants and contributions — federal fund.....	No limit
Emergency management performance grant (EMPG) — federal fund...	No limit
NG — federal forfeiture fund.....	No limit
Inaugural expense fund.....	No limit
Indirect cost — federal fund	No limit
Kansas military emergency relief fund.....	No limit

Provided, That expenditures may be made from the Kansas military emergency relief fund for grants and interest — free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the pro-

visions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas military emergency relief fund.

National guard life insurance premium reimbursement fund No limit
 Emergency management assistance compact federal fund No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008, notwithstanding the provisions of K.S.A. 48-205 and amendments thereto or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law: *Provided*, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2008 made by this or other appropriation act of the 2007 regular session of the legislature.

Sec. 142.

STATE FIRE MARSHAL

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund..... \$3,352,658

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Gifts, grants and donations fund No limit

Hazardous material program fund \$390,344

Intragovernmental service fund No limit

Liquified petroleum gas fee fund \$80,000

Hazardous materials emergency fund..... \$250,000

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2008 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however*, That expenditures from the hazardous materials emergency fund during fiscal year 2008 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) On July 1, 2007, and January 1, 2008, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$225,172 from the fire marshal fee fund to the hazardous materials program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2008, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2008, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2008 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2008 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2008 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

Sec. 143.

KANSAS PAROLE BOARD

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Parole from adult correctional institutions..... \$486,737

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Sec. 144.

KANSAS HIGHWAY PATROL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$35,260,830

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$3,000.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund No limit

Provided, That all moneys received from the sale of used equipment, recovery of and reimbursements for expenditures and any other source of revenue shall be deposited in the state treasury and credited to the general fees fund, except as otherwise provided by law: *Provided further*, That all proceeds from the sale of personal sidearms to retiring troopers and other retiring sworn officers of the Kansas highway patrol, which sales upon retirement are hereby authorized, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund: *Provided, however*, That each such sale of a retiring sworn officer's personal sidearm upon retirement shall be for an amount of not less than the replacement cost of the sidearm: *And provided further*, That the Kansas highway patrol is hereby authorized to sell and a trooper or other sworn officer of the Kansas highway patrol who resigns from the Kansas highway patrol to accept employment with a local, state or federal law enforcement agency is hereby authorized to purchase such trooper or other sworn officer's personal sidearm with a trigger lock upon resignation in the same manner as prescribed in this subsection for retiring troopers and sworn officers of the Kansas highway patrol for the amount equal to the total of the replacement cost of the sidearm plus the cost of the trigger lock: *And provided further*, That no sale of a personal sidearm shall be made to any trooper or sworn

officer of the Kansas highway patrol upon resignation unless the superintendent of the Kansas highway patrol determines that the employment record and performance evaluations of each such trooper or sworn officer of the Kansas highway patrol is satisfactory: *And provided further*, That all proceeds from the sale of personal sidearms and trigger locks to such resigning troopers and other sworn officers shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund.

Homeland security 2005 — federal fund	No limit
Homeland security 2006 — federal fund	No limit
Homeland security 2007 — federal fund	No limit
Homeland security 2008 — federal fund	No limit
Homeland security 2009 — federal fund	No limit
For patrol of Kansas turnpike fund	No limit

Provided, That expenditures shall be made from the for patrol of Kansas turnpike fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Highway patrol motor vehicle fund	No limit
Highway patrol — federal fund	No limit
Kansas highway patrol state forfeiture fund	No limit
Gifts and donations fund	No limit
Federal forfeiture fund	No limit
Motor carrier safety assistance program state fund	No limit

Provided, That expenditures shall be made from the motor carrier safety assistance program state fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

Motor carrier safety assistance program — federal fund	No limit
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Provided, That expenditures shall be made from the motor carrier safety assistance program — federal fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.

COPS grant — federal fund	No limit
Highway patrol training center clearing fund	No limit

Provided, That expenditures may be made from the highway patrol training center clearing fund for use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for recovery of costs associated with use of the highway patrol training center by other state agencies, local government agencies and not-for-profit organizations: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing for the use of the highway patrol training center by other state or local government agencies: *And provided further*, That all fees received for use of the highway patrol training center by other state agencies, local government agencies or not-for-profit organizations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the highway patrol training center clearing fund.

Aircraft fund — on budget	No limit
Highway safety fund	No limit
Capitol area security fund	No limit
Vehicle identification number fee fund	No limit
Motor vehicle fuel and storeroom sales fund	No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol operations fund	\$19,212,208
<i>Provided</i> , That expenditures may be made from the Kansas highway patrol operations fund for the purchase of civilian clothing for members of the Kansas highway patrol assigned to duties pursuant to K.S.A. 74-2105 and amendments thereto: <i>Provided further</i> , That the superintendent shall make expenditures from the Kansas highway patrol operations fund for necessary moving expenses in accordance with K.S.A. 75-3225 and amendments thereto.	
Highway patrol training center fund	No limit
Executive aircraft fund	No limit
<i>Provided</i> , That expenditures may be made from the executive aircraft fund to provide aircraft services to other state agencies and to purchase liability and property damage insurance for state aircraft: <i>Provided further</i> , That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: <i>And provided further</i> , That all fees received for such services shall be credited to the executive aircraft fund.	
1122 program clearing fund	No limit
Special services fund	No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer from the state general fund to the 1122 program clearing fund interest earnings based on: (1) The average daily balance of moneys in the 1122 program clearing fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

(d) On July 1, 2007, and January 1, 2008, or as soon after each date as moneys are available the director of accounts and reports shall transfer an amount specified by the executive director of the state corporation commission, with the approval of the director of the budget, of not more than \$658,318.50 from the motor carrier license fees fund of the state corporation commission to the motor carrier safety assistance program state fund of the Kansas highway patrol.

(e) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, the director of accounts and reports shall transfer \$4,803,052 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund of the Kansas highway patrol for the purpose of financing the Kansas highway patrol operations. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2008 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2008 for support and maintenance of the Kansas highway patrol.

(f) On July 1, 2007, the director of accounts and reports shall transfer \$150,000 from the state highway fund of the department of transportation to the highway safety fund of the Kansas highway patrol for the purpose of financing the motorist assistance program of the Kansas highway patrol.

(g) On July 1, 2007, the director of accounts and reports shall transfer \$326,000 from the state highway fund of the department of transportation to the general fees fund of the Kansas highway patrol for the purpose of financing operating expenditures of the Kansas highway patrol.

(h) On March 1, 2008, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-2136 and amendments thereto or any other statute, the director of accounts and reports shall transfer \$400,000 from the highway patrol motor vehicle fund of the Kansas highway patrol to the aircraft fund — on budget of the Kansas highway patrol.

(i) On July 1, 2007, October 1, 2007, January 1, 2008, and April 1, 2008, the director of accounts and reports shall transfer \$7,565,207.50 from the state highway fund of the department of transportation to the state general fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2008 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2008 for the support and maintenance of the Kansas highway patrol.

Sec. 145.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$16,327,665

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the operating expenditures account for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$750.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas bureau of investigation state forfeiture fund No limit
Kansas bureau of investigation federal forfeiture fund..... No limit
Kansas bureau of investigation federal grants fund No limit

Provided, That the above agency is authorized to make expenditures from the Kansas bureau of investigation federal grants fund of any moneys credited to this fund from any individual federal grant if the grant is less than or equal to \$500,000 in the aggregate and the grant does not require the matching expenditure of any moneys in the state treasury during fiscal year 2008 or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year not appropriated by this or other appropriation act of the 2007 regular session of the legislature.

High intensity drug trafficking area — federal fund No limit
Private detective fee fund No limit
DNA database fund..... No limit
Kansas bureau of investigation motor vehicle fund No limit

Provided, That expenditures may be made from the Kansas bureau of investigation motor vehicle fund to acquire and sell motor vehicles for the Kansas bureau of investigation: *Provided further*, That all moneys received for sale of motor vehicles of the Kansas bureau of investigation shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the Kansas bureau of investigation motor vehicle fund.

Forensic laboratory and materials fee fund..... No limit

Provided, That expenditures may be made from the forensic laboratory and materials fee fund for the acquisition of laboratory equipment and materials and for other direct or indirect operating expenditures for the forensic laboratory of the Kansas bureau of investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be for the purposes authorized by subsection (c) of K.S.A. 28-176 and amendments thereto: *Provided further*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: *And provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176 and amendments thereto shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the forensic laboratory and materials fee fund.

KBI general fees fund No limit
Provided, That expenditures may be made from the KBI general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the KBI general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund No limit
Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the record check fee fund: *Provided further*, That expenditures from the record check fee fund may be made only for the expenses of conducting criminal history record checks.

Intergovernmental service fund No limit
 Sec. 146.

EMERGENCY MEDICAL SERVICES BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund	No limit
Rural access to emergency devices grant — federal fund	No limit
Emergency medical services operating fund	\$1,280,850

Provided, That the emergency medical services board is hereby authorized to fix, charge and collect fees in order to recover costs incurred for distributing educational videos, replacing lost educational materials and mailing labels of those licensed by the board: *Provided further*, That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state

treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the emergency medical services operating fund: *And provided further*, That, notwithstanding any provisions of K.S.A. 65-6128 or 65-6129b, and amendments thereto, or of any other statute to the contrary, all moneys received by the emergency medical services board for fees authorized by law for licensure or the issuance of permits, or for any other regulatory duties and functions prescribed by law in the field of emergency medical services, shall be deposited in the state treasury to the credit of the emergency medical services operating fund of the emergency medical services board: *And provided further*, That expenditures from the emergency medical services operating fund for official hospitality shall not exceed \$1,000.

Education incentive grant payment fund No limit
Provided, That priority for these grants shall be given to rural areas.

(b) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the emergency medical services board from the board of emergency medical services operating fund for fiscal year 2008 for the purpose of implementing a grant program for emergency medical services training and educational assistance for persons in underserved areas: *Provided*, That when issuing such grants, first priority shall be given to ambulance services submitting applications seeking grants to pay the cost of recruiting volunteers and cost of the initial courses of training for attendants, instructor-coordinators and training officers: *Provided further*, That the second priority shall be given to ambulance services submitting applications seeking grants to pay the cost of continuing education for attendants, instructor-coordinators and training officers: *And provided further*, That the third priority shall be given to ambulance services submitting applications seeking grants to pay the cost of education for attendants, instructor-coordinators and training officers who are obtaining a post-secondary education degree.

(c) In addition to the other purposes for which expenditures may be made by the emergency medical services board from the moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2008, as authorized by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the emergency medical services board from moneys appropriated from the state general fund or from any special revenue fund for the emergency medical services board for fiscal year 2007 to require emergency medical services agencies in each of the six EMS regions of the state to prepare and submit a report of the expenditures made and moneys received in the EMS region are related to the operation and administration of the Kansas emergency medical services examination to the emergency medical services board: *Provided*, That the report for each EMS region specify and account for all moneys appropriated from the state treasury for the emergency medical services board and disbursed to such EMS region for the operation of the most recently conducted Kansas emergency medical services examination in such EMS region.

Sec. 147.

KANSAS SENTENCING COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$706,708

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Substance abuse treatment programs \$8,900,000

Provided, That any unencumbered balance in the substance abuse treatment programs account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund	No limit
Statistical analysis — federal fund	No limit

Sec. 148.

KANSAS COMMISSION ON PEACE OFFICERS' STANDARDS AND TRAINING

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund	\$715,516
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Provided, That expenditures from the Kansas commission on peace officers' standards and training fund for the fiscal year ending June 30, 2008, for official hospitality shall not exceed \$500.

Sec. 149.

KANSAS DEPARTMENT OF AGRICULTURE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$11,258,815
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the operating expenditures account for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval of the state finance council: *Provided further*, That expenditures may be made from this account for expenses incurred in holding the annual meeting: *And provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000: *And provided further*, That the above agency may negotiate and enter into contracts to carry out its functions at the annual meeting: *And provided further*, That such contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739 and amendments thereto.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Dairy fee fund	No limit
Meat and poultry inspection fee fund	No limit
Wheat quality survey fund	No limit
Entomology fee fund	No limit
Laboratory equipment fund	No limit
Water structures — state highway fund	\$99,662
Soil amendment fee fund	No limit
Agricultural liming materials fee fund	No limit
Weights and measures fee fund	No limit
Water appropriation certification fund	\$551,588
Water resources cost fund	No limit

Provided, That all moneys received by the secretary of agriculture from any governmental or nongovernmental source to implement the provisions of the Kansas water banking act, K.S.A. 2006 Supp. 82a-761 through 82a-773 and amendments thereto, which are hereby authorized to be applied for and received, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the water resources cost fund.

Agriculture seed fee fund	No limit
Chemigation fee fund	No limit
Agriculture statistics fund	No limit
Petroleum inspection fee fund	No limit
Water transfer hearing fund	No limit
Grain commodity commission services fund	No limit
Kansas agricultural remediation board fund	No limit
Kansas agricultural remediation fund	No limit
Warehouse fee fund	No limit

U.S. geological survey cooperative gauge agreement grants fund	No limit
<i>Provided</i> , That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: <i>Provided further</i> , That all moneys collected for the construction or operation of river water intake gauges shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the U.S. geological survey cooperative gauge agreement grants fund: <i>And provided further</i> , That expenditures may be made from this fund to pay the costs incurred in the construction or operation of river water intake gauges.	
Computer services fund	No limit
Agricultural chemical fee fund	No limit
Feeding stuffs fee fund	No limit
Fertilizer fee fund	No limit
Plant pest emergency response fund	No limit
Pesticide use fee fund	No limit
Geographic information system fee fund	No limit
Egg fee fund	No limit
Fertilizer/pesticide compliance admin fund	No limit
Water structures fund	\$148,739
Meat and poultry inspection fund — federal	No limit
EPA pesticide performance partnership grant — federal fund	No limit
FEMA dam safety — federal fund	No limit
FEMA stream mapping — federal fund	No limit
Pest detection and survey — federal fund	No limit
USDA NASS postage fund	No limit
FDA tissue residue fund — federal	No limit
Conversion of materials and equipment fund	No limit
Speciality crop block grant — federal fund	No limit
Publications fee fund	No limit
<i>Provided</i> , That expenditures may be made from the publications fee fund for operating expenditures related to preparation and publication of informational or educational materials related to the programs or functions of the Kansas department of agriculture: <i>Provided further</i> , That, notwithstanding the provisions of K.S.A. 75-1005 and amendments thereto to the contrary, the secretary of agriculture is hereby authorized to enter into a contract with a commercial publisher for the printing, distribution and sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to collect fees from such commercial publisher pursuant to contract with the publisher for the sale of such materials: <i>And provided further</i> , That the secretary of agriculture is hereby authorized to receive and accept grants, gifts, donations or funds from any non- federal source for the printing, publication and distribution of such materials: <i>And provided further</i> , That all moneys received from such fees or for such grants, gifts, donations or other funds received for such purpose, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the publications fee fund.	
Other federal grants fund	No limit
<i>Provided</i> , That, the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2008, other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: <i>Provided further</i> , That no grant for the farmers' assistance, counseling and training program shall be deposited to the credit of this fund.	
Civil litigation fee fund	No limit
<i>Provided</i> , That the above agency is authorized to make expenditures from the civil litigation	

fee fund for costs or other expenses associated with investigation and litigation regarding fraudulent meat sales: *Provided further*, That a portion of the moneys received by the state from fines and other moneys collected as a result of the settlement of fraudulent meat sales cases, as determined by the secretary of agriculture and the attorney general, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the fund by the attorney general.

Food safety fund No limit

Provided, That expenditures may be made from the food safety fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512 and amendments thereto to the contrary, all moneys received from fees charged and collected by the secretary of agriculture under the food inspection program and other activities for the regulation of food service establishments, food vending machines, food vending machine companies and food vending machine dealers under the food service and lodging act shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215 and amendments thereto, deposited in the state treasury and shall be credited to the food safety fund: *And provided further*, That the secretary of agriculture is hereby authorized to make expenditures from the food safety fund for contracts or other agreements with local governments to inspect food service, food processing, grocery or other facilities for which the department of agriculture has inspection authority.

Gifts and donations fund No limit

Provided, That the secretary of agriculture is hereby authorized to receive gifts and donations of resources and money for services for the benefit and support of agriculture and purposes thereto: *Provided further*, That such gifts and donations of money shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the gifts and donations fund.

General fees fund No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the regulatory programs of the Kansas department of agriculture and for official hospitality: *Provided further*, That the secretary of agriculture is hereby authorized to fix, charge and collect fees in order to recover all or part of the costs incurred for such regulatory program activities and for official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for the regulatory program activity or official hospitality for which such fees are imposed: *And provided further*, That all amounts received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund.

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, for the water plan project or projects specified, the following:

Subbasin water resources management.....	\$759,814
Water use.....	\$60,000
Interstate water issues	\$584,217

(d) During the fiscal year ending June 30, 2008, the secretary of agriculture, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2008 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2008 from the state water plan fund for the Kansas department of agriculture: *Provided*, That the secretary of agriculture shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2007, the director of accounts and reports shall transfer \$99,662 from the state highway fund of the department of transportation to the water structures — state highway fund of the Kansas department of agriculture.

(f) On July 1, 2007, the FEMA dam safety fund of the Kansas department of agriculture is hereby redesignated as the FEMA dam safety — federal fund of the Kansas department of agriculture.

(g) On July 1, 2007, the FEMA stream mapping fund of the Kansas department of agriculture is hereby redesignated as the FEMA stream mapping — federal fund of the Kansas department of agriculture.

(h) On July 1, 2007, the speciality crop block grant fund of the Kansas department of agriculture is hereby redesignated as the speciality crop block grant — federal fund of the Kansas department of agriculture.

(i) On July 1, 2007, the EPA pesticide performance partnership grant fund of the Kansas department of agriculture is hereby redesignated as the EPA pesticide performance partnership grant — federal fund of the Kansas department of agriculture.

(j) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$584,217 from the water litigation proceeds suspense fund of the Kansas water office to the state water plan fund.

Sec. 150.

KANSAS ANIMAL HEALTH DEPARTMENT

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$810,157

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval by the state finance council: *Provided further*, That expenditures shall be made by the Kansas animal health department from the operating expenditures account of the state general fund to establish a feral swine monitoring and reporting system, which shall include collection of reports of feral swine by a toll- free telephone number, postcard or electronic communication through the internet to the Kansas animal health department, and the Kansas animal health department shall maintain a database of information collected through such feral swine monitoring and reporting system, which shall also be made available to the Kansas pork industry to accomplish the goal of eradicating feral swine: *And provided further*, That the Kansas animal health department shall compile quarterly reports of the information collected through such feral swine monitoring and reporting system and shall make such information available to the public and the Kansas pork industry: *And provided further*, That the Kansas animal health department shall incorporate methods intended to control and eradicate feral swine, including, but not limited to, aerial hunting, trapping, snaring and the establishment of a bounty program.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Animal disease control fund No limit

Provided, That expenditures from the animal disease control fund for official hospitality shall not exceed \$450.

Animal dealers fee fund No limit

Provided, That expenditures from the animal dealers fee fund for official hospitality shall not exceed \$300: *Provided further*, That expenditures shall be made from the animal dealers fund by the livestock commissioner for operating expenditures for an educational course regarding animals and their care and treatment in as authorized by K.S.A. 2006 Supp. 47-1707 and amendments thereto to be provided through the internet or printed booklets.

Veterinary inspection fee fund No limit

Livestock market brand inspection fee fund..... No limit

Livestock brand fee fund No limit

Provided, That expenditures from the livestock brand fee fund for official hospitality shall not exceed \$250.

Livestock brand emergency revolving fund.....	No limit
County option brand fee fund.....	No limit
Livestock and pseudorabies indemnity fund.....	No limit
Legal services fund	No limit

Provided, That all moneys received by the animal health department from other state agencies pursuant to one or more interagency agreements for the provision of legal services, which agreements are hereby authorized and directed to be entered into, shall be credited to the legal services fund: *Provided further*, That all expenditures from the legal services fund shall be for contractual legal services to be provided to the animal health department and such other state agencies pursuant to such interagency agreements.

Disease control fund — federal.....	No limit
Animal donation fund.....	No limit

Sec. 151.

STATE FAIR BOARD

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:

State fair fee fund.....	No limit
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Provided, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair federal transfer fund	No limit
State fair special cash fund	No limit
State fair debt service special revenue fund.....	No limit

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

State fair debt service.....	\$1,548,884
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(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Ticket marketing	\$50,000
Premiums competitive exhibitors	\$20,000

Sec. 152.

STATE CONSERVATION COMMISSION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$877,303
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Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,500.

Conservation easements	\$311,500
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Provided, That any unencumbered balance in the conservation easements account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures shall be made from the conservation easements account for the United States department of defense army compatible use buffer program: *Provided, however*, That, after moneys have been expended or encumbered from the conservation easements account for the United States department of defense army compatible use buffer program, any unencumbered balance remaining in the conservation easements account may be expended for the United States department of agriculture natural resources conservation service farm and ranch lands protection program.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Agency motor pool fund	No limit
Land reclamation fee fund	No limit
Riparian & wetland areas project — federal fund.....	No limit
Watershed protect approach/WTR RSRCE MGT fund	No limit
Conversion of materials and equipment fund	No limit
Buffer participation incentive fund	No limit
Riparian participation incentive fund	No limit
NRCS contribution agreement 2002 farm bill — federal fund.....	No limit
Environmental improvement incentives fund	No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, for the following water plan project or projects specified, the following:

Water resources cost share \$3,412,218

Provided, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2007, is hereby reappropriated to the water resources cost share account for fiscal year 2008: *Provided further*, That expenditures from the water resources cost share account shall be for cost-sharing grants for construction of enduring water conservation structures on privately and publicly owned land in conservation districts which are needed for development and improvement of the quality and quantity of Kansas water resources: *And provided further*, That an amount of not to exceed \$2,050,837 of the initial allocation among conservation districts for such grants for fiscal year 2008 shall be on the basis of allocating 60% of the amount equally among all conservation districts and allocating 40% of the amount to be initially allocated proportionally among all conservation districts on the basis of an index composed of the measurement of nonfederal rural acreage, erosion potential and rainfall in all conservation districts, as determined by the state conservation commission: *And provided further*, That the balance of the initial allocation for such grants for fiscal year 2008 shall be allocated to conservation districts on a priority basis, as determined by the state conservation commission and the provisions of the state water plan: *And provided further*, That expenditures from this account for contractual technical expertise shall not exceed the amount equal to 6% of the approved budget amount for fiscal year 2008 for the water resources cost share account.

Nonpoint source pollution assistance \$3,563,854

Provided, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Conservation district aid..... \$1,050,000

Provided, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Watershed dam construction \$1,055,000

Provided, That any unencumbered balance in the watershed dam construction account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That expenditures from the watershed dam construction account are hereby authorized for engineering contracts for watershed planning as determined by the state conservation commission: *Provided, however*, That expenditures from this account for such engineering contracts for watershed planning shall not exceed \$50,000.

Conservation reserve enhancement program \$1,000,000

Provided, That any unencumbered balance in the conservation reserve enhancement program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas water quality buffer initiatives \$350,000

Provided, That any unencumbered balance in the Kansas water quality buffer initiatives account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided further*, That all expenditures from the Kansas water quality buffer initiatives account shall be for grants or incentives to install water quality best management practices under the governor's water quality initiative: *And provided further*, That such expenditures may be made from this account from the approved budget amount for fiscal year 2008 in accordance with contracts, which are hereby authorized to be entered into by the executive director of the state conservation commission on behalf of the commission, for such grants

or incentives: *Provided, however*, That expenditures from this account for contractual educational and technical assistance for fiscal year 2008 shall not exceed \$40,000.

Riparian and wetland program \$251,782

Provided, That any unencumbered balance in the riparian and wetland program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Multipurpose small lakes program \$1,250,000

Provided, That expenditures shall be made from the multipurpose small lakes program account for the construction of horsethief reservoir.

Water transition assistance program \$1,498,000

Provided, That any unencumbered balance in the water transition assistance program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008:

Provided further, That, notwithstanding the provisions of K.S.A. 2-1930, and amendments thereto, expenditures for the water transition assistance program for fiscal year 2008 may exceed \$1,500,000.

(d) During the fiscal year ending June 30, 2008, the executive director of the state conservation commission, with the approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2008 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2008 from the state water plan fund for the state conservation commission: *Provided*, That the executive director of the state conservation commission shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) On July 1, 2007, or as soon thereafter as moneys are available therefor, the director of accounts and reports shall transfer \$150,000 from the wildlife fee fund of the department of wildlife and parks to the buffer participation incentive fund of the state conservation commission.

(f) On July 1, 2007, the irrigation water use reductions account of the state water plan fund of the state conservation commission is hereby redesignated as the water transition assistance program account of the state water plan fund of the state conservation commission.

(g) On and after the effective date of this act, during fiscal year 2007 and fiscal year 2008, all expenditures made by the state conservation commission from the moneys appropriated in the conservation reserve enhancement program account from the state water plan fund for fiscal year 2007 or fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, shall be made by the state conservation commission in accordance with the following: *Provided*, That all expenditures under the conservation reserve enhancement program, referred to as CREP in this subsection, are subject to the following criteria:

(1) The total number of acres enrolled in Kansas in CREP during fiscal year 2007 shall not exceed 20,000 acres;

(2) the total number of acres enrolled in Kansas in CREP during fiscal year 2008 shall not exceed 20,000 acres;

(3) the total number of acres enrolled in Kansas in CREP during the two fiscal years 2007 and 2008 shall not exceed 40,000 acres;

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

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

- (6) no more than 25% of the acreage in CREP may be in any one county;
- (7) no water right that is owned by a governmental entity, except a groundwater management district, shall be purchased or retired by the state or federal government pursuant to CREP; and
- (8) only water rights in good standing are eligible for inclusion under CREP:

Provided further, That to be a water right in good standing the following criteria must be met: (A) At least 50% of the maximum annual quantity authorized to be diverted under the water right has been used in any three years from 2001 through 2005; (B) in the years 2001 through 2005 the water rights used for the acreage in CREP shall not have exceeded the maximum annual quantity authorized to be diverted and shall not have been the subject of enforcement sanctions by the division of water resources in the last four years; and (C) the water right holder has submitted the required annual water use report required by K.S.A. 82a-732, and amendments thereto, for each of the most recent 10 years: *And provided further*, That the state conservation commission shall submit a CREP report to the senate committee on natural resources and the house committee on agriculture and natural resources at the beginning of the 2008 regular session of the legislature which shall contain a description of program activities and shall include: (i) The total water rights, measured in acre feet, retired in CREP during fiscal year 2007 and fiscal year 2008 to date, (ii) the acreage enrolled in CREP during fiscal year 2007 and in fiscal year 2008 to date, (iii) the dollar amounts received and expended for CREP during fiscal year 2007 and in fiscal year 2008 to date, (iv) the economic impact of the CREP, (v) the change in groundwater levels in the CREP area during fiscal year 2007 and fiscal year 2008 to date, (vi) the annual amount of water usage in the CREP area during fiscal year 2007 and fiscal year 2008 to date, (vii) an assessment of meeting each of the program objectives identified in the agreement with the farm service agency, and (viii) such other information as the state conservation commission shall specify.

Sec. 153.

KANSAS WATER OFFICE

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Water resources operating expenditures.....	\$2,260,727
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Provided, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$250.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Conversion of materials and equipment fund	No limit
Local water project match fund.....	No limit

Provided, That all moneys received from local government entities and instrumentalities to be used to match funds for water projects shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the local water project match fund: *Provided further*, That all moneys credited to this fund shall be used to match state funds for water projects using federal cost-share funds.

Water supply storage assurance fund	No limit
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Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2008, unless a contract is entered into under the state water plan storage act, K.S.A. 82a-1301 *et seq.*, and amendments thereto, to supply water to users which is not held under contract in such reservoirs.

State conservation storage water supply fund	\$0
Water marketing fund	No limit
Federal grants and receipts fund.....	No limit
General fees fund.....	No limit

Provided, That expenditures may be made from the general fees fund for operating expenditures for the Kansas water office, including training and informational programs and

official hospitality: *Provided further*, That the director of the Kansas water office is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That fees for such programs shall be fixed in order to recover all or part of the operating expenses incurred for such programs, including official hospitality: *And provided further*, That all fees received for such programs and all fees received for providing access to or for furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the general fees fund.

Water conservation projects fund	\$3,300,000
Water plan projects fund	No limit
Motor pool vehicle replacement fund	No limit
Water litigation proceeds suspense fund.....	\$0

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, for the state water plan project or projects specified, the following:

Assessment and evaluation	\$857,605
<i>Provided</i> , That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
GIS data base development	\$250,000
<i>Provided</i> , That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
MOU — storage operations and maintenance	\$733,384
<i>Provided</i> , That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Technical assistance to water users	\$624,949
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Water resource education	\$84,000
<i>Provided</i> , That any unencumbered balance in the water resource education account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Stream gaging program	\$17,972
<i>Provided</i> , That any unencumbered balance in the stream gaging program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Weather modification program.....	\$240,000
<i>Provided</i> , That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Weather stations	\$100,000
<i>Provided</i> , That any unencumbered balance in the weather stations account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.	
Neosho river basin issues.....	\$500,000

(d) During the fiscal year ending June 30, 2008, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2008 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2008 from the state water plan fund for the Kansas water office: *Provided, however*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2008, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each

such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. No such loan shall be made unless the terms thereof have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2008, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2008, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act and amendments thereto and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

Sec. 154.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures	\$2,849,154
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
State parks operating expenditures	\$2,816,000
<i>Provided</i> , That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008: <i>Provided further</i> , That no expenditures shall be made from the state parks operating expenditures account for operating expenditures for state park no. 24 until (1) an environmental impact statement has been completed for such park and (2) all cost issues involved with possible hazardous materials, ADA compliance and cultural compliance issues with state park no. 24 have been identified and have been rectified or otherwise resolved.	

Prairie spirit trail operating expenditures	\$80,000
Reimbursement for annual licenses issued to national guard members...	\$60,000

Provided, That all moneys in the reimbursement for annual licenses issued to national guard members account shall be expended to pay the wildlife fee fund for the cost of fees for annual hunting and annual fishing licenses issued for the calendar year 2008 to Kansas army or air national guard members, which licenses are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual licenses issued to national guard members account to pay the wildlife fee fund for such licenses: *Provided, however*, That no other hunting or fishing licenses or permits shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual licenses issued to national guard members account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Reimbursement for annual park permits issued to national guard members.....	\$103,000
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Provided, That all moneys in the reimbursement for annual park permits issued to national guard members account shall be expended to pay the parks fee fund for the cost of fees for annual park vehicle permits issued for the calendar year 2008 to Kansas army or air national guard members, which annual park vehicle permits are hereby authorized to be issued without charge to such members in accordance with policies and procedures prescribed by the secretary of wildlife and parks therefor and subject to the limitation of the moneys appropriated and available in the reimbursement for annual park permits issued to national guard members account to pay the parks fee fund for such permits: *Provided, however*, That not more than one annual park vehicle permit per family shall be eligible to be paid from this account: *Provided further*, That any unencumbered balance in the reimbursement for annual park permits issued to national guard members account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund	\$23,433,552
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Provided, That additional expenditures may be made from the wildlife fee fund for fiscal year 2008 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2008: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000: *And provided further*, That not less than \$50,000 shall be expended for eradication of salt cedar on public lands during the fiscal year ending June 30, 2008.

Parks fee fund.....	\$3,304,860
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Provided, That additional expenditures may be made from the parks fee fund for fiscal year 2008 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2008: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund	\$1,302,149
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Provided, That additional expenditures may be made from the boating fee fund for fiscal year 2008 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for

fiscal year 2008: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund No limit

Provided, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance:

Provided further, That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Wildlife and parks nonrestricted fund No limit

Provided, That all moneys received under K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, other than moneys restricted by K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173 and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215 and amendments thereto and shall be credited to the wildlife and parks nonrestricted fund: *Provided further*, That expenditures from this fund may be made for federal aid eligible expenditures at the discretion of the secretary of wildlife and parks.

Prairie spirit rails-to-trails fee fund No limit

Nongame wildlife improvement fund No limit

Nongame wildlife improvement fund — federal No limit

Wildlife conservation fund No limit

Federally licensed wildlife areas fund No limit

State agricultural production fund No limit

Land and water conservation fund — state No limit

Land and water conservation fund — local No limit

Development and promotions fund No limit

Department of wildlife and parks private gifts and donations fund No limit

Fish and wildlife restitution fund No limit

Parks restitution fund No limit

Nonfederal grants fund No limit

Other federal grants fund No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2008 other than moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That, subject to the provisions of the other provisos prescribing guidelines for authority to make expenditures from the other federal grants fund, expenditures may be made from the other federal grants fund for capital improvements.

Suspense fund No limit

Employee maintenance deduction clearing fund No limit

Cabin revenue fund No limit

Wildlife conservation fund — federal No limit

Boating fund — federal No limit

Wildlife fund — federal No limit

Feed the hungry fund No limit

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, the following:

Stream monitoring \$40,000

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

State parks operating expenditures..... \$800,000

Sec. 155. During the fiscal year ending June 30, 2008, no moneys appropriated from the state general fund or any special revenue fund shall be expended by any state agency named in this or other appropriation act of the 2007 regular session of the legislature for the purchase or other acquisition of any seed, forage or mulch that is not certified by the Kansas department of agriculture in accordance with a memorandum of understanding entered into by the Kansas department of agriculture and the North American weed management association that such seed, forage or mulch meets the standards set forth in the North American weed management forage program: *Provided*, That, in addition to the other purposes for which expenditures may be made by the Kansas department of agriculture from moneys appropriated by this or other appropriation act of the 2007 regular session of the legislature from the state general fund or any special revenue funds for fiscal year 2008, expenditures shall be made by the Kansas department of agriculture to provide for staff members of the Kansas department of agriculture, who are qualified to certify seed, forage and mulch to meet any additional or supplemental certification requirements of state agencies, to assist any such additional or supplemental certifications as may be required by any other state agency.

Sec. 156.

DEPARTMENT OF TRANSPORTATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State highway fund..... No limit

Provided, That no expenditures may be made from the state highway fund other than for the purposes specifically authorized by this or other appropriation act.

Special city and county highway fund..... No limit

County equalization and adjustment fund..... \$2,500,000

Highway special permits fund..... No limit

Highway bond debt service fund..... No limit

Rail service improvement fund..... No limit

Transportation revolving fund..... No limit

Rail service assistance program loan guarantee fund..... No limit

Railroad rehabilitation loan guarantee fund..... No limit

Provided, That expenditures from the railroad rehabilitation loan guarantee fund shall not exceed the amount which the secretary of transportation is obligated to pay during the fiscal year ending June 30, 2008, in satisfaction of liabilities arising from the unconditional guarantee of payment which was entered into by the secretary of transportation in connection with the mid-states port authority federally taxable revenue refunding bonds, series 1994, dated May 1, 1994, authorized by K.S.A. 12-3420 and amendments thereto and guaranteed pursuant to K.S.A. 75-5031 and amendments thereto.

Interagency motor vehicle fuel sales fund..... No limit

Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: *Provided further*, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund..... No limit

Public use general aviation airport development fund..... No limit

Highway bond proceeds fund..... No limit

Communication system revolving fund..... No limit

Other federal grants fund..... No limit
Provided, That no moneys received by the department of transportation that are highway trust funds or moneys that are received by the department of transportation under federal grants received on an ongoing basis shall be credited to the other federal grants fund: *Provided, however*, That the secretary of transportation may transfer moneys between the other federal grants fund and the state highway fund.

(b) Expenditures may be made by the above agency for the fiscal year ending June 30, 2008, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2008 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations..... \$260,959,100

Provided, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$4,000: *Provided, however*, That expenditures may be made from this account for state aircraft insurance: *Provided further*, That expenditures may be made from this account for engineering services furnished to counties for road and bridge projects under K.S.A. 68-402e and amendments thereto.

Conference fees..... No limit

Provided, That the secretary of transportation is hereby authorized to fix, charge and collect conference, training and workshop attendance and registration fees for conferences, training seminars and workshops sponsored or cosponsored by the department: *Provided further*, That such fees shall be deposited in the state treasury and credited to the conference fees account of the state highway fund: *And provided further*, That expenditures may be made from this account to defray all or part of the costs of the conferences, training seminars and workshops.

Substantial maintenance..... No limit

Claims..... No limit

Payments for city connecting links..... \$3,360,000

Federal local aid programs..... No limit

Pre-1992 bond services fees..... No limit

Construction, remodeling and special maintenance projects for buildings..... \$0

Provided, That expenditures may be made from the construction, remodeling and special maintenance projects for buildings account of the state highway fund of amounts in unexpended balances as of June 30, 2007, in capital improvement project accounts of projects approved for prior fiscal years: *Provided further*, That expenditures from this account of amounts in such unexpended balances shall be in addition to any expenditure limitation imposed on this account for fiscal year 2008.

Other capital improvements..... No limit

Provided, That the secretary of transportation is authorized to make expenditures from the other capital improvements account to undertake a program to assist cities and counties with railroad crossings of roads not on the state highway system.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings — rehabilitation and repair..... \$3,163,711

Buildings — reroofing..... \$602,401

Buildings — equipment storage sheds..... \$534,072

Buildings — other construction, renovation and repair..... \$3,000,000

(2) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 2008, expenditures may be made by the above agency from the state highway fund for fiscal year 2008 from the unencumbered balance as of June 30, 2007, in each capital improvement project account for a building or buildings in the state highway fund for one or more projects approved for prior fiscal years:

Provided, That all expenditures from the unencumbered balance in any such project account of the state highway fund for fiscal year 2008 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2007, subject to the provisions of section (d): *Provided further*, That all expenditures from any such project account shall be in addition to any expenditure limitation imposed on the state highway fund for fiscal year 2008.

(d) During the fiscal year ending June 30, 2008, the secretary of transportation, with the approval of the director of the budget, may transfer any part of any item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2008 from the state highway fund for the department of transportation to another item of appropriation in a capital improvement project account for a building or buildings for fiscal year 2008 from the state highway fund for the department of transportation: *Provided*, That the secretary of transportation shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) On April 1, 2008, the director of accounts and reports shall transfer from the motor pool service fund of the department of administration to the state highway fund of the department of transportation an amount determined to be equal to the sum of the annual vehicle registration fees for each vehicle owned or leased by the state or any state agencies in accordance with K.S.A. 75-4611 and amendments thereto.

(f) During the fiscal year ending June 30, 2008, upon notification from the secretary of transportation that an amount is due and payable from the railroad rehabilitation loan guarantee fund, the director of accounts and reports shall transfer from the state highway fund to the railroad rehabilitation loan guarantee fund the amount certified by the secretary as due and payable.

(g) Any payment for services during the fiscal year ending June 30, 2008, from the state highway fund to other state agencies shall be in addition to any expenditure limitation imposed on the state highway fund for the fiscal year ending June 30, 2008.

(h) For the fiscal year ending June 30, 2008, the department of transportation shall prepare and submit along with the documents required under K.S.A. 75-3717 and amendments thereto additional documents that present the revenues, transfers, and expenditures that are considered to be in support of the comprehensive transportation program authorized by K.S.A. 68-2314a *et seq.*, and amendments thereto: *Provided*, That documents shall include both reportable as well as nonreportable and off-budget items that reflect the revenues, transfers and expenditures associated with the comprehensive transportation program.

(i) *Kansas savings incentive program.* (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 2008, by the department of transportation for the following purposes: (A) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2006 Supp. 75-37,105 and amendments thereto, (B) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2008 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (C) professional development training including official hospitality: *Provided*, That all such expenditures from such fund for fiscal year 2008 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2008: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2008 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from the agency operations account of the state highway fund for fiscal year 2008 for agency operations, as determined by the director of accounts and reports: *Provided further*, That the total cost of all such non-monetary awards to any individual employee during fiscal year 2008 under this subsection shall not exceed \$3,500: *And provided further*, That the total amount of any salary bonus payments to any individual employee during fiscal year 2008 pursuant to subsection (g)(1)(A) of K.S.A. 2006 Supp. 75-37,105 and amendments thereto shall not exceed \$3,500: *And provided further*, That the provisions of this subsection (i)(1) shall apply only to: (A) That portion of the moneys in the agency operations account of the state highway fund from which expenditures may be made for agency operations, and (B) shall not include that

portion of moneys which may be expended for other operating expenses in the regular maintenance subprogram.

(2) Any unencumbered balance in excess of \$100 as of June 30, 2007, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (i)(2) of section 124 of chapter 142 of the 2006 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2008, for the purposes authorized in subsection (i)(1) of this section. All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for the fiscal year ending June 30, 2008.

(3) No salary bonus payment paid pursuant to this subsection (i) during fiscal year 2008 shall be compensation, within the meaning of K.S.A. 74-4901 *et seq.*, and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(j) On and after the effective date of this act, during the fiscal year ending June 30, 2008, in addition to the other purposes for which expenditures may be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature, notwithstanding the provisions of any other statute, expenditures shall be made by the department of transportation and the department of administration from the moneys appropriated from the state general fund or any special revenue fund for fiscal year 2008 to adopt policies and procedures for use by officers and employees of the department of transportation to facilitate and provide for automatic issuance of purchasing contract waivers or exemptions to permit each subarea shop of the department of transportation to purchase automotive parts and supplies from vendors other than those prescribed in existing purchasing contracts in those cases when vendors prescribed in existing purchasing contracts are not located within the five-digit zip code of the subarea shop.

Sec. 157. *Position limitations.* (a) The number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2008, made in this or other appropriation act of the 2007 regular session of the legislature for the following agencies shall not exceed the following, except upon approval of the state finance council or pursuant to subsection (b):

Attorney General	102.00
Secretary of State	55.00
State Treasurer	55.50
Insurance Department	143.00
<i>Provided</i> , That any attorney positions established in the insurance department for the purpose of defense of the workers compensation fund shall be in addition to any limitation imposed on the full-time and regular part-time equivalent number of positions, excluding seasonal and temporary positions, paid from appropriations made for fiscal year 2008 for the department of insurance.	
Department of Commerce	423.10
Health Care Stabilization Fund Board of Governors	17.00
Judicial Council	7.00
Kansas Human Rights Commission	34.00
State Corporation Commission	214.00
Citizens' Utility Ratepayer Board	6.00
Department of Administration	759.55
State Board of Tax Appeals	26.00
Department of Revenue	1,146.00
Kansas Lottery	87.00
Kansas Racing and Gaming Commission — state racing operations	43.00

Kansas Racing and Gaming Commission — state gaming agency.....	24.00
Department of Labor.....	602.23
Kansas Commission on Veterans Affairs.....	557.80
Department of Health and Environment — Division of Health.....	418.20
Department of Health and Environment — Division of Environment...	464.30
Department on Aging.....	208.00
Department of Social and Rehabilitation Services.....	3,670.63
Kansas Neurological Institute.....	575.20
Larned State Hospital.....	978.20
Osawatomie State Hospital.....	419.60
Parsons State Hospital and Training Center.....	497.20
Rainbow Mental Health Facility.....	122.20
Kansas, Inc.	4.50
Kansas Guardianship Program.....	12.00
State Library.....	27.00
Kansas Arts Commission.....	8.00
Kansas State School for the Blind.....	93.50
Kansas State School for the Deaf.....	173.50
State Historical Society.....	134.00
State Board of Regents.....	58.50
Department of Corrections.....	3,112.70
Juvenile Justice Authority.....	627.50
Adjutant General.....	219.00
State Fire Marshal.....	51.00
Kansas Parole Board.....	3.00
Attorney General — Kansas Bureau of Investigation.....	220.00
Emergency Medical Services Board.....	14.00
Kansas Sentencing Commission.....	10.00
Kansas Department of Agriculture.....	308.49
Kansas Animal Health Department.....	33.00
State Fair Board.....	23.00
State Conservation Commission.....	14.00
Kansas Water Office.....	23.50
Department of Wildlife and Parks.....	409.50
Department of Transportation.....	3,201.50
Kansas Commission on Peace Officers' Standards and Training.....	7.00

(b) During the fiscal year ending June 30, 2008, the secretary of social and rehabilitation services may increase the position limitation for the department of social and rehabilitation services or for any institution or facility under the general supervision and management of the secretary of social and rehabilitation services by making a corresponding decrease in the position limitation for either the department of social and rehabilitation services or any institution or facility under the general supervision and management of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall certify each such increase and corresponding decrease to the director of personnel services of the department of administration and shall transmit a copy of each such certification to the legislative research department and the division of the budget.

(c) During the fiscal year ending June 30, 2008, the attorney general may authorize full-time non-FTE unclassified permanent positions and regular part-time non-FTE unclassified permanent positions, for the Kansas bureau of investigation that are paid from appropriations for the attorney general — Kansas bureau of investigation for fiscal year 2008 made in this or other appropriation act of the 2007 regular session of the legislature, which shall be in addition to the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, authorized for fiscal year 2008 for the attorney general — Kansas bureau of investigation. The attorney general shall certify each such authorization for non-FTE unclassified permanent positions for the Kansas bureau of investigation to the director of personnel services of the department of administration and

shall transmit a copy of each such certification to the legislative research department and the division of the budget.

Sec. 158. *Kansas savings incentive program.* (a) In addition to other expenditures authorized by law, expenditures may be made from any account of the state general fund reappropriated by this act for the fiscal year ending June 30, 2008, for any state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2006 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2008 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided, however,* That the total of all such expenditures from such account of the state general fund for fiscal year 2008 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2007, in such account of the state general fund that is reappropriated for fiscal year 2008 and that is in excess of the amount authorized to be expended for fiscal year 2008 from such reappropriated balance, as determined by the director of accounts and reports: *Provided further,* That the total cost of all such non-monetary awards to any individual employee during fiscal year 2008 that are paid under this subsection plus any amount paid for such awards under subsection (b) shall not exceed \$3,500: *And provided further,* That the total amount of any salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2006 Supp. 75-37,105 and amendments thereto during fiscal year 2008 that are paid under subsection (b) or this subsection shall not exceed \$3,500: *And provided further,* That the provisions of this subsection shall apply only to that portion of any such account from which expenditures may be made for state operations: *And provided further,* That all such expenditures from the reappropriated balance in any such account for the fiscal year 2008 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2008.

(b) In addition to other expenditures authorized by law, expenditures may be made from any special revenue fund appropriated by this act for the fiscal year ending June 30, 2008, for a state agency named in this act for the following purposes: (1) Salary bonus payments and the cost of non-monetary awards in accordance with the provisions of K.S.A. 2006 Supp. 75-37,105 and amendments thereto, (2) purchase or other acquisition of technology equipment which was included in the budget estimates for fiscal year 2008 submitted by the state agency pursuant to K.S.A. 75-3717 and amendments thereto, and (3) professional development training including official hospitality: *Provided,* That all such expenditures from such fund for fiscal year 2008 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2008: *Provided, however,* That the total amount of such expenditures from such fund for fiscal year 2008 shall not exceed the amount equal to 50% of the unexpended portion of the amount authorized to be expended from such fund for fiscal year 2007 for state operations, as determined by the director of accounts and reports, or, in the case of no limit appropriations, as determined by the director of the budget: *Provided further,* That the total cost of all such non-monetary awards to any individual employee during fiscal year 2008 that are paid under this subsection plus any amount paid for such awards under subsection (a) shall not exceed \$3,500: *And provided further,* That the total amount of any such salary bonus payments to any individual employee pursuant to subsection (g)(1)(A) of K.S.A. 2006 Supp. 75-37,105 and amendments thereto during fiscal year 2008 that are paid under subsection (a) or this subsection shall not exceed \$3,500: *And provided further,* That the provisions of this subsection shall apply only to: (1) That portion of the moneys in each account of a special revenue fund from which portion expenditures may be made for state operations, and (2) that portion of the moneys in a special revenue fund, that does not have any such accounts specified in this or other appropriation act, from which portion expenditures may be made for state operations.

(c) (1) Any unencumbered balance in excess of \$100 as of June 30, 2007, in any account of the state general fund of any state agency named in this act, which was reappropriated by subsection (c)(1) of section 126 of chapter 142 of the 2006 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act

of the 2007 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2008, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2007, in any account of any special revenue fund of any state agency named in this act, which was appropriated by subsection (c)(2) of section 126 of chapter 142 of the 2006 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2008, and may be expended for the purposes authorized or specified in subsection (b). All expenditures from any such account of any such special revenue fund shall be in addition to any expenditure limitation imposed on such special revenue fund for fiscal year 2008.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2008 shall be compensation, within the meaning of K.S.A. 74-490 et seq., and amendments thereto, for any purpose under the Kansas public employees retirement system and shall not be subject to deductions for employee contributions thereunder. Each salary bonus payment paid under this section shall be a bonus, as defined by 29 C.F.R. 778, and shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible.

(e) The provisions of this section shall not apply to any state agency named in section 23 of this act or to the department of transportation.

Sec. 159. (a) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2007 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to provide a military pay differential for officers or employees of the state agency who are called or have been called to active military duty on or after September 11, 2001: *Provided, however,* That all such expenditures shall be made in accordance with and subject to the procedures, guidelines, limitations and restrictions, including the eligibility conditions, prescribed in executive directive no. 05-356.

(b) As used in this section, "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government.

Sec. 160. (a) In addition to the other purposes for which expenditures may be made by the governor's department from the governor's department account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the governor's department from the governor's department account of the state general fund for fiscal year 2008 for an additional amount of biweekly compensation for the governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$4,154.12 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided,* That all expenditures under this subsection (a) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the governor for the biweekly pay periods which are chargeable to fiscal year 2008.

(b) (1) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2008 for an additional amount of biweekly compensation for the lieutenant governor equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$1,174.98 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided,* That all expenditures under this subsection (b) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the lieutenant governor for the biweekly pay periods which are chargeable to fiscal year 2008.

(2) In addition to the other purposes for which expenditures may be made by the lieutenant governor from the operations account of the state general fund for the fiscal year

ending June 30, 2008, expenditures shall be made by the lieutenant governor from the operations account of the state general fund for fiscal year 2008 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the lieutenant governor to the lieutenant governor at the rate prescribed by subsection (a)(1) of K.S.A. 75-3103 and amendments thereto, an aggregate amount of allowance of \$75.03 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2008 and for each of the 25 ensuing two-week periods thereafter as reimbursement for expenses which are chargeable to fiscal year 2008, notwithstanding the provisions of subsection (a)(1) of K.S.A. 75-3103 and amendments thereto: *Provided*, That all expenditures under this subsection (b)(2) for such purposes shall be made in the same manner that such allowance is payable to the lieutenant governor for such two-week periods for which such allowance is payable in accordance with subsection (a)(1) of K.S.A. 75-3103 and amendments thereto and which are chargeable to fiscal year 2008.

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2008, expenditures shall be made by the secretary of state from the operating expenditures account of the state general fund and one or more special revenue funds for fiscal year 2008 for an additional amount of biweekly compensation for the secretary of state equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,227.13 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (c) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the secretary of state for the biweekly pay periods which are chargeable to fiscal year 2008.

(d) In addition to the other purposes for which expenditures may be made by the attorney general from the operating expenditures account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the attorney general from the operating expenditures account of the state general fund for fiscal year 2008 for an additional amount of biweekly compensation for the attorney general equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,711.11 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (d) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the attorney general for the biweekly pay periods which are chargeable to fiscal year 2008.

(e) In addition to the other purposes for which expenditures may be made by the state treasurer from one or more special revenue funds for the fiscal year ending June 30, 2008, expenditures shall be made by the state treasurer from one or more special revenue funds for fiscal year 2008 for an additional amount of biweekly compensation for the state treasurer equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,227.13 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (e) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to the state treasurer for the biweekly pay periods which are chargeable to fiscal year 2008.

(f) In addition to the other purposes for which expenditures may be made by the insurance department from the insurance department service regulation fund for the fiscal year ending June 30, 2008, expenditures shall be made by the insurance department from the insurance department service regulation fund for fiscal year 2008 for an additional amount of biweekly compensation for the commissioner of insurance equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation of \$3,227.13 per biweekly pay period for each biweekly pay period which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (f) for such purposes shall be made in the same manner and at the same times that biweekly

compensation is payable to the commissioner of insurance for the biweekly pay periods which are chargeable to fiscal year 2008.

(g) (1) In addition to the other purposes for which expenditures may be made by each state agency from appropriations made for the fiscal year ending June 30, 2008, expenditures shall be made by each state agency from the appropriations made for fiscal year 2008 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of a board for any calendar day for which per diem compensation is payable to such member of a board under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (g) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of a board for the biweekly pay periods for which such per diem compensation for calendar days which are chargeable to fiscal year 2008.

(2) As used in this subsection (g), (A) "state agency" means any state agency of the executive branch of state government (i) which has appropriations made for the fiscal year ending June 30, 2008, by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this act or any other appropriation act of the 2007 regular session of the legislature, and (ii) which is, or which makes expenditures for, any board; and

(B) "board" means any board, commission, committee, task force, panel or other body in the executive branch of state government, including any advisory body, having one or more members who are entitled to receive per diem compensation for attendance at meetings of such body, or attendance at meetings authorized by such body of a subcommittee or other subsidiary group of such body, as provided in K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto.

(h) In addition to the other purposes for which expenditures may be made by the Kansas turnpike authority for the period commencing July 1, 2007, and ending June 30, 2008, expenditures shall be made by the Kansas turnpike authority for such period for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the Kansas turnpike authority for any calendar day occurring on or after July 1, 2007, for which per diem compensation is payable to such member of the Kansas turnpike authority under K.S.A. 68-2003 and amendments thereto who is entitled, in accordance with K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (h) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such member of the Kansas turnpike authority for the appropriate pay periods for which such per diem compensation for calendar days occurring on or after July 1, 2007, and prior to July 1, 2008, is payable by the Kansas turnpike authority.

(i) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2008:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the legislature for service at the regular session or any special session of the legislature for any calendar day which is chargeable to fiscal year 2008; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the legislature and for any other public officer or person for any calendar day for which per diem compensation is payable from appropriations for the legislature to such member of the legislature, public

officer or person under K.S.A. 75-3212 or 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (i) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislature, public officials and persons for the biweekly pay periods for which such per diem compensation for calendar days is payable and which are chargeable to fiscal year 2008.

(j) (1) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2008 for an additional amount of allowance equal to the amount required to provide, along with the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance (A) of \$345.51 for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2008 and for each of the 13 ensuing two-week periods thereafter, and (B) of \$345.51 for the two-week period which coincides with the biweekly payroll period which includes April 1, 2008, which is chargeable to fiscal year 2008 and for each of the six ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2008, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That all expenditures under this subsection (j)(1) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(1) and which are chargeable to fiscal year 2008.

(2) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2009, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2009 for an additional amount of allowance equal to the amount required to provide, along with (A) the amount of allowance otherwise payable from appropriations for the legislature to each member of the legislature at the rate prescribed by subsection (c) of K.S.A. 46-137a and amendments thereto, an aggregate amount of allowance of \$345.51, except as otherwise provided in this subsection (j)(2), for the two-week period which coincides with the first biweekly payroll period which is chargeable to fiscal year 2009 and for each of the 13 ensuing two-week periods thereafter, and (B) for the two-week period which coincides with the biweekly payroll period which includes April 1, 2009, which is chargeable to fiscal year 2009 and for each of the six ensuing two-week periods thereafter, for each member of the legislature to defray expenses incurred between sessions of the legislature for postage, telephone, office and other incidental expenses, which are chargeable to fiscal year 2009, notwithstanding the provisions of K.S.A. 46-137a, and amendments thereto: *Provided*, That, if the rates of compensation of the pay plan for persons in the classified service under the Kansas civil service act are increased for the payroll periods chargeable to the fiscal year ending June 30, 2009, then the aggregate amount of allowance payable under this subsection (j)(2) for the two-week period which coincides with the first biweekly pay period that such increase is effective and each of the two-week periods thereafter, which are chargeable to fiscal year 2009 and for which such allowance is payable under this subsection (j)(2), shall be increased by an amount computed by multiplying the average of the percentage increases in all steps of such pay plan by the aggregate amount of allowance otherwise payable under this subsection (j)(2): *Provided further*, That all expenditures under this subsection (j)(2) for such purposes shall be made otherwise in the same manner that such allowance is payable to such members of the legislature for such two-week periods for which such allowance is payable in accordance with this subsection (j)(2) and which are chargeable to fiscal year 2009.

(k) In addition to the other purposes for which expenditures may be made by the legislature from the operations (including official hospitality) account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the legislature from the operations (including official hospitality) account of the state general fund for fiscal year 2008 for an additional amount of biweekly compensation for the following legislative officers equal to the amount required to provide, along with the amount of biweekly compensation otherwise payable, an aggregate amount of compensation per biweekly pay period for such legislative officers as follows:

(1) For the president of the senate and the speaker of the house of representatives equal to the amount required to provide an aggregate amount of \$526.80 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2008;

(2) for the speaker pro tem of the house of representatives, the vice president of the senate, the assistant majority leaders of the senate and house of representatives, and the assistant minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$268.87 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2008;

(3) for the chairperson of the senate committee on ways and means and the chairperson of the house of representatives committee on appropriations equal to the amount required to provide an aggregate amount of \$423.64 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2008;

(4) for the majority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$475.26 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2008; and

(5) for the minority leaders of the senate and house of representatives equal to the amount required to provide an aggregate amount of \$475.26 per biweekly pay period for services performed in connection with discharging the duties assigned to the respective positions for each biweekly pay period which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (k) for such purposes shall be made in the same manner and at the same times that biweekly compensation is payable to such legislative officers under K.S.A. 46-137b and amendments thereto for the biweekly pay periods which are chargeable to fiscal year 2008.

(l) In addition to the other purposes for which expenditures may be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the legislative coordinating council from the legislative coordinating council — operations account of the state general fund for fiscal year 2008 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the legislative coordinating council for any calendar day for which per diem compensation is payable from appropriations for the legislative coordinating council under K.S.A. 46-1209 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (l) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative coordinating council for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2008.

(m) In addition to the other purposes for which expenditures may be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the division of post audit from the operations (including legislative post audit committee) account of the state general fund for fiscal year 2008:

(1) For an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the legislative post audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1104 and amendments thereto to such member as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto and which is chargeable to fiscal year 2008; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the contract audit committee for any calendar day for which per diem compensation is payable from appropriations for the division of post audit under K.S.A. 46-1120 and amendments thereto to such member as provided in K.S.A. 75-3223 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (m) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the legislative post audit committee or contract audit committee for the biweekly pay periods for which such per diem compensation is payable for calendar days which are chargeable to fiscal year 2008.

(n) In addition to the other purposes for which expenditures may be made by the judicial branch from the judiciary operations account of the state general fund for the fiscal year ending June 30, 2008, expenditures shall be made by the judicial branch from the judiciary operations account of the state general fund for fiscal year 2008:

(1) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the advisory council on dispute resolution for any calendar day for which per diem compensation is payable to such member of the advisory council on dispute resolution under K.S.A. 5-505 and amendments thereto who is entitled, in accordance with subsection (e) of K.S.A. 75-3223 and amendments thereto, to receive such per diem compensation as provided in K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and which is chargeable to fiscal year 2008; and

(2) for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each retired justice or judge who performs judicial service or duties under K.S.A. 20-2616 and amendments thereto for each calendar day for which per diem compensation is payable to such retired justice or judge under K.S.A. 20-2616 and amendments thereto, and is chargeable to fiscal year 2008: *Provided*, That all expenditures under this subsection (n) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the advisory council on dispute resolution or to such retired justices or judges for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2008.

(o) In addition to the other purposes for which expenditures may be made by the judicial council from the operating expenditures account of the state general fund and one or more special revenue funds for the fiscal year ending June 30, 2008, expenditures shall be made by the judicial council from the operating expenditures account of the state general fund for fiscal year 2008 for an additional amount of per diem compensation equal to the amount required to provide, along with the amount of per diem compensation otherwise payable, an aggregate amount of compensation of \$86.50 per calendar day for each member of the judicial council and for each regularly appointed member of a special committee of the judicial council who is not a member of the judicial council for any calendar day for which per diem compensation is payable to such member of the judicial council or a special committee thereof under K.S.A. 20-2206 and amendments thereto at the rate of compensation in accordance with K.S.A. 75-3212 and amendments thereto at the rate prescribed by subsection (a) of K.S.A. 46-137a and amendments thereto, and is chargeable to fiscal

year 2008: *Provided*, That all expenditures under this subsection (o) for such purposes shall be made in the same manner and at the same times that per diem compensation is payable to such members of the judicial council or special committees thereof for the biweekly pay periods for which such per diem compensation is payable and which are chargeable to fiscal year 2008.

(p) In addition to the other purposes for which expenditures may be made by state agencies from one or more accounts of the state general fund and one or more special revenue funds in accordance with appropriations for the fiscal year ending June 30, 2008, made by this or other appropriation act of the 2007 regular session of the legislature for additional amounts of compensation for state officers and employees in accordance with the following:

(1) The governor is hereby authorized and directed to modify the pay plan for the classified service under the Kansas civil service act for fiscal year 2007 in accordance with this subsection (p)(1) and to adopt such pay plan as so modified; the existing pay plan for fiscal year 2007 shall be modified to provide for (A) a base pay rate increase of 2.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2008, and (B) reassignment of the following job classes upward one pay grade, so that each affected position is placed on the same step of the new pay grade, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2008, for positions in the following job classifications: Microbiologist I, Microbiologist II, Microbiologist III, Environmental Tech. I, Environmental Tech. II, Environmental Tech. III, Environmental Tech. IV, Legal Assistant, Graphic Designer, Graphic Designer Senior, Graphic Designer Spec., Rehabilitation Support Worker I, Rehabilitation Support Worker II, Rehabilitation Instructor, Storekeeper, Storekeeper Senior, Storekeeper Specialist, Grounds Maintenance Supervisor I, Grounds Maintenance Supervisor II, Power Plant Operator, Power Plant Operator Sr., Plumber, Plumber Senior, Electrician, Electrician Senior, Lock Systems Specialist, Lock Systems Spec. Sr., Automotive Driver, Computer Operator I, Computer Operator II, Computer Operations Supervisor, Computer Oper. Facilities Tech., Computer Operations Mgr, Network Control Tech. I, Network Control Tech. II, Network Control Tech. III, Network Control Supervisor, Food Service Worker, Cook, Cook Senior, Food Service Supervisor, Food Service Supervisor Senior, Food Service Mgr., Custodial Worker, Custodial Specialist, Custodial Crew Leader, Custodial Supervisor, Custodial Supervisor Senior, Custodial Manager, and Utility Worker; the pay plan adopted by the governor under this subsection (p)(1) shall be the pay plan for the classified service under the Kansas civil service act and shall be effective on the first day of the first biweekly payroll period which is specified therefor in this subsection (p)(1) and which is chargeable to the fiscal year ending June 30, 2008; the pay plan adopted by the governor under this subsection (p)(1) for fiscal year 2008 shall be subject to modification and approval as provided under K.S.A. 75-2938 and amendments thereto and to any enactment of the legislature applicable thereto;

(2) the governor is hereby authorized to modify or authorize the modification of the salaries of state officers and employees who are in the unclassified service under the Kansas civil service act and whose salaries are subject to approval by the governor under K.S.A. 75-2935b or 75-2935c and amendments thereto to provide for base salary increases, to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending on June 30, 2008, for which the base salary increase is authorized in accordance with this subsection (p)(2), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2008, the average of such increases shall not exceed an additional 2.0% of the base salaries of such officers and employees; and

(3) each elected state official of the executive branch of state government, including the state board of education, and the board of directors of the Kansas technology enterprise corporation, the members of Kansas, Inc., the state board of regents and the board of trustees of the Kansas public employees retirement system, in each such official, corporation or board's discretion, are hereby authorized to modify or to authorize the modification of the salaries of the state officers and employees of such official, corporation or board, who

are in the unclassified service under the Kansas civil service act and whose salaries are not subject to approval by the governor under K.S.A. 75-2935b and amendments thereto, to provide for base salary increases to be effective on the first day of the first payroll period which is chargeable to the fiscal year ending June 30, 2008, for which the base salary increase is authorized in accordance with this subsection (p)(3), and to be distributed from a salary increase pool: *Provided*, That for each biweekly payroll period which is chargeable to fiscal year 2008, the average of such increases shall not exceed an additional 2.0% of the base salaries of such officers and employees of such official, corporation or board; the provisions of this subsection (p)(3) shall not authorize or provide any salary increase for the governor, lieutenant governor, secretary of state, state treasurer, commissioner of insurance, or attorney general, or for any member of any state board, commission, council or committee receiving per diem compensation as provided by statute.

(q) (1) (A) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2007 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to provide each permanent employee in the classified service under the Kansas civil service act, who has had a satisfactory or better evaluation, a bonus payment during fiscal year 2008 equal to a total amount of \$860 which shall be paid for each permanent employee in the classified service under the Kansas civil service act in a full-time equivalent position and with a proportionately reduced total amount for each permanent employee in the classified service under the Kansas civil service act in a less than a full-time equivalent position and which shall be paid on December 14, 2007.

(B) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2007 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008, as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures are hereby authorized to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to provide each permanent employee in the unclassified service under the Kansas civil service act, in the discretion of such employee's appointing authority and to be distributed from a bonus funding pool, a bonus payment during fiscal year 2008 equal to a total amount fixed by such appointing authority which shall be paid for the permanent employee in the unclassified service under the Kansas civil service act in a full-time equivalent position and with a proportionately reduced total amount for each permanent employee in the unclassified service under the Kansas civil service act in a less than a full-time equivalent position. If a bonus payment is awarded by the appointing authority, the payment shall be paid on December 14, 2007, in an amount determined by the appointing authority for a permanent employee in the unclassified service under the Kansas civil service act in a full-time equivalent position, with a first payment amount that is proportionate to that paid to a full-time equivalent of a position paid to a permanent employee in the unclassified service under the Kansas civil service act with a less than full-time equivalent position.

(C) The provisions of this subsection (q)(1) shall not authorize or provide any bonus payment to the governor, lieutenant governor, secretary of state, commissioner of insurance or attorney general, member of the legislature, chief justice or other justice of the supreme court, chief judge or other judge of the court of appeals, or chief judge or other judge of the district court and all such officers and officials are specifically excluded from the bonus program described in this subsection (q)(1). Each bonus payment paid under this section shall be a bonus, shall be in addition to the regular earnings which that employee may be entitled or for which the employee may become eligible, shall be subject to withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208.

(2) In addition to the other purposes for which expenditures may be made by any state agency named in this or other appropriation act of the 2007 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures are hereby authorized and directed to be made by each such state agency from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to provide each employee, who is eligible for a longevity bonus payment pursuant to K.S.A. 75-5541 and amendments thereto, an additional amount of longevity bonus payment during fiscal year 2008 equal to the amount required to provide, along with the amount of the longevity bonus payment otherwise payable pursuant to K.S.A. 75-5541 and amendments thereto, an aggregate amount of longevity bonus that would be payable if the amount of the longevity bonus payment pursuant to K.S.A. 75-5541 and amendments thereto were determined by multiplying the number of full years of state service, not to exceed 25 years, rendered by such employee by \$50: *Provided*, That all expenditures under this subsection (q)(2) for such purposes shall be made in the same manner and at the same time that the longevity bonus payment determined under K.S.A. 75-5541 and amendments thereto is payable during fiscal year 2008 to such employee: *Provided further*, That each such additional amount of longevity bonus payment to any such employee shall be deemed to have the same characteristics, be subject to the same withholding, deduction or contribution requirements, and is intended to be a bonus as defined in 29 C.F.R. § 778.208, to the same extent and effect as longevity bonus payments that are payable pursuant to K.S.A. 75-5541 and amendments thereto. As used in this subsection (q)(2), "state agency" means any state agency in the executive branch, legislative branch or judicial branch of state government and "employee" means any officer or employee of a state agency.

(r) (1) There is hereby appropriated for the state finance council from the state general fund for the fiscal year ending June 30, 2008, the sum of \$40,309,854 to be used for the purpose of paying the proportionate share of the cost to the state general fund of:

(A) The pay rate increases which are provided for by modification of the pay plan for state officers and employees in the classified service under the Kansas civil service act as provided in subsection (p)(1), by providing (i) a base pay rate increase of 2.0% in the pay rates of such pay plan, which shall be effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2008, including associated employer contributions, and (ii) reassignment of the job classes specified in subsection (p)(1)(B) upward one pay grade, effective on the first day of the first biweekly payroll period which is chargeable to the fiscal year ending June 30, 2008, for positions in the such job classifications, including associated employer contributions;

(B) the salary increases for state officers and employees in the unclassified service under the Kansas civil service act which are provided for in subsection (p)(2) and subsection (p)(3), including associated employer contributions, for biweekly pay periods which are chargeable to the fiscal year ending June 30, 2008; and

(C) the bonus payments which are provided for in subsection (q)(1) and the amounts which are provided for the additional amount of longevity bonus payment as provided in subsection (q)(2) and including any associated employer contributions.

(2) To pay the proportionate share of the cost to the state general fund of each state agency for the salary increases and bonus payments specified in subsection (r)(1), including associated employer contributions, upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except paragraph (3) of such subsection (c), is hereby authorized to approve the transfer of moneys from the appropriation under subsection (r)(1) by the director of accounts and reports, who is hereby authorized and directed to make such transfers in accordance with such approval, to the proper accounts created by state general fund appropriations for the fiscal year ending June 30, 2008.

(3) Upon recommendation of the director of the budget, the state finance council, acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto,

except paragraph (3) of such subsection (c), is hereby authorized to approve increases in expenditure limitations on special revenue funds and accounts established for the fiscal year ending June 30, 2008, by the director of accounts and reports, who is hereby authorized and directed to increase expenditure limitations on such special revenue funds and accounts in accordance with such approval, for the purpose of paying from such funds or accounts the proportionate share of the cost to such funds or accounts, including associated employer contributions, of the salary increases and other amounts specified in subsection (r)(1) for the fiscal year ending June 30, 2008.

(4) The director of the budget, on behalf of the executive branch of state government, shall prepare a budget estimate based upon the most recent payroll information for the salary increases and other amounts specified in subsection (r)(1), and all amendments and revisions of such estimate, and the director of the budget shall submit a copy of such estimate, and all amendments and revisions thereof, directly to the director of legislative research.

(5)

LEGISLATIVE COORDINATING COUNCIL

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Legislative coordinating council — operations	\$125,765
Legislative research department — operations.....	\$94,204
Office of revisor of statutes — operations	\$78,796

(6)

LEGISLATURE

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operations (including official hospitality).....	\$184,993
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(7)

DIVISION OF POST AUDIT

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operations (including legislative post audit committee)	\$64,738
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(8)

JUDICIAL BRANCH

(A) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Judiciary operations	\$3,440,433
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Sec. 161.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Keeping education promises trust fund.....	\$0
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Provided, That no moneys shall be transferred or expended from the keeping education promises trust fund during fiscal year 2008: *Provided further*, That, notwithstanding the provisions of K.S.A. 75-3711c, and amendments thereto, any appropriation act of the 2007 regular session of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the keeping education promises trust fund for fiscal year 2008 or to otherwise authorize or provide for any expenditures from the keeping education promises trust fund for fiscal year 2008: *And provided further*, That all moneys credited to the keeping education promises trust fund shall set aside moneys to support that portion of the aggregate amount of moneys appropriated for the department of education for general state aid, supplemental general state aid and special education services aid for the fiscal year ending June 30, 2009, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas, that constitutes an increase in the aggregate amount of general state aid, supplemental general state aid and special education services aid for fiscal year 2009 over the aggregate amount of moneys appropriated for general state aid, supplemental

general state aid and special education services aid for the fiscal year ending June 30, 2008, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas: *And provided further*, That no moneys shall be transferred or expended from the keeping education promises trust fund except pursuant to specific authorization by appropriation act of the legislature.

(b) On July 1, 2007, the director of accounts and reports shall transfer \$122,700,000 from the state general fund to the keeping education promises trust fund.

(c) On July 1, 2008, the director of accounts and reports shall transfer \$122,700,000 from the state general fund to the keeping education promises trust fund.

Sec. 162.

DEPARTMENT OF ADMINISTRATION

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

Statewide maintenance and disaster relief fund
For the fiscal year ending June 30, 2008 \$0

Provided, That all expenditures from the statewide maintenance and disaster relief fund during fiscal year 2008 shall be for the purposes of providing funding for statewide maintenance and disaster relief as authorized by statute: *Provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, no moneys shall be transferred or expended from the statewide maintenance and disaster relief fund during fiscal year 2008: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any other appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the statewide maintenance and disaster relief fund for fiscal year 2008 or to otherwise authorize or provide for any expenditures from the statewide maintenance and disaster relief fund for fiscal year 2008.

For the fiscal year ending June 30, 2009 \$0

Provided, That all expenditures from the statewide maintenance and disaster relief fund during fiscal year 2009 shall be for the purposes of providing funding for statewide maintenance and disaster relief as authorized by statute: *Provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, no moneys shall be transferred or expended from the statewide maintenance and disaster relief fund during fiscal year 2009: *And provided further*, That, except as specifically authorized by this proviso or by other appropriation act of the legislature, notwithstanding the provisions of K.S.A. 75-3711c and amendments thereto, any other appropriation act of the legislature or any other statute, the state finance council shall have no authority to increase the expenditure limitation on the statewide maintenance and disaster relief fund for fiscal year 2009 or to otherwise authorize or provide for any expenditures from the statewide maintenance and disaster relief fund for fiscal year 2009.

(b) On July 1, 2007, and on January 1, 2008, or as soon after each such date as moneys are available therefor, the director of accounts and reports shall transfer \$40,000,000 from the state general fund to the statewide maintenance and disaster relief fund.

Sec. 163.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2007, the following:

Financial management system \$2,448,422

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Financial management system \$2,000,000

Provided, That any unencumbered balance in the financial management system account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(c) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for the department of administration for fiscal year 2007 and

fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 and fiscal year 2008, to develop and to place in operation on or before March 1, 2008, a single, searchable website which shall be accessible by the public at no cost to access, that includes:

(1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include, but not be limited to:

- (A) Disbursements by any state agency from funds established within the state treasury;
- (B) bond debt payments;
- (C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;
- (D) contractual services including, but not limited to, amounts paid to individual vendors;
- (E) commodities including, but not limited to, amounts paid to individual vendors;
- (F) capital outlay including, but not limited to, amounts paid to individual vendors;
- (G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
- (H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

(1) other assistance and benefits; and

(J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues; and

(2) annual revenues, as determined by the secretary of administration and as available within the central accounting system, that shall include, but not be limited to:

- (A) Receipts or deposits by any state agency into funds established within the state treasury;
- (B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;
- (C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;
- (D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;
- (E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
- (F) other revenue including, but not limited to, receipts not classified elsewhere; and
- (G) non-revenue receipts including, but not limited to, all receipts that do not constitute reportable revenue; and

(3) annual bonded indebtedness which shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds; and

(4) any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board: *Provided*, That such single website shall include data for fiscal year 2002 and each fiscal year thereafter: *Provided further*, That such website shall be designed so that such data shall be retained on the single website for not less than 10 years and shall include data for the most recent fiscal years: *And provided further*, That data that is available in the central accounting system and state payroll system shall be available on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year: *And provided further*, That the secretary of administration shall develop policies and procedures to make data available from any other source: *And provided further*, That nothing in this program shall require the secretary of administration to provide information on the website that is not available in the central accounting system and the state payroll system at the time of initial imple-

mentation of the website: *And provided further*, That, after implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this program from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d): *And provided further*, That nothing in the program shall permit or require the disclosure of information which is considered confidential by state or federal law.

(d) In addition to the other purposes for which expenditures may be made by a state agency from the moneys appropriated from the state general fund or from any special revenue fund for the state agency for fiscal year 2007 and fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the state agency from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 and fiscal year 2008, to provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of the Kansas taxpayer transparency program for fiscal year 2008.

(e) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for the department of administration for fiscal year 2007 and fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 and fiscal year 2008, to establish and pay the operating expenses for the public finance transparency board, which shall be consist of members as follows: (1) The secretary of administration or the secretary's designee, who shall serve as chairperson of the board; (2) the director of accounts and reports or the director's designee; (3) two members who are chief executive officers of agencies of the executive branch of state government, or such officer's designees, appointed by the governor, who shall serve at the pleasure of the governor; (4) four members of the general public, of whom two shall be appointed by the governor, one shall be appointed by the president of the senate, and one shall be appointed by the speaker of the house; (5) four members of the legislature, of whom one shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the minority leader of the house of representatives, all of whom shall serve at the pleasure of the appointing official; (6) the legislative post auditor or the post auditor's designee; (7) the state archivist or the state archivist's designee; and (8) the director of legislative research or the director's designee: *Provided*, That the public finance transparency board is established for the purpose of advising and consulting with the secretary of administration on the content, format and reports to be produced on the single website established pursuant to subsection (c): *Provided further*, That the public finance transparency board shall annually elect one member as vice-chairperson and another member as secretary of the public finance transparency board: *And provided further*, That eight members of the public finance transparency board shall constitute a quorum and the affirmative vote of eight members shall be necessary for any action taken by the public finance transparency board: *And provided further*, That no vacancy in the membership of the public finance transparency board shall impair the right of a quorum to exercise all the rights and perform all the duties of the public finance transparency board: *And provided further*, That members of the public finance transparency board who are members of the general public or who are members of the legislature, who are attending meetings of the public finance transparency board, or attending subcommittee meetings thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto: *And provided further*, That in order to achieve its purpose as provided in the Kansas taxpayer transparency program for fiscal year 2008, the public finance transparency board shall: (1) Advise the secretary of administration, after implementation of the initial website, on incorporating additional information described by the Kansas taxpayer transparency program for fiscal year 2008 from any other source of

information available to the secretary of administration including information submitted by state agencies pursuant to subsection (e); (2) serve in an advisory capacity to the secretary of administration, who shall from time to time consult with and seek the advice of the public finance transparency board on matters related to the further development of the website, expansion of the content of information for the website, and new reports to be generated on the website to assist the public in accessing public information; (3) seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of public information access, gateway services, add-on services and electronic information; and (4) meet at least twice during each fiscal year on the call of the secretary of administration who shall set the agenda for such meetings, which shall include a report on the progress in implementing and developing the website, proposed enhancements to the website in terms of content, format, policies and procedures and reports, and other matters as deemed appropriate by the secretary of administration: *And provided further*, That all state agencies shall cooperate with the public finance transparency board in providing such assistance as may be requested for the achievement of its purpose.

(f) As used in the Kansas taxpayer transparency program for fiscal year 2008:

(1) "Searchable website" means a website that allows the public to search and aggregate the information identified in subsection (c), including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures (A) of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration, (B) of compensation paid to public employees employed by state agencies, and (C) of bond debt as specified in subsection (c); and

(2) "agency" means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.

(g) The provisions of subsections (c), (d), (e) and (f) shall be known and may be cited as the Kansas taxpayer transparency program for fiscal year 2008.

(h) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for the department of administration for fiscal year 2007 and fiscal year 2008, as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or any other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for the legislature for fiscal year 2007 and fiscal year 2008, to develop and implement the provisions of the Kansas taxpayer transparency program for fiscal year 2008 concurrently with the development and implementation of the financial management system provided for in subsections (a) and (b).

Sec. 164. During the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for any executive branch state agency from the state general fund or any special revenue fund for fiscal year 2008 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature for any information technology project estimated to cost \$250,000 or more unless such project has been submitted to and approved by the executive chief information technology officer: *Provided* That, upon approval of each such information technology project, the executive chief information technology officer shall certify each such approval of an information technology project to the director of accounts and reports.

Sec. 165.

STATE FAIR BOARD

(a) Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: New sheep and swine barn construction.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund No limit

(c) On or before the 10th of each month during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund interest earnings based on: (1) The average daily balance of moneys in the state fair capital improvements fund for the preceding month; and (2) the net earnings rate for the pooled money investment portfolio for the preceding month.

Sec. 166.

DEPARTMENT OF SOCIAL AND REHABILITATION SERVICES

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$1,413,100

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2008 from the rehabilitation and repair projects account to a rehabilitation and repair account for any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto, for projects approved by the secretary of social and rehabilitation services: *Provided further*, That expenditures also may be made from this account during fiscal year 2008 for the purposes of rehabilitation and repair for facilities of the department of social and rehabilitation services other than any institution, as defined by K.S.A. 76-12a01 or 76-12a18 and amendments thereto.

Debt service — new state security hospital \$3,747,566

Debt service — state hospitals rehabilitation and repair..... \$2,163,770

(b) In addition to the purposes for which expenditures may be made by the above agency from the other state fees fund for fiscal year 2008, expenditures may be made by the above agency from the other state fees fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Area office rehabilitation and repair \$200,000

Provided, That expenditures from the area office rehabilitation and repair account shall be in addition to any expenditure limitation imposed on the other state fees fund for fiscal year 2008.

Sec. 167.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$154,086

Sec. 168.

KANSAS STATE SCHOOL FOR THE DEAF

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$190,000

Window replacement \$125,000

Sec. 169.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Rehabilitation and repair projects..... \$125,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Historical society capital improvements fund No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the general fees fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the general fees fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Capital improvements No limit

Provided, That all expenditures from each such capital improvement account of the general fees fund shall be in addition to any expenditure limitation imposed on the general fees fund for fiscal year 2008.

Sec. 170.

INSURANCE DEPARTMENT

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Insurance department rehabilitation and repair fund No limit

Sec. 171.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities \$200,000

Provided, That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Judicial center improvements — debt service \$99,020

Statehouse improvements — debt service \$7,240,283

Energy conservation improvements — debt service \$625,754

Judicial center rehabilitation and repair \$100,000

Provided, That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Kansas department of transportation — CTP — debt service \$16,151,075

Replace Docking chillers \$486,287

Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: Dillon house roof repair.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans memorial fund No limit

State facilities gift fund No limit

Master lease program fund No limit

State buildings depreciation fund \$0

Executive mansion gifts fund No limit

Topeka state hospital cemetery memorial gift fund No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the building and ground fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the building and ground fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Motor pool shop — debt service No limit

Paint and grounds shop — debt service No limit

Parking improvements and repair No limit

(d) In addition to the other purposes for which expenditures may be made from the building and ground fund for fiscal year 2008, expenditures may be made by the above agency from the building and ground fund for fiscal year 2008 from any unencumbered balance as of June 30, 2007, in each of the following capital improvement accounts of the

building and ground fund: Parking improvements and repair: *Provided*, That the expenditures for fiscal year 2008 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2007: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2008 from the unencumbered balance in any such account shall be in addition to any expenditure limitation imposed on the building and ground fund for the fiscal year 2008.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings depreciation fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

State of Kansas facilities projects — debt service	No limit
Rehabilitation and repair	\$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2008.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2008, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2008 from the unencumbered balance as of June 30, 2007, in each capital improvement account of the state buildings depreciation fund for one or more projects approved for prior fiscal years: *Provided*, That expenditures from the unencumbered balance in any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2007: *Provided further*, That all expenditures from any such account shall be in addition to any expenditure limitation imposed on the state buildings depreciation fund for fiscal year 2008.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the state buildings operating fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the state buildings operating fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Memorial hall — debt service	No limit
Docking cooling towers replacement — debt service	No limit
Eisenhower building purchase and renovation — debt service	No limit

(h) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant — debt service	No limit
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(i) In addition to the other purposes for which expenditures may be made by the department of administration from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of administration from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto to provide additional financing for the capital improvement project to construct, equip, furnish, renovate, reconstruct and repair the state capitol: *Provided*, That such capital improvement project is hereby approved for the department of administration for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of administration may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall

not exceed \$55,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 172.

FORT HAYS STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Lewis field renovation — bond and interest sinking fund	No limit
Lewis field renovation — revenue fund	No limit
Memorial union renovation debt service fund.....	No limit

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 173.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified as follows:

Lease payment — Salina aeronautical center (including aeronautical laboratory center)	\$189,446
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Engineering complex phase II private gift fund.....	No limit
Ackert hall addition — gifts and grants fund.....	No limit
Salina runway improvements fund.....	No limit
Student life center — Salina construction debt service fund.....	No limit

(c) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2008, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Biological and agricultural engineering research storage building.....	No limit
Konza prairie preserve storage building	No limit
Construct a materials acoustics laboratory.....	No limit

(d) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for fiscal year 2008, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Accelerated testing laboratory garage addition	No limit
Accelerated testing laboratory storage/equipment shed.....	No limit

Salina natural gas machinery laboratory No limit

(e) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(f) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 (1) to raze portions of building no. 025 (Seaton hall); and (2) to raze Salina campus building no. 701.

(g) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to redevelop, renovate and equip the Jardine apartments: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$102,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the housing system operations fund or any other appropriate funds of Kansas state university.

(h) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for the KSU parking structure: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$17,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project

and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the parking fees fund of Kansas state university or from any other appropriate fund or funds.

(i) In addition to other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009, to provide for issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to plan and construct the student life center at the Salina campus: *Provided*, That such capital improvement project is hereby approved for Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$2,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations of moneys credited to the student life center-Salina construction debt service fund or any other appropriate special revenue funds of Kansas state university.

(j) In addition to the other purposes for which expenditures may be made by Kansas state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Kansas state university from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct a child care facility at Kansas state university: *Provided*, That such capital improvement project is hereby approved for the Kansas state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$6,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds of Kansas state university.

Sec. 174.

KANSAS STATE UNIVERSITY EXTENSION SYSTEMS AND AGRICULTURE RESEARCH PROGRAMS

(a) In addition to the other purposes for which expenditures may be made by the above agency from the restricted fees fund for the fiscal year ending June 30, 2008, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2008 for the following capital improvement project or projects: Validation/fresh meats processing laboratory No limit Equine education and research center No limit Grain science center No limit Construct east Kansas horticulture research center No limit

(b) In addition to the other purposes for which expenditures may be made by the above agency from the sponsored research overhead fund for fiscal year 2008, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor: Southeast agriculture research center buildings No limit

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following: Greenhouse laboratory construction fund No limit Horticulture research/education center construction fund No limit

(d) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for greenhouse laboratory construction: Provided, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: Provided further, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: Provided, however, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,700,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: And provided further, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: And provided further, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

(e) In addition to the other purposes for which expenditures may be made by Kansas state university extension systems and agriculture research programs from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Kansas state university extension systems and agriculture research programs from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of

bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for horticulture research/education center construction: *Provided*, That such capital improvement project is hereby approved for Kansas state university extension systems and agriculture research programs for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Kansas state university extension systems and agriculture research programs may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$1,500,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the Kansas educational building fund or any other appropriate funds.

(f) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 175.

KANSAS STATE UNIVERSITY VETERINARY MEDICAL CENTER

(a) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 176.

EMPORIA STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union refurbishing fund	No limit
Twin towers project revenue fund	No limit
Twin towers bond and interest sinking fund.....	No limit
Twin towers maintenance and equipment reserve fund	No limit

(b) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the research and institutional overhead fund of the above agency based on: (1) The average daily balance of moneys in the research and institutional overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 177.

PITTSBURG STATE UNIVERSITY

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Kansas polymer research center fund — private gifts	No limit
Armory/classroom/recreation center — federal fund	No limit
Armory/classroom/recreation center — private fund.....	No limit
Horace Mann renovation revenue fund	No limit
Overman renovation revenue fund.....	No limit

(b) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 and fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project for an armory/classroom/recreation center in conjunction with the adjutant general: *Provided*, That such capital improvement project is hereby approved for Pittsburg state university for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That Pittsburg state university may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$4,025,763, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund.

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

(d) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Armory/classroom/recreation center debt service	\$331,160
Sec. 178.	

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Student union renovation revenue fund	No limit
Student health facility maintenance, repair, and equipment fee fund.....	No limit
Regents center revenue fund — KDFFA D bonds, 1990	No limit
Parking facilities surplus fund — KDFFA G bonds, 1993	No limit

Provided, That the university of Kansas may make expenditures from the parking facilities surplus fund — KDFFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor.

Multicultural resource center — construction fund.....	No limit
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Provided, That all gifts received for the capital improvement project to construct and equip a multicultural resource center shall be deposited in the state treasury to the credit of the

multicultural resource center — construction fund: *Provided further*, That the above agency may transfer moneys during fiscal year 2008 from the appropriate accounts of the restricted fees fund to the multicultural resource center — construction fund for such capital improvement project.

Athletic facilities enhancements special revenue fund K DFA A	
university proceeds	No limit
Edwards campus facility expansion — special revenue fund	No limit
Child care facility operations account fund	No limit
Child care facility student fee account fund	No limit
Continuing education program building acquisition — special revenue fund	No limit
Dole institute gift or grant fund	No limit
Construct student recreation & fitness center — special revenue fund...	No limit
<i>Provided</i> , That the university of Kansas may transfer moneys for fiscal year 2008 from appropriate accounts of the restricted fees fund to the construct student recreation and fitness center — special revenue fund for the capital improvement project to construct student recreation and fitness center.	
Children care facility addition fund	No limit
Rehabilitation and repair projects for institutions of higher education fund	No limit
Rehabilitation and repair projects for disability act, etc fund	No limit
Student union addition — university proceeds account K DFA T2 2001 fund	No limit
Edwards campus facility expansion — university proceeds account K DFA K 2002 fund	No limit
Wescoc hall infill construction fund	No limit

Provided, That the university of Kansas may transfer moneys for fiscal year 2008 from the general fees fund to the Wescoc hall infill construction fund for the capital improvement project to infill Wescoc hall.

(b) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct an addition to the student recreation and fitness center at the university of Kansas: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$6,200,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act

of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct an addition to the law enforcement training center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$16,421,600, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas.

(d) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the university of Kansas from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 to raze portions of building no. 341 (at sunflower research farm in Johnson county).

(e) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.

Sec. 179.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking facility revenue fund.....	No limit
Rehabilitation and repair projects for institutions of higher education fund.....	No limit
Construct and equip center for health in aging bond revenue fund	No limit
Construct and equip center for health in aging bond reserve fund	No limit
Construct parking facility #3 fund.....	No limit

Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2008 from appropriate accounts of the parking fees fund to the construct parking facility #3 fund for such capital improvement project.

Construct parking facility #4 fund.....	No limit
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Provided, That the university of Kansas medical center may transfer moneys during fiscal year 2008 from appropriate accounts of the parking fees fund to the construct parking facility #4 fund for such capital improvement project.

Lied biomedical research building renovation — gift and grant fund....	No limit
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(b) During the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer amounts certified by the chancellor of the university of Kansas from the sponsored

research overhead fund to the construct and equip center for health in aging bond revenue fund.

(c) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct parking facility #4: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$8,150,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the parking fees fund or any other appropriate funds.

(d) (1) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to assist the state board of regents in the exchange and conveyance of university real property and association real property pursuant to this subsection (d) for the purposes of the capital improvement project for the university of Kansas medical center to construct parking facility #4 as approved by subsection (c).

(2) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 to provide for the exchange and conveyance of university real property and association real property pursuant to this subsection (d) to provide for the capital improvement project approved for the university of Kansas medical center to construct parking facility #4 as provided in subsection (c).

(3) The state board of regents, for and on behalf of the university of Kansas is hereby authorized to exchange and convey the university real property to the Kansas university endowment association in consideration for the conveyance by the Kansas university association of the association real property to the university of Kansas and to accept such association real property.

(4) The exchange and conveyance of the university real property by the state board of regents under this subsection (d) shall be executed in the name of the state board of regents by the chairperson and executive officer, and shall be delivered upon receipt of a good and sufficient warranty deed from the Kansas university endowment association conveying the association real property. Before any such real property is exchanged and conveyed, the attorney general shall approve the instruments of conveyance of the state board of regents to the Kansas university endowment association and the instruments of conveyance of the

Kansas university endowment association to the university of Kansas and shall approve the title to the association real property exchanged and conveyed by the Kansas university endowment association.

(5) The exchange and conveyance of university real property and association real property pursuant to this subsection (d) is incidental to and in facilitation of the capital improvement project approved for the university of Kansas medical center to construct parking facility #4 as provided in subsection (c).

(6) As used in this subsection (d): "University real property" has the meaning ascribed thereto by subsection (e)(1) of section 158 of chapter 123 of the 2004 Session Laws of Kansas; and "association real property" has the meaning ascribed thereto by subsection (e)(2) of section 158 of chapter 123 of the 2004 Session Laws of Kansas.

(e) In addition to the other purposes for which expenditures may be made by the university of Kansas medical center from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas medical center from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for a capital improvement project to construct the ambulatory care facility at the university of Kansas medical center: *Provided*, That such capital improvement project is hereby approved for the university of Kansas medical center for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the university of Kansas medical center may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$55,645,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from any appropriate special revenue fund or funds of the university of Kansas medical center.

(f) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month.
Sec. 180.

WICHITA STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Aviation research debt service..... \$1,642,949

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

On campus parking reserve account fund — K DFA B bonds.....	No limit
Parking system project — maintenance fund, K DFA revenue bonds.....	No limit
On campus parking principal and interest fund — K DFA B bonds	No limit
Parking system project revenue fund — K DFA bonds	No limit
WSU housing system surplus fund.....	No limit

(c) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, on or before the 10th day of each month, the director of accounts and reports shall transfer from the state general fund to the deferred maintenance support fund of the above agency an amount equal to the aggregate interest earnings of the sponsored research overhead fund of the above agency based on: (1) The average daily balance of moneys in the sponsored research overhead fund of the above agency for the preceding month; and (2) the net earnings rate of the pooled money investment portfolio for the preceding month. Sec. 181.

STATE BOARD OF REGENTS

(a) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified as follows:

Debt service — revenue bonds issued for major remodeling and new construction projects at state educational institutions	\$15,000,000
Rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education	\$15,000,000

Provided, That the state board of regents is hereby authorized to transfer moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account to an account or accounts of the Kansas educational building fund of any institution under the control and supervision of the state board of regents to be expended by the institution for projects approved by the state board of regents: *Provided, however*, That no expenditures shall be made from any such account until the proposed projects have been reviewed by the joint committee on state building construction: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the rehabilitation and repair projects, Americans with disabilities act compliance projects, state fire marshal code compliance projects, and improvements to classroom projects for institutions of higher education account: *And provided further*, That the state board of regents shall transmit a copy of each such certification to the director of the budget and to the director of the legislative research department.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund	No limit
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(c) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year 2008 or fiscal year 2009 as authorized by this or other appropriation act of the 2007 regular session of the legislature or by any appropriation act of the 2008 regular session of the legislature, expenditures may be made by the state board of regents from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2008 or fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 2006 Supp. 76-783 and amendments thereto to finance scientific research and development facilities, as defined by K.S.A. 2006 Supp. 76-779 and amendments thereto, including capital improvement projects therefor, at Kansas state university, Wichita state university and Pittsburg state university pursuant to the university research and development enhancement act: *Provided*, That, notwithstanding any provisions of K.S.A. 2006 Supp. 76-783 and amendments thereto to the contrary, such bonds and scientific research and development facilities, including capital improvement projects therefor, are hereby approved for the state board of regents for the purposes of the university research and development enhancement act and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 2006 Supp. 76-783 and amendments thereto: *Provided further*, That the state board of regents may make expenditures from the moneys received from the

issuance of any such bonds for such scientific research and development facilities, including capital improvement projects therefor, in accordance with the procedures and guidelines authorized and prescribed for scientific research and development facilities pursuant to the university research and development enhancement act: *Provided, however,* That expenditures from the issuance of any such bonds for such scientific research and development facilities, including capital improvement projects therefor, shall not exceed \$5,000,000, plus all amounts required for the costs of bond issuance, costs of interest on the bonds issued for scientific research and development facilities, including capital improvement projects therefor, during the completion of such scientific research and development facilities and projects and any required reserves for the payment of principal and interest on the bonds: *And provided further,* That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further,* That debt service for any such bonds for such scientific research and development facilities, including capital improvement projects therefor, shall be financed by appropriations from any appropriate special revenue fund or funds of Kansas state university, Wichita state university or Pittsburg state university.

Sec. 182.

DEPARTMENT OF COMMERCE

(a) In addition to the other purposes for which expenditures may be made by the above agency from the reimbursement and recovery fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the reimbursement and recovery fund during the fiscal year or years specified, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Debt service — 1430 Topeka facilities \$136,045

(b) In addition to the other purposes for which expenditures may be made by the above agency from the Wagner Peyser — federal fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the Wagner Peyser — federal fund during the fiscal year 2008, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair \$140,000

(c) In addition to the other purposes for which expenditures may be made by the above agency from the adult program — WIA — federal fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the adult program — WIA — federal fund during the fiscal year 2008, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair \$40,000

Sec. 183.

DEPARTMENT OF LABOR

(a) In addition to the other purposes for which expenditures may be made by the above agency from the employment security administration fund for fiscal year 2008, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2008 from moneys made available to the state under section 903(d) of the federal social security act, as amended: *Provided,* That expenditures from this fund during fiscal year 2008 of moneys made available to the state under section 903(d) of the federal social security act, as amended, may be made for the following capital improvement projects: (1) For rehabilitation and repair of existing buildings used by the department of labor for employment security purposes; (2) for paving, landscaping and acquiring fixed equipment as may be required for the use and operation of such buildings; or (3) for any combination of these purposes: *Provided further,* That expenditures from this fund for fiscal year 2008 of moneys made available to the state under section 903(d) of the federal social security act, as amended, for such capital improvement purposes shall not exceed \$20,000 plus the amounts of unencumbered balances as of June 30, 2007, for capital improvement projects approved for fiscal years prior to fiscal year 2008: *And provided further,* That all expenditures from this fund for any such capital improvement purposes or projects shall be in

addition to any expenditure limitation imposed on the employment security administration fund for fiscal year 2008.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Remodel department of labor facilities fund No limit
Provided, That the department of labor may make expenditures from the remodel department of labor facilities fund for the capital improvement project to improve agency facilities: *Provided, however*, That expenditures from this fund for such capital improvement project, including necessary furniture and equipment, shall not exceed the amount transferred to the remodel department of labor facilities fund.

Employment security administration property sale fund..... No limit
Provided, That the secretary of labor is hereby authorized to make expenditures from the employment security administration property sale fund for the unemployment insurance program: *Provided, however*, That no expenditures shall be made from this fund for the proposed purchase or other acquisition of additional real estate to provide space for the unemployment insurance program of the department of labor until such proposed purchase or other acquisition, including the preliminary plans and program statement for any capital improvement project that is proposed to be initiated and completed by or for the department of labor have been reviewed by the joint committee on state building construction.

(c) In addition to the other purposes for which expenditures may be made by the department of labor from moneys appropriated from any special revenue fund for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2008 from the moneys appropriated from any special revenue fund for the expenses of the sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor: *Provided*, That such expenditures may be made and such sale, exchange or other disposition conveying title for any portion or all of the real estate of the department of labor may be executed or otherwise effectuated only upon specific authorization by the state finance council acting on this matter, which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto and acting after receiving the recommendations of the joint committee on state building construction: *Provided, however*, That no such sale, exchange or other disposition conveying title for any portion of the real estate of the department of labor shall be executed until the proposed sale, exchange or other disposition conveying title for such real estate has been reviewed by the joint committee on state building construction: *Provided further*, That the net proceeds from the sale of any of the real estate of the department of labor shall be deposited in the state treasury to the credit of the employment security administration property sale fund of the department of labor: *Provided, however*, That expenditures from such fund shall not exceed the limitation established for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature except upon approval of the state finance council.

(d) In addition to the other purposes for which expenditures may be made by the above agency from the special employment security fund for fiscal year 2008, expenditures may be made by the above agency from the special employment security fund for fiscal year 2008 for the following capital improvement projects: Payment of debt service on revenue bonds issued to finance remodeling of the 401 S. Topeka building: *Provided*, That expenditures from this fund for fiscal year 2008 for such capital improvement purposes shall not exceed \$278,008: *Provided further*, That all expenditures from this fund for any such capital improvement purpose shall be in addition to any expenditure limitation imposed on the special employment security fund for fiscal year 2008.

Sec. 184.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects	\$362,280
Veterans' home rehabilitation and repair projects.....	\$283,875
Veterans' home capital improvement match.....	\$436,620

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Veterans' home federal construction grant fund	No limit
Veterans' cemeteries federal construction grant fund.....	No limit

(c) On July 1, 2007, the soldiers' home repair and rehabilitation projects account of the state institutions building fund of the Kansas commission on veterans affairs is hereby re-designated as the soldiers' home rehabilitation and repair projects account of the state institutions building fund of the Kansas commission on veterans affairs.

(d) On July 1, 2007, the veterans' home repair and rehabilitation projects account of the state institutions building fund of the Kansas commission on veterans affairs is hereby re-designated as the veterans' home rehabilitation and repair projects account of the state institutions building fund of the Kansas commission on veterans affairs.

Sec. 185.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues.....	\$575,303
Debt service payment for the Ellsworth correctional facility at Ellsworth, Kansas	\$1,620,000
Debt service payment for the reception and diagnostic unit relocation bond issue	\$1,411,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues.....	\$1,689,697
Capital improvements — rehabilitation and repair of correctional institutions.....	\$3,231,303

Provided, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2008 from the capital improvements — rehabilitation and repair of correctional institutions account of the correctional institutions building fund to an account or accounts of the correctional institutions building fund of any institution or facility under the jurisdiction of the secretary of corrections to be expended during fiscal year 2008 by the institution or facility for capital improvement projects and for security improvement projects including acquisition of security equipment.

(c) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Correctional facilities infrastructure projects fund	No limit
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Provided, That the department of corrections may make expenditures from the correctional facilities infrastructure projects fund for a capital improvement project or projects to improve agency facilities: *Provided, however*, That expenditures from this fund for such capital improvement project or projects, including necessary furniture and equipment, shall not exceed the amount transferred to the correctional facilities infrastructure projects fund: *Provided further*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 2008 from the correctional facilities infrastructure projects fund to an account or subaccount of the correctional facilities infrastructure projects fund of any institution or facility under the jurisdiction of the secretary of corrections.

(d) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 as authorized by chapter

142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for capital improvement projects to expand prison capacity: *Provided*, That such capital improvement projects are hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed \$39,525,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects during the construction of such projects and any required reserves for payment of principal and interest on any such bond: *Provided, however*, That such bonds shall be issued only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval may also be given while the legislature is in session: *And provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement projects: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(e) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 as authorized by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, expenditures shall be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2007 or for fiscal year 2008 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for correctional institution infrastructure projects: *Provided*, That such capital improvement project is hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement project: *Provided, however*, That expenditures from the moneys received from the issuance of any such bonds for such capital improvement project shall not exceed \$19,250,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for the payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement project shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(f) On July 1, 2007, the director of accounts and reports shall transfer \$2,556,082 from the construction defects recovery fund of the department of administration to the correctional facilities infrastructure projects fund of the department of corrections.

(g) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 (1) to raze H dormitory, building #40000-00133, at the Lansing correctional facility; and (2) to raze a checkpoint building, building #66000-02744, at the Topeka correctional facility.

(h) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 by this or other appropriation act of the 2008 or 2009 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for capital improvement projects to expand prison capacity: *Provided*, That such capital improvement projects are hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed \$39,525,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects during the construction of such projects and any required reserves for payment of principal and interest on any such bonds: *Provided, however*, That such bonds shall be issued only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval may also be given while the legislature is in session: *And provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement projects: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

(i) In addition to the other purposes for which expenditures may be made by the department of corrections from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 by this or other appropriation act of the 2009 or 2010 regular session of the legislature, expenditures may be made by the department of corrections from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905 and amendments thereto for capital improvement projects to expand prison capacity: *Provided*, That such capital improvement projects are hereby approved for the department of corrections for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute: *Provided further*, That the aggregate amount of all such revenue bonds issued shall not exceed \$39,525,000 plus all amounts required for costs of any bond issuance, costs of interest on any bond issued or obtained for one or more of such capital improvement projects during the construction of such projects and any required reserves for payment of principal and interest on any such bonds: *Provided, however*, That such bonds shall be issued

only upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c and amendments thereto, except that such approval may also be given while the legislature is in session: *And provided further*, That the department of corrections may make expenditures from the moneys received from the issuance of any such bonds for such capital improvement projects: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund or any appropriate special revenue fund or funds: *And provided further*, That no such bonds shall be issued by the Kansas development finance authority unless the director of the budget has certified to the department of administration and to the Kansas development finance authority that sufficient moneys will be available to make debt service payments for such bonds.

Sec. 186.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Capital improvements — rehabilitation and repair of juvenile correctional facilities \$500,000

Provided, That the commissioner of juvenile justice is hereby authorized to transfer moneys from the capital improvements — rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to an account or accounts of the state institutions building fund of any institution or facility under the jurisdiction of the commissioner of juvenile justice to be expended during fiscal year 2008 by the institution or facility for capital improvement projects approved by the commissioner of juvenile justice.

Debt service — Topeka complex and Lamed juvenile correctional facility \$3,996,513
 Atchison juvenile correctional facility maintenance building \$537,792

(b) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 as authorized by this or other appropriation act of the 2007 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2008 to raze the swimming pool enclosure building no. 20, at the Beloit juvenile correctional facility.

Sec. 187.

ATTORNEY GENERAL — KANSAS BUREAU OF INVESTIGATION

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Debt service — headquarters building \$307,668
 Rehabilitation and repair projects \$100,000
 Land acquisition \$124,000

Provided, That all expenditures from the land acquisition account shall be for the acquisition of the real property by the above agency for the remainder of the land, and any improvements thereon, on the city block in Topeka, Kansas on which the Kansas bureau of investigation headquarters currently is located and which is not currently owned by the state. Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following accounts is hereby reappropriated for fiscal year 2008: IMA building purchase and Great Bend laboratory renovation.

Sec. 188.

KANSAS HIGHWAY PATROL

(a) In addition to the other purposes for which expenditures may be made from the highway patrol training center fund for fiscal year 2008, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2008 for the

following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — training center — Salina	\$489,975
Rehabilitation and repair — training center — Salina	\$50,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the highway patrol training center fund for fiscal year 2008.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2008, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — vehicle inspection facility — Olathe	\$59,756
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Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the vehicle identification number fee fund for fiscal year 2008.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2008, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — Topeka fleet service	\$372,750
Scale replacement and rehabilitation and repair of buildings.....	\$206,083

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the Kansas highway patrol operations fund for fiscal year 2008.

(d) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$578,833 from the state highway fund of the department of transportation to the Kansas highway patrol operations fund. In addition to other purposes for which expenditures may be made from the state highway fund during fiscal year 2008 and notwithstanding the provisions of K.S.A. 68-416 and amendments thereto or any other statute, transfers and expenditures may be made from the state highway fund during fiscal year 2008 for support and maintenance of the Kansas highway patrol.

Sec. 189.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

Debt service — rehabilitation and repair of the statewide armories	\$1,974,519
Debt service — armory/classroom/recreation center at PSU	\$119,292
Rehabilitation and repair projects	\$476,000

Provided, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2007, is hereby reappropriated for fiscal year 2008.

Sec. 190.

DEPARTMENT OF WILDLIFE AND PARKS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, for the capital improvement project or projects specified, the following:

State parks capital improvement projects.....	\$1,500,000
Pratt office renovation	\$35,000

Any unencumbered balance in excess of \$100 as of June 30, 2007, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2008: State parks capital improvement projects; State parks repair and maintenance projects.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Department access road fund No limit

Provided, That, except in cases of emergencies or other unanticipated projects, all expenditures from the department access road fund for fiscal year 2008 shall be for projects at the state parks.

Bridge maintenance fund No limit

(c) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,545,000 from the state highway fund of the department of transportation to the department access road fund of the department of wildlife and parks.

(d) On July 1, 2007, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$200,000 from the state highway fund of the department of transportation to the bridge maintenance fund of the department of wildlife and parks.

(e) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Pratt office renovation \$4,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2008.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund — federal for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fund — federal for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast Guard boating projects \$109,000

River access \$100,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the boating fund — federal for fiscal year 2008.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access \$400,000

Rehabilitation and repair \$92,000

Coast guard boating projects \$15,000

Pratt office renovation \$101,000

Milford hatchery classroom \$75,000

Fish hatchery renovation \$473,000

Land acquisition \$550,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2008.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund — federal for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife conservation fund — federal for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land acquisition \$200,000

Rehabilitation and repair \$200,000

Wetlands acquisition \$450,000

Federally mandated boating access \$100,000

Fish hatcheries renovation \$1,125,000

Provided, That all expenditures from each such capital improvement account shall be in

addition to any expenditure limitation imposed on the wildlife conservation fund — federal for fiscal year 2008.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2008, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund — federal for fiscal year 2008 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Boating access projects	\$435,700
Rehabilitation and repair	\$152,500

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year 2008.

(j) During the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks from the state general fund or any special revenue fund for construction of any new river access on the Kansas river, unless in any case of a new river access project on the Kansas river to be located wholly or partially outside an incorporated municipality, the secretary of wildlife and parks has obtained the prior written permission for the proposed river access from each owner of each parcel of real property on the river which is immediately adjacent to the real property upon which the proposed river access project is to be constructed, and, if a parcel of any such immediately adjacent real property is being leased, then the secretary also has obtained the prior written permission for the proposed new river access project from the lessor of such immediately adjacent real property.

(k) During the fiscal year ending June 30, 2008, no expenditures shall be made from any moneys appropriated for the department of wildlife and parks or any other state agency from the state general fund or any special revenue fund for fiscal year 2008 by this or other appropriation act of the 2007 regular session of the legislature for the acquisition, operation or maintenance of the circle K ranch except upon specific authorization of such acquisition, operation or maintenance in an appropriation act of the legislature enacted into law.

Sec. 191. (a) On or after July 1, 2007, during the fiscal year ending June 30, 2008, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the senior services trust fund established by K.S.A. 2006 Supp. 75-4266 and amendments thereto.

(b) On or after July 1, 2007, during the fiscal year ending June 30, 2008, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the long-term care loan and grant fund of the department on aging established by K.S.A. 2006 Supp. 75-4265 and amendments thereto.

(c) On or after July 1, 2007, during the fiscal year ending June 30, 2008, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund — department on aging established by K.S.A. 2006 Supp. 75-4265 and amendments thereto.

(d) On or after July 1, 2007, during the fiscal year ending June 30, 2008, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the state medicaid match fund — SRS established by K.S.A. 2006 Supp. 75- 4265 and amendments thereto.

(e) On or after July 1, 2007, during the fiscal year ending June 30, 2008, the director of accounts and reports shall not make any transfer directed to be made by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto from the intergovernmental transfer fund of the department on aging to the aging — IGT fund of the department on aging.

(f) Commencing on July 1, 2007, or as soon as moneys are available therefor, during the fiscal year ending June 30, 2008, the director of accounts and reports shall transfer to the SRS IGT fund of the department of social and rehabilitation services, on the dates when the following transfers would have been made under the statute specified, the following: All

amounts of money that would have been directed by subsection (f)(2) of K.S.A. 2006 Supp. 75-4265 and amendments thereto to be transferred from the intergovernmental transfer fund of the department on aging to the senior services trust fund, the long-term care loan and grant fund, the state medicaid match fund — department on aging, and the state medicaid match fund — SRS.

Sec. 192. (a) Notwithstanding the provisions of K.S.A. 2006 Supp. 75-2319, 75-2319a or 75-2319b and amendments thereto, or any other statute, all transfers made from the state general fund to the school district capital improvements fund in accordance with the provisions of K.S.A. 2006 Supp. 75-2319, 75-2319a or 75-2319b and amendments thereto during the fiscal years ending June 30, 2008, and June 30, 2009, shall be considered to be revenue transfers from the state general fund.

(b) Notwithstanding the provisions of K.S.A. 2006 Supp. 76-775 and amendments thereto, or any other statute, all transfers made from the state general fund to either (1) the endowed professorship account of the faculty of distinction matching fund of an eligible educational institution, in the case of a certification of a qualifying gift to an eligible educational institution that is a state educational institution, or (2) the faculty of distinction program fund of the state board of regents, in the case of a certification of a qualifying gift to an eligible institution that is not a state educational institution, in accordance with the provisions of subsection (a) of K.S.A. 2006 Supp. 76-775 and amendments thereto during the fiscal years ending June 30, 2008, and June 30, 2009, shall be considered to be revenue transfers from the state general fund.

Sec. 193. (a) The director of accounts and reports shall not make the transfers of the amounts prescribed to be transferred from the state general fund to special revenue funds by section 12(d)(2) of chapter 3 of the 2003 Session Laws of Kansas, which were directed to be made on or before June 30, 2007, on a date certified by the director of the budget, which are equal to 25% of the amount transferred from each such special revenue fund pursuant to section 12(d)(1) of chapter 3 of the 2003 Session Laws of Kansas and, in the aggregate from all such special revenue funds, are equal to \$214,500. On the effective date of this act, the provisions of section 12(d)(2) of chapter 3 of the 2003 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

(b) The director of accounts and reports shall not make the transfers of the amounts prescribed to be transferred from the state general fund to special revenue funds by section 12(d)(3) of chapter 3 of the 2003 Session Laws of Kansas, which were directed to be made on or before June 30, 2008, on a date certified by the director of the budget, which are equal to 25% of the amount transferred from each such special revenue fund pursuant to section 12(d)(1) of chapter 3 of the 2003 Session Laws of Kansas and, in the aggregate from all such special revenue funds, are equal to \$214,500. On the effective date of this act, the provisions of section 12(d)(3) of chapter 3 of the 2003 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 194. On July 1, 2007, K.S.A. 2006 Supp. 2-223 is hereby amended to read as follows: 2-223. (a) There is hereby established in the state treasury the state fair capital improvements fund. All expenditures of moneys in the state fair capital improvements fund shall be used for the payment of capital improvements and maintenance for the state fairgrounds and the payment of capital improvement obligations that have been financed. Capital improvement projects for the Kansas state fairgrounds are hereby approved for the purposes of subsection (b) of K.S.A. 74-8905 and amendments thereto and the authorization of the issuance of bonds by the Kansas development finance authority in accordance with that statute.

(b) On each June 30, the state fair board shall certify to the director of accounts and reports an amount to be transferred from the state fair fee fund to the state fair capital improvements fund, which amount shall be not less than the amount equal to 5% of the total gross receipts during the current fiscal year from state fair activities and non-fair days activities. Upon receipt of such certification, the director of accounts and reports shall transfer moneys from the state fair fee fund to the state fair capital improvements fund in accordance with such certification.

(c) On each July 1, the director of accounts and reports shall transfer from the state general fund to the state fair capital improvements fund, an amount equal to the amount certified by the state fair board pursuant to subsection (b), except that (1) no transfer from

the state general fund under this subsection shall exceed \$300,000 in any fiscal year; and (2) all transfers made in accordance with the provisions of this section during the fiscal years ending June 30, ~~2007~~ 2008, and June 30, ~~2008~~ 2009, shall be considered to be revenue transfers from the state general fund.

Sec. 195. On July 1, 2007, K.S.A. 2006 Supp. 55-193 is hereby amended to read as follows: 55-193. On July 15, 1996, and on the 15th day of each calendar quarter thereafter before July 1, 2009, the director of accounts and reports shall transfer \$100,000 from the state general fund, \$100,000 from the state water plan fund established by K.S.A. 82a-951 and amendments thereto and \$100,000 from the conservation fee fund established by K.S.A. 55-143 and amendments thereto to the abandoned oil and gas well fund established by K.S.A. 55-192 and amendments thereto, except that: (a) No transfers shall be made pursuant to this section from the state general fund to the abandoned oil and gas well fund during state fiscal year ~~2007~~ 2008; and (b) the aggregate of the transfers made pursuant to this section from the state water plan fund to the abandoned oil and gas well fund during state fiscal year ~~2007~~ 2008 shall not exceed \$400,000.

Sec. 196. On July 1, 2007, K.S.A. 2006 Supp. 79-2959 is hereby amended to read as follows: 79-2959. (a) There is hereby created the local ad valorem tax reduction fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be apportioned and distributed in the manner provided herein.

(b) On January 15 and on July 15 of each year, the director of accounts and reports shall make transfers in equal amounts which in the aggregate equal 3.63% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the local ad valorem tax reduction fund, except that: (1) No moneys shall be transferred from the state general fund to the local ad valorem tax reduction fund during state fiscal years ~~2007~~ 2008 and ~~2008~~ 2009, and (2) the amount of the transfer on each such date shall be \$6,750,000 during the fiscal year 2010, \$13,500,000 during fiscal year 2011, \$20,250,000 during fiscal year 2012, and \$27,000,000 during fiscal year 2013 and all fiscal years thereafter. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

(c) The state treasurer shall apportion and pay the amounts transferred under subsection (b) to the several county treasurers on January 15 and on July 15 in each year as follows: (1) Sixty-five percent of the amount to be distributed shall be apportioned on the basis of the population figures of the counties certified to the secretary of state pursuant to K.S.A. 11-201 and amendments thereto on July 1 of the preceding year; and (2) thirty-five percent of such amount shall be apportioned on the basis of the equalized assessed tangible valuations on the tax rolls of the counties on November 1 of the preceding year as certified by the director of property valuation.

Sec. 197. On July 1, 2007, K.S.A. 2006 Supp. 79-2964 is hereby amended to read as follows: 79-2964. There is hereby created the county and city revenue sharing fund. All moneys transferred or credited to such fund under the provisions of this act or any other law shall be allocated and distributed in the manner provided herein. The director of accounts and reports in each year on July 15 and December 10, shall make transfers in equal amounts which in the aggregate equal 2.823% of the total retail sales and compensating taxes credited to the state general fund pursuant to articles 36 and 37 of chapter 79 of the Kansas Statutes Annotated and acts amendatory thereof and supplemental thereto during the preceding calendar year from the state general fund to the county and city revenue sharing fund, except that no moneys shall be transferred from the state general fund to the county and city revenue sharing fund during state fiscal years ~~2007~~ 2008 and ~~2008~~ 2009. All such transfers are subject to reduction under K.S.A. 75-6704 and amendments thereto. All transfers made in accordance with the provisions of this section shall be considered to be demand transfers from the state general fund.

Sec. 198. On July 1, 2007, K.S.A. 2006 Supp. 79-3425c is hereby amended to read as follows: 79-3425c. (a) On ~~July 15, 2006, October 15, 2006, February 15, 2007, and May 15, 2007, on July 15, 2007, October 15, 2007, February 15, 2008, and May 15, 2008, and on~~

each January 15, April 15, July 15 and October 15 of each year ~~thereafter~~, the director of accounts and reports shall transfer \$625,000 to the county equalization and adjustment fund from the special city and county highway fund and on such dates the state treasurer shall apportion and pay to the several counties of the state 57% of the moneys in the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, and shall apportion and pay to the several cities of the state the remaining 43% of such moneys.

(b) The allocation and payment to each county under the provisions of this section shall be made in the following manner:

First, Each county of the state shall receive a payment of \$5,000;

Second, Of the balance remaining, 44.06% thereof shall be apportioned and paid to each county ~~on February 15, 2007, and May 15, 2007, on February 15, 2008, and May 15, 2008;~~ and on each January 15 and April 15 of each year ~~thereafter~~ in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the second preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the total amount of money collected in such county from motor vehicle registration fees for the preceding calendar year bears to the total amount of money collected in all counties from motor vehicle registration fees for the preceding calendar year;

Third, 44.06% of such balance shall be apportioned and paid to each county ~~on February 15, 2007, and May 15, 2007, on February 15, 2008, and May 15, 2008;~~ and on each January 15 and April 15 of each year ~~thereafter~~ in the proportion that the average daily vehicle miles traveled in such county for the second preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the second preceding calendar year, and on July 15 and October 15 of each year in the proportion that the average daily vehicle miles traveled in such county for the preceding calendar year bears to the average daily vehicle miles traveled in all counties of the state for the preceding calendar year; and

Fourth, the remaining 11.88% of such balance shall be apportioned and paid to each county ~~on February 15, 2007, and May 15, 2007, on February 15, 2008, and May 15, 2008;~~ and on each January 15 and April 15 of each year ~~thereafter~~ in the proportion that the total road miles in such county for the second preceding calendar year bears to the total road miles in all counties of the state for the second preceding calendar year; and on July 15 and October 15 of each year in the proportion that the total road miles in such county for the preceding calendar year bears to the total road miles in all counties of the state for the preceding calendar year.

If the total amount of money received by any county pursuant to the foregoing distribution formula during the period from July 15 of any year to April 15 of the next succeeding year is less than the total amount received by such county from the special city and county highway fund and the county equalization and adjustment fund for fiscal year 1999, the state treasurer shall apportion and pay to each such county from the county equalization and adjustment fund an amount which together with the amount received pursuant to the foregoing distribution formula will equal the total amount received from the two aforementioned funds during such period of time. In the event that there is insufficient funds in the county equalization and adjustment fund to pay each county the amount to which it is entitled, each county shall receive a payment in the proportion that the amount to which such county is entitled bears to the amount to which all such counties are entitled. If there is money remaining in such fund after such distribution, the state treasurer shall distribute the balance to the several counties in the manner provided in the second and third clauses of the foregoing formula for distributing moneys to counties from the special city and county highway fund.

All payments shall be made to the county treasurers of the respective counties, and upon receipt of the same:

(1) The county treasurers of Sedgwick and Shawnee counties shall credit 50% of the moneys received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties;

(2) the county treasurer of Wyandotte county shall credit 10% of the moneys received to the road and bridge fund of such county and apportion and pay the remainder of such moneys to the several cities located in such county;

(3) the county treasurers of Lyon, Cowley, Crawford, Montgomery, Butler, Saline, Leavenworth, Riley, Reno and Douglas counties shall credit 90% of the moneys so received to the road and bridge fund of such counties and apportion and pay the remainder of such moneys to the several cities located in such counties except that no persons residing within the Fort Riley military reservation shall be included or considered in determining the population of any city located within Geary or Riley county; and

(4) the county treasurers of Johnson county and all other counties not listed in paragraphs (1), (2) or (3) shall credit all of the moneys received to the road and bridge fund of such counties.

Not less than 25% of the amount received by each county and credited to the county road and bridge fund under the provisions of this section shall be expended by the county on mail and school bus routes on county roads as defined in K.S.A. 68-101, and amendments thereto. Payments to the cities under the provisions of this subsection shall be in the proportion that the population of each city bears to the total population of all cities located in the same county as such city.

In counties which have not adopted the county-unit road system, the amount of money retained by such counties after distribution to the cities within such county pursuant to this subsection shall be distributed to each township within such county in not less than the proportion that the amount of money received by each township from the county and township road fund during the period from July 1, 1969, to June 30, 1970, bears to the total amount of money received by such county from the county and township road fund, the county road and city street funds, the special motor carrier fee county road fund and the special city and county highway fund during the period from July 1, 1969, to June 30, 1970, plus the amount such county would have received on July 15, 1970, from the special city and county highway fund based on the formula for distributing such fund in effect on June 30, 1970. All payments to townships hereunder shall be made to the treasurers thereof, and all moneys so received shall be deposited in the general road fund of such township.

(c) The allocation and payment of moneys to the several cities of the state from the special city and county highway fund shall be in the proportion that the population of each city bears to the total population of all cities in the state except that the population of any military reservation which has been annexed to a city after the date of December 31, 1981, shall not be included in the population of such city for the purpose of this allocation. All such payments shall be to the city treasurers of the respective cities. Upon receipt of same unless a consolidated street and highway fund is established pursuant to K.S.A. 12-1,119, and amendments thereto, the city treasurer of each city shall credit the same to a separate fund to be used for the construction, reconstruction, alteration, repair and maintenance of the streets and highways of such city and for the payment of bonds, and interest thereon, issued pursuant to K.S.A. 79-3425g, and amendments thereto.

(d) For the purposes of this section, the average daily vehicle miles traveled in each county shall be determined by the secretary of transportation, but it shall not include miles traveled on interstate highways, and the population of each city shall be reported in the annual enumeration by the secretary of agriculture for the preceding calendar year.

(e) In order to reduce vehicular traffic and congestion on its streets and highways, the board of county commissioners of any county, the governing body of any city or the township board of any township may use for the purpose of constructing, repairing and maintaining footpaths and bicycle paths not to exceed 10% of the moneys such government receives under K.S.A. 79-3425c, and amendments thereto, except that such limitation shall not apply to moneys received by a county that the county is required to distribute to a city or a township. Such moneys shall not be expended on any recreational trail, as defined in subsection (b) of K.S.A. 58-3211, and amendments thereto.

Sec. 199. On July 1, 2007, K.S.A. 2006 Supp. 79-3425i is hereby amended to read as follows: 79-3425i. On January 15 and July 15 of each year, the director of accounts and reports shall transfer a sum equal to the total taxes collected under the provisions of K.S.A. 79-6a04 and 79-6a10, and amendments thereto, and credited to the state general fund during

the six months next preceding the date of transfer, from the state general fund to the special city and county highway fund, created by K.S.A. 79-3425, and amendments thereto, except that: (1) Such transfers are subject to reduction under K.S.A. 75-6704, and amendments thereto; and (2) the amount of moneys transferred from the state general fund to the special city and county highway fund during state fiscal years ~~2007~~ 2008 and ~~2008~~ 2009 on each such date shall not exceed \$5,031,832. All transfers under this section shall be considered to be demand transfers from the state general fund except that all such transfers during the fiscal years ending June 30, ~~2007~~ 2008, and June 30, ~~2008~~ 2009, shall be considered to be revenue transfers from the state general fund.

Sec. 200. On the effective date of this act K.S.A. 79-4801 is hereby amended to read as follows: 79-4801. There is hereby created the state gaming revenues fund in the state treasury. All moneys credited to such fund shall be expended or transferred only for the purposes and in the manner provided by this act and all expenditures from the state gaming revenues fund shall be made in accordance with appropriation acts. All moneys credited to such fund shall be allocated and credited monthly to the funds and in the amounts specified by this act except that the total of the amounts credited to such funds in any one fiscal year pursuant to this act shall not exceed \$50,000,000. All amounts credited to such fund in any one fiscal year which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 1996, and June 25, 1997, and each year thereafter on June 25, *except that: (a) All amounts credited to the state gaming revenues fund in fiscal year 2007 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 2007, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2007; and (b) all amounts credited to the state gaming revenues fund in fiscal year 2008 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, 2008, and shall be recorded and accounted for as receipts to the state general fund for fiscal year 2008.*

Sec. 201. On July 1, 2007, K.S.A. 2006 Supp. 82a-953a is hereby amended to read as follows: 82a-953a. During each fiscal year, the director of accounts and reports shall transfer \$6,000,000 from the state general fund to the state water plan fund created by K.S.A. 82a-951, and amendments thereto, one-half of such amount to be transferred on July 15 and one-half to be transferred on January 15, except that such transfers during each fiscal year commencing after June 30, ~~2007~~ 2008, are subject to reduction under K.S.A. 75-6704, and amendments thereto. All transfers under this section shall be considered to be demand transfers from the state general fund, except that all such transfers during the fiscal years ending June 30, ~~2007~~ 2008, and June 30, ~~2008~~ 2009, shall be considered revenue transfers from the state general fund.

Sec. 202. On the effective date of this act, K.S.A. 79-4801 is hereby repealed.

Sec. 203. On July 1, 2007, K.S.A. 2006 Supp. 2-223, 55-193, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a are hereby repealed.

Sec. 204. On July 1, 2007, K.S.A. 2006 Supp. 25-4501 is hereby amended to read as follows: 25-4501. (a) Subject to the provisions of this section, there shall be held a presidential preference primary election in the year ~~2008~~ 2012, and every fourth year thereafter.

(b) On or before November 1, ~~2007~~ 2011, and on or before November 1 every fourth year thereafter, the secretary of state shall certify to the governor, to the chief clerk of the house of representatives and to the secretary of the senate a common date in the next succeeding year on which at least five other states will hold a presidential preference primary election, a delegate or mass convention or a caucus of qualified voters at which delegates to a national convention are selected. On or before each such date, if the secretary of state determines that there is no common date on which at least five states are conducting such a selection process in the next succeeding year, the secretary of state shall certify to the governor, the chief clerk of the house of representatives and the secretary of the senate on a date, which shall be on or before the first Tuesday in April of the next following year, on which the presidential preference primary election shall be held.

(c) The date certified by the secretary of state pursuant to subsection (b) shall be the date on which the presidential preference primary election authorized by subsection (a) shall be held in the state of Kansas.

Sec. 205. On July 1, 2007, K.S.A. 2006 Supp. 25-4501 is hereby repealed.

Sec. 206. On July 1, 2007, K.S.A. 2006 Supp. 72-6433 is hereby amended to read as follows: 72-6433. (a) (1) The board of any district may adopt a local option budget in each school year in an amount not to exceed an amount equal to the district prescribed percentage of the amount of state financial aid determined for the district in the school year. As used in this section, "district prescribed percentage" means:

(A) For any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year, in the 2001-02 school year and in each school year thereafter, a percentage that is equal to 80% of the percentage specified in the resolution under which the district was authorized to adopt a local option budget in the 1996-97 school year;

(B) for any district that was authorized to adopt and that adopted a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(C) for any district that was not authorized to adopt a local option budget in the 1996-97 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, apply in the current school year, a percentage in the 2001-02 school year and each school year thereafter that is equal to the sum of the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year and the percentage computed for the district by the state board under the provisions of K.S.A. 72-6444, and amendments thereto;

(D) for any district to which the provisions of K.S.A. 72-6444, and amendments thereto, applied in the 1997-98 school year and to which the provisions of K.S.A. 72-6444, and amendments thereto, do not apply in the current school year because an increase in the amount budgeted by the district in its local option budget as authorized by a resolution adopted under the provisions of subsection (b) causes the actual amount per pupil budgeted by the district in the preceding school year as determined for the district under provision (1) of subsection (a) of K.S.A. 72-6444, and amendments thereto, to equal or exceed the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year if the resolution authorized the district to increase its local option budget on a continuous and permanent basis. If the resolution that authorized the district to increase its local option budget specified a definite period of time for which the district would retain its authority to increase the local option budget and such authority lapses at the conclusion of such period and is not renewed, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution unless the loss of the percentage of increase that was authorized by the resolution would cause the actual amount per pupil budgeted by the district to be less than the average amount per pupil of general fund budgets and local option budgets computed by the state board under whichever of the provisions (7) through (10) of subsection (a) of K.S.A. 72-6444, and amendments thereto, is applicable to the district's enrollment group, in which case, the term district prescribed percentage means a percentage that is equal to the percentage of the amount of state financial aid the district was authorized to budget in the preceding school year less the percentage of increase that was authorized by the resolution plus a percentage which shall be computed for the district by the state board in accordance with the provisions of K.S.A. 72-6444, and amendments thereto, except that, in making the determination of the actual amount per pupil budgeted by the district in the preceding school year, the state board shall exclude the percentage of increase that was authorized by the resolution.

(2) (A) Subject to the provisions of subpart (B), the adoption of a local option budget under authority of this subsection shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(B) In lieu of utilizing the authority granted by subpart (A) for adoption of a local option budget, the board of a district may pass a resolution authorizing adoption of such a budget and publish such resolution once in a newspaper having general circulation in the district. The resolution shall be published in substantial compliance with the following form:
Unified School District No. _____, _____ County, Kansas.

RESOLUTION

Be It Resolved that:

The board of education of the above-named school district shall be authorized to adopt a local option budget in each school year for a period of time not to exceed _____ years in an amount not to exceed _____% of the amount of state financial aid determined for the current school year. The local option budget authorized by this resolution may be adopted, unless a petition in opposition to the same, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication of this resolution. In the event a petition is filed, the county election officer shall submit the question of whether adoption of the local option budget shall be authorized to the electors of the school district at an election called for the purpose or at the next general election, as is specified by the board of education of the school district.

CERTIFICATE

This is to certify that the above resolution was duly adopted by the board of education of Unified School District No. _____, _____ County, Kansas, on the _____ day of _____, _____.

Clerk of the board of education.

All of the blanks in the resolution shall be appropriately filled. The blank preceding the word "years" shall be filled with a specific number, and the blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in either of the blanks. The percentage specified in the resolution shall not exceed the district prescribed percentage. The resolution shall be published once in a newspaper having general circulation in the school district. If no petition as specified above is filed in accordance with the provisions of the resolution, the board may adopt a local option budget. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether adoption of a local option budget shall be authorized. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution. If any district is authorized to adopt a local option budget under this subpart, but the board of such district chooses, in any school year, not to adopt such a budget or chooses, in any school year, to adopt such budget in an amount less than the amount of the district prescribed percentage of the amount of state financial aid in any school year, such board of education may so choose. If the board of any district refrains from adopting a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the authority of such district to adopt a local option budget shall not be extended by such refrainment beyond the period specified in the resolution authorizing adoption of such budget, nor shall the amount authorized to be budgeted in any succeeding school year be increased by such refrainment. Whenever an initial resolution has been adopted under this subpart, and such resolution specified a lesser percentage than the district prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and subject to the same conditions, and shall be authorized to increase the percentage as specified in any such subsequent resolution for the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial res-

olution and the percentage authorized in the subsequent resolution or in subsequent resolutions is not in excess of the district prescribed percentage in any school year. The board of any district that has been authorized to adopt a local option budget under this subpart and levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew its authority to adopt a local option budget in the manner specified in this subpart or may utilize the authority granted by subpart (A). As used in this subpart, the term "authorized to adopt a local option budget" means that a district has adopted a resolution under this subpart, has published the same, and either that the resolution was not protested or that it was protested and an election was held by which the adoption of a local option budget was approved.

(3) The provisions of this subsection are subject to the provisions of subsections (b) and (c).

(b) (1) The board of any district that adopts a local option budget under subsection (a) may increase the amount of such budget in each school year in an amount which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage of the amount of state financial aid determined for the district in the school year if the board of the district determines that an increase in such budget would be in the best interests of the district.

(2) No district may increase a local option budget under authority of this subsection until: (A) A resolution authorizing such an increase is passed by the board and published once in a newspaper having general circulation in the district; or (B) the question of whether the board shall be authorized to increase the local option budget has been submitted to and approved by the qualified electors of the district at a special election called for the purpose. Any such election shall be noticed, called and held in the manner provided by K.S.A. 10-120, and amendments thereto, for the noticing, calling and holding of elections upon the question of issuing bonds under the general bond law. The notice of such election shall state the purpose for and time of the election, and the ballot shall be designed with the question of whether the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year. If a majority of the qualified electors voting at the election approve authorization of the board to increase the local option budget, the board shall have such authority. If a majority of the qualified electors voting at the election are opposed to authorization of the board to increase the local option budget, the board shall not have such authority and no like question shall be submitted to the qualified electors of the district within the nine months following the election.

(3) (A) Subject to the provisions of subpart (B), a resolution authorizing an increase in the local option budget of a district shall state that the board of education of the district shall be authorized to increase the local option budget of the district in each school year in an amount not to exceed _____% of the amount of state financial aid determined for the current school year and that the percentage of increase may be reduced so that the sum of the percentage of the amount of state financial aid budgeted under subsection (a) and the percentage of increase specified in the resolution does not exceed the state prescribed percentage in any school year. The blank preceding the percentage symbol shall be filled with a specific number. No word shall be inserted in the blank. The resolution shall specify a definite period of time for which the board shall be authorized to increase the local option budget and such period of time shall be expressed by the specific number of school years for which the board shall retain its authority to increase the local option budget. No word shall be used to express the number of years for which the board shall be authorized to increase the local option budget.

(B) In lieu of the requirements of subpart (A) and at the discretion of the board, a resolution authorizing an increase in the local option budget of a district may state that the board of education of the district shall be continuously and permanently authorized to increase the local option budget of the district in each school year by a percentage which

together with the percentage of the amount of state financial aid budgeted under subsection (a) does not exceed the state prescribed percentage in any school year.

(4) A resolution authorizing an increase in the local option budget of a district shall state that the amount of the local option budget may be increased as authorized by the resolution unless a petition in opposition to such increase, signed by not less than 5% of the qualified electors of the school district, is filed with the county election officer of the home county of the school district within 30 days after publication. If no petition is filed in accordance with the provisions of the resolution, the board is authorized to increase the local option budget of the district. If a petition is filed as provided in the resolution, the board may notify the county election officer of the date of an election to be held to submit the question of whether the board shall be authorized to increase the local option budget of the district. If the board fails to notify the county election officer within 30 days after a petition is filed, the resolution shall be deemed abandoned and no like resolution shall be adopted by the board within the nine months following publication of the resolution.

(5) The requirements of provision (2) do not apply to any district that is continuously and permanently authorized to increase the local option budget of the district. An increase in the amount of a local option budget by such a district shall require a majority vote of the members of the board and shall require no other procedure, authorization or approval.

(6) If any district is authorized to increase a local option budget, but the board of such district chooses, in any school year, not to adopt or increase such budget or chooses, in any school year, to adopt or increase such budget in an amount less than the amount authorized, such board of education may so choose. If the board of any district refrains from adopting or increasing a local option budget in any one or more school years or refrains from budgeting the total amount authorized for any one or more school years, the amount authorized to be budgeted in any succeeding school year shall not be increased by such refrainment, nor shall the authority of the district to increase its local option budget be extended by such refrainment beyond the period of time specified in the resolution authorizing an increase in the local option budget if the resolution specified such a period of time.

(7) Whenever an initial resolution has been adopted under this subsection, and such resolution specified a percentage which together with the percentage of the amount of state financial aid budgeted under subsection (a) is less than the state prescribed percentage, the board of the district may adopt one or more subsequent resolutions under the same procedure as provided for the initial resolution and shall be authorized to increase the percentage as specified in any such subsequent resolution. If the initial resolution specified a definite period of time for which the district is authorized to increase its local option budget, the authority to increase such budget by the percentage specified in any subsequent resolution shall be limited to the remainder of the period of time specified in the initial resolution. Any percentage specified in a subsequent resolution or in subsequent resolutions shall be limited so that the sum of the percentage authorized in the initial resolution and the percentage authorized in the subsequent resolution or in subsequent resolutions together with the percentage of the amount of state financial aid budgeted under subsection (a) is not in excess of the state prescribed percentage in any school year.

(8) (A) Subject to the provisions of subpart (B), the board of any district that has adopted a local option budget under subsection (a), has been authorized to increase such budget under a resolution which specified a definite period of time for retention of such authorization, and has levied a tax under authority of K.S.A. 72-6435, and amendments thereto, may initiate, at any time after the final levy is certified to the county clerk under any current authorization, procedures to renew the authority to increase the local option budget subject to the conditions and in the manner specified in provisions (2) and (3) of this subsection.

(B) The provisions of subpart (A) do not apply to the board of any district that is continuously and permanently authorized to increase the local option budget of the district.

(9) As used in this subsection:

(A) "Authorized to increase a local option budget" means either that a district has held a special election under provision (2)(B) by which authority of the board to increase a local option budget was approved, or that a district has adopted a resolution under provision (2) (A), has published the same, and either that the resolution was not protested or that it was

protested and an election was held by which the authority of the board to increase a local option budget was approved.

(B) "State prescribed percentage" means 30% for school year 2006-2007 and ~~31%~~ 32% for school year 2007-2008 and each school year thereafter.

(c) To the extent the provisions of the foregoing subsections conflict with this subsection, this subsection shall control. Any district that is authorized to adopt a local option budget in the 1997-98 school year under a resolution which authorized the adoption of such budget in accordance with the provisions of this section prior to its amendment by this act may continue to operate under such resolution for the period of time specified in the resolution or may abandon the resolution and operate under the provisions of this section as amended by this act. Any such district shall operate under the provisions of this section as amended by this act after the period of time specified in the resolution has expired.

(d) (1) There is hereby established in every district that adopts a local option budget a fund which shall be called the supplemental general fund. The fund shall consist of all amounts deposited therein or credited thereto according to law.

(2) Subject to the limitation imposed under provision (3), and subsection (e) of K.S.A. 72-6434, and amendments thereto, amounts in the supplemental general fund may be expended for any purpose for which expenditures from the general fund are authorized or may be transferred to the general fund of the district or to any program weighted fund or categorical fund of the district. Amounts in the supplemental general fund attributable to any percentage over 25% of state financial aid determined for the current school year may be transferred to the capital improvements fund of the district and the capital outlay fund of the district if such transfers are specified in the resolution authorizing the adoption of a local option budget in excess of 25%.

(3) Amounts in the supplemental general fund may not be expended nor transferred to the general fund of the district for the purpose of making payments under any lease-purchase agreement involving the acquisition of land or buildings which is entered into pursuant to the provisions of K.S.A. 72-8225, and amendments thereto.

(4) Any unexpended and unencumbered cash balance remaining in the supplemental general fund of a district at the conclusion of any school year in which a local option budget is adopted shall be disposed of as provided in this subsection. If the district did not receive supplemental general state aid in the school year and the board of the district determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If the board of such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, transferred or expended the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be maintained in such fund or transferred to the general fund of the district. If such a district determines that it will not be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the total amount of the cash balance remaining in the supplemental general fund shall be transferred to the general fund of the district. If the district received supplemental general state aid in the school year, did not transfer or expend the entire amount budgeted in the local option budget for the school year, and determines that it will be necessary to adopt a local option budget in the ensuing school year, the state board shall determine the ratio of the amount of supplemental general state aid received to the amount of the local option budget of the district for the school year and multiply the total amount of the cash balance remaining in the supplemental general fund by such ratio. An amount equal to the amount of the product shall be transferred to the general fund of the district.

The amount remaining in the supplemental general fund may be maintained in such fund or transferred to the general fund of the district.

(e) To the extent the provisions of the foregoing section conflict with this subsection, this subsection shall control. Any resolution authorizing the adoption of a local option budget in excess of 30% of the state financial aid of the district in the current school year shall not become effective unless such resolution has been submitted to and approved by a majority of the qualified electors of the school district voting at an election called and held thereon. Such resolution shall specify how the moneys will be expended and shall be published in the manner provided by this section. The election shall be called and held in the manner provided by this section.

Sec. 207. On July 1, 2007, K.S.A. 2006 Supp. 72-6433 is hereby repealed.

Sec. 208. If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 209. *Appeals to exceed position limitations.* (a) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal years ending June 30, 2007, or ending June 30, 2008, made in chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or in this act or in any other appropriation act of the 2007 regular session of the legislature may be exceeded upon approval of the state finance council.

(b) The limitations imposed by this act on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for the fiscal year ending June 30, 2009, made in this act or in any other appropriation act of the 2007 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 210. *Appeals to exceed expenditure limitations.* (a) Upon written application to the governor and approval of the state finance council, expenditures from special revenue funds may exceed the amounts specified in this act.

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

Sec. 211. *Savings.* (a) Any unencumbered balance as of June 30, 2007, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2008, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2008, in any special revenue fund, or account thereof, of any state agency named in section 89 of this act which is not otherwise specifically appropriated or limited for fiscal year 2009 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for fiscal year 2009 for the same use and purpose as the same was heretofore appropriated.

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

Sec. 212. During the fiscal year ending June 30, 2008, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2007 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2008, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the deposit of the proceeds of bonds issued by the Kansas development finance authority, for

the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 213. *Federal grants.* (a) During the fiscal year ending June 30, 2008, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2008, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

(b) During the fiscal year ending June 30, 2009, each federal grant or other federal receipt which is received by a state agency named in section 89 of this act and which is not otherwise appropriated to that state agency for fiscal year 2009 by this or other appropriation act of the 2007 regular session of the legislature, is hereby appropriated for fiscal year 2009 for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, for fiscal year 2009, until the governor has authorized the state agency to make expenditures from such federal grant or other federal receipt for fiscal year 2009.

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in this act and which is not otherwise authorized by law to apply for and receive federal grants, expenditures may be made by such state agency from moneys appropriated for fiscal year 2008 by chapter 142 or chapter 216 of the 2006 Session Laws of Kansas or by this or other appropriation act of the 2007 regular session of the legislature to apply for and receive federal grants during fiscal year 2008, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 214. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2007 regular session of the legislature, and having an unencumbered balance as of June 30, 2007, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2008, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the correctional institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2006.

Sec. 215. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2007 regular session of the legislature and having an unencumbered balance as of June 30, 2007, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2008, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the Kansas educational building fund that was encumbered for any fiscal year commencing prior to July 1, 2006.

Sec. 216. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2007 regular session of the legislature and having an unencumbered balance as of June 30, 2007, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2008, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

(b) This section shall not apply to the unencumbered balance in any account of the state institutions building fund that was encumbered for any fiscal year commencing prior to July 1, 2006.

Sec. 217. Any transfers of money during the fiscal year ending June 30, 2008, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121 and amendments thereto shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2008.

Sec. 218. During the fiscal year ending June 30, 2008, each state agency named in this act that has a cost reduction for which an employee suggestion bonus is paid pursuant to subsection (f) of K.S.A. 2006 Supp. 75-37,105, and amendments thereto, shall transfer (1) from each state general fund appropriation or reappropriation account for fiscal year 2008 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2006 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such account, and (2) from each special revenue fund, excluding federal funds, for fiscal year 2008 from which all or part of such cost reduction has been realized to the state general fund, in accordance with subsection (f) of K.S.A. 2006 Supp. 75-37,105, and amendments thereto, the amount equal to 80% of the cost reduction which is attributed to such special revenue fund, excluding federal funds.”;

And by renumbering the remaining section accordingly;

On page 1, in the title, by striking all in lines 16 through 19 and inserting the following: “AN ACT making and concerning appropriations for the fiscal years ending June 30, 2007, June 30, 2008, June 30, 2009, June 30, 2010, June 30, 2011, and June 30, 2012, for state agencies; authorizing certain transfers, capital improvement projects and fees, imposing certain restrictions and limitations, and directing or authorizing certain receipts, disbursements and acts incidental to the foregoing; amending K.S.A. 79-4801 and K.S.A. 2006 Supp. 2-223, 25-4501, 55-193, 72-6433, 79-2959, 79-2964, 79-3425c, 79-3425i and 82a-953a and repealing the existing sections.”;

And your committee on conference recommends the adoption of this report.

DWAYNE UMBARGER
JAY SCOTT EMLER
LAURA KELLY
Conferees on part of Senate

SHARON SCHWARTZ
LEE E. TAFANELLI
BILL FEUERBORN
Conferees on part of House

On motion of Rep. Schwartz, the conference committee report on **HB 2368** was adopted.

On roll call, the vote was: Yeas 64; Nays 57; Present but not voting: 0; Absent or not voting: 4.

Yeas: Beamer, Bethell, Bowers, Burgess, Carlson, Colloton, Craft, Crum, Dahl, Donohoe, Faber, Fund, Gatewood, George, Goico, Gordon, Grange, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Knox, Landwehr, Light, Mast, Masterson, McLeland, Merrick, Metsker, Jim Morrison, Judy Morrison, Myers, Neufeld, O’Neal, Olson, Otto, Patton, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Schroeder, Schwartz, Shultz, Siegfried, Spalding, Swanson, Tafanelli, Vickrey, Watkins, Whitham, Wilk, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Ballard, Brown, Brunk, Burroughs, Carlin, Colyer, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Garcia, Goyle, Grant, Henderson, Henry, Hodge, Holland, Horst, Kelley, King, Kinzer, Kuether, Lane, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Moxley, Neighbor, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Ruff, Ruiz, Sawyer, Sloan, Storm, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Kiegerl, Powers, Sharp, Swenson.

EXPLANATIONS OF VOTE

MR. SPEAKER: I vote yes on **HB 2368** and in support of the proviso requiring affirmative votes by the Kansas Board of Regents and University of Kansas Hospital for any affiliations involving University of Kansas Medical Center. This legislation protects Kansas assets and the future of our state's medical education system and medical research center. This proviso does not prohibit KUMC from entering affiliations. It ensures all affected parties have a voice in the negotiations. As legislators, it is our duty to protect Kansas interests in our world-class teaching hospital.—KENNY WILK, ARLEN SIEGFREID, LEE TAFANELLI, MELVIN NEUFELD, RAY MERRICK, MIKE O'NEAL, GARY HAYZLETT, LARRY POWELL, MITCH HOLMES, JOHN C. GRANGE, J. DAVID CRUM, JOE MCLELAND, LANA GORDON

MR. SPEAKER: I reluctantly vote yes on **HB 2368**. The Kansas Legislature has overstepped its bounds with the inclusion of provisos affecting the University of Kansas Medical Center. As legislators, we are ill-equipped to interfere in these sensitive and important negotiations. We cannot foresee the consequences of our actions in these medical affiliation negotiations and have no business "micro-managing" this process. I sincerely hope that these provisos are not used as a club or weapon during the negotiations, putting our state's interests at risk.—CHARLES B. ROTH

MR. SPEAKER: I vote no on **HB 2368**. While the Appropriations bill includes much of which I support, I find the inclusion of a statutory piece to be inappropriate. I also find increasing the LOB itself to contribute to the disequalization of the formula. Unfortunately, the LOB concept was also not heard in an education committee, but was done in what could be considered a clandestine manner.—DEENA HORST, CLAY AURAND

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2405**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Senate Substitute for House Bill No. 2405, as follows:

On page 2, after line 18, by inserting the following:

"(f) The provisions of this section shall expire on June 30, 2012.";

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN

DEREK SCHMIDT

JANIS K. LEE

Conferees on part of Senate

KENNY A. WILK

RICHARD CARLSON

TOM HOLLAND

Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2405** was adopted.

On roll call, the vote was: Yeas 80; Nays 42; Present but not voting: 0; Absent or not voting: 3.

Yeas: Ballard, Bethell, Burgess, Carlin, Colloton, Craft, Crow, Crum, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Fund, Gatewood, George, Goico, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Knox, Kuether, Light, Loganbill, Long, McCray-Miller, McKinney, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Owens, Palmer, Pauls, Phelps, Pottorff, Proehl, Rardin, Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Trimmer, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Bowers, Brown, Brunk, Burroughs, Carlson, Colyer, Dillmore, Donohoe, Frownfelter, Garcia, Gordon, Henderson, Hodge, Holland, Huebert, Huntington, Kelley, Kinzer, Landwehr, Lane, Lukert, Mah, Mast, Masterson, McLachlan, McLeland, Olson, Otto, Patton, Peck, Peterson, Powell, Ruiz, Sawyer, Siegfried, Treaster, Vickrey, Ward, Watkins, Winn.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 198**, submits the following report:

The House recesses from all of its amendments to the bill;

And your committee on conference recommends the adoption of this report.

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

On motion of Rep. Wilk, the conference committee report on **SB 198** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2044**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as Further Amended by Senate Committee, as follows:

On page 9, after line 21, by inserting the following:

“New Sec. 4. Notwithstanding any provision of law to the contrary, for the purpose of facilitating the sale or transfer of the Kuhlman Diecasting property located at 16400 Mission Road, Johnson county, Kansas, the board of county commissioners of Johnson county, upon a majority vote, may cancel all or a part thereof, of any uncollected real estate taxes and penalties on such property. Such property is legally described as:

THAT PART OF THE EAST HALF OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 14, RANGE 25, IN JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST

QUARTER; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER TO THE NORTHWEST CORNER OF THE EAST HALF OF SAID SOUTHEAST QUARTER; THENCE SOUTH ON THE LINE RUNNING NORTH AND SOUTH THROUGH THE CENTER OF SAID QUARTER SECTION 441 FEET, CROSSING THE BIG BLUE RIVER, TO A POINT 6 FEET SOUTH OF THE SOUTH BANK OF SAID RIVER; THENCE SOUTHERLY AND FOLLOWING THE SOUTHERLY AND WESTERLY BANK OF SAID RIVER AND 6 FEET DISTANT THEREFROM TO THE CENTER OF WHAT IS KNOWN AS CAMP BRANCH; THENCE DOWN THE CENTER OF SAID BRANCH TO THE CENTER OF SAID BIG BLUE RIVER; THENCE FOLLOWING DOWN THE CENTER OF SAID RIVER TO THE EAST LINE OF SAID SECTION 16; THENCE NORTH ALONG THE EAST LINE OF SAID SECTION TO THE PLACE OF BEGINNING; BUT EXCEPTING THEREFROM THE RIGHT OF WAY OF THE MISSOURI PACIFIC RAILROAD; AND ALSO EXCEPTING THEREFROM ALL THAT PART OF THE NORTH 154 FEET OF SAID SOUTHEAST QUARTER WHICH LIES EAST OF SAID MISSOURI PACIFIC RAILROAD RIGHT OF WAY.

Sec. 5. K.S.A. 2006 Supp. 72-6431 is hereby amended to read as follows: 72-6431. (a) The board of each district shall levy an ad valorem tax upon the taxable tangible property of the district in the school years specified in subsection (b) for the purpose of:

(1) Financing that portion of the district's general fund budget which is not financed from any other source provided by law;

(2) paying a portion of the costs of operating and maintaining public schools in partial fulfillment of the constitutional obligation of the legislature to finance the educational interests of the state; and

(3) with respect to any redevelopment district established prior to July 1, 1997, pursuant to K.S.A. 12-1771, and amendments thereto, paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district.

(b) The tax required under subsection (a) shall be levied at a rate of 20 mills in the school year ~~2005-2006 and school year 2006-2007~~ 2007-2008 and school year 2008-2009.

(c) The proceeds from the tax levied by a district under authority of this section, except the proceeds of such tax levied for the purpose of paying a portion of the principal and interest on bonds issued by cities under authority of K.S.A. 12-1774, and amendments thereto, for the financing of redevelopment projects upon property located within the district, shall be deposited in the general fund of the district.

(d) On June 6 of each year, the amount, if any, by which a district's local effort exceeds the amount of the district's state financial aid, as determined by the state board, shall be remitted to the state treasurer. Upon receipt of any such remittance, the state treasurer shall deposit the same in the state treasury to the credit of the state school district finance fund.

(e) No district shall proceed under K.S.A. 79-1964, 79-1964a or 79-1964b, and amendments thereto.

Sec. 6. K.S.A. 2006 Supp. 79-201a is hereby amended to read as follows: 79-201a. The following described property, to the extent herein specified, shall be exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All property belonging exclusively to the United States, except property which congress has expressly declared to be subject to state and local taxation.

Second. All property used exclusively by the state or any municipality or political subdivision of the state. All property owned, being acquired pursuant to a lease-purchase agreement or operated by the state or any municipality or political subdivision of the state, including property which is vacant or lying dormant, which is used or is to be used for any governmental or proprietary function and for which bonds may be issued or taxes levied to finance the same, shall be considered to be used exclusively by the state, municipality or political subdivision for the purposes of this section. The lease by a municipality or political subdivision of the state of any real property owned or being acquired pursuant to a lease-purchase agreement for the purpose of providing office space necessary for the performance of medical services by a person licensed to practice medicine and surgery or osteopathic

medicine by the board of healing arts pursuant to K.S.A. 65-2801 et seq., and amendments thereto, dentistry services by a person licensed by the Kansas dental board pursuant to K.S.A. 65-1401 et seq., and amendments thereto, optometry services by a person licensed by the board of examiners in optometry pursuant to K.S.A. 65-1501 et seq., and amendments thereto, or K.S.A. 74-1501 et seq., and amendments thereto, podiatry services by a person licensed by the board of healing arts pursuant to K.S.A. 65-2001 et seq., and amendments thereto, or the practice of psychology by a person licensed by the behavioral sciences regulatory board pursuant to K.S.A. 74-5301 et seq., and amendments thereto, shall be construed to be a governmental function, and such property actually and regularly used for such purpose shall be deemed to be used exclusively for the purposes of this paragraph. The lease by a municipality or political subdivision of the state of any real property, or portion thereof, owned or being acquired pursuant to a lease-purchase agreement to any entity for the exclusive use by it for an exempt purpose, including the purpose of displaying or exhibiting personal property by a museum or historical society, if no portion of the lease payments include compensation for return on the investment in such leased property shall be deemed to be used exclusively for the purposes of this paragraph. All property leased, other than property being acquired pursuant to a lease-purchase agreement, to the state or any municipality or political subdivision of the state by any private entity shall not be considered to be used exclusively by the state or any municipality or political subdivision of the state for the purposes of this section except that the provisions of this sentence shall not apply to any such property subject to lease on the effective date of this act until the term of such lease expires but property taxes levied upon any such property prior to tax year 1989, shall not be abated or refunded. Any property constructed or purchased with the proceeds of industrial revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 12-1740 to 12-1749, or purchased with proceeds of improvement district bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-2776, or with proceeds of bonds issued prior to July 1, 1963, as authorized by K.S.A. 19-3815a and 19-3815b, or any property improved, purchased, constructed, reconstructed or repaired with the proceeds of revenue bonds issued prior to July 1, 1963, as authorized by K.S.A. 13-1238 to 13-1245, inclusive, or any property improved, reimproved, reconstructed or repaired with the proceeds of revenue bonds issued after July 1, 1963, under the authority of K.S.A. 13-1238 to 13-1245, inclusive, which had previously been improved, reconstructed or repaired with the proceeds of revenue bonds issued under such act on or before July 1, 1963, shall be exempt from taxation for so long as any of the revenue bonds issued to finance such construction, reconstruction, improvement, repair or purchase shall be outstanding and unpaid. Any property constructed or purchased with the proceeds of any revenue bonds authorized by K.S.A. 13-1238 to 13-1245, inclusive, 19-2776, 19-3815a and 19-3815b, and amendments thereto, issued on or after July 1, 1963, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Any property, all or any portion of which is constructed or purchased with the proceeds of revenue bonds authorized by K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, issued on or after July 1, 1963 and prior to July 1, 1981, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased wholly with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation only for a period of 10 calendar years after the calendar year in which the bonds were issued. Except as hereinafter provided, any property constructed or purchased in part with the proceeds of revenue bonds issued on or after July 1, 1981, under the authority of K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, shall be exempt from taxation to the extent of the value of that portion of the property financed by the revenue bonds and only for a period of 10 calendar years after the calendar year in which the bonds were issued. The exemption of that portion of the property constructed or purchased with the proceeds of revenue bonds shall terminate upon the failure to pay all taxes levied on that portion of the property which is not exempt and the entire property shall be subject to sale in the manner prescribed by K.S.A. 79-2301 et seq., and amendments thereto. Property constructed or purchased in whole or in part with the proceeds of revenue bonds issued on or after January 1, 1995, under the authority of

K.S.A. 12-1740 to 12-1749, inclusive, and amendments thereto, and used in any retail enterprise identified under the standard industrial classification codes, major groups 52 through 59, inclusive, except facilities used exclusively to house the headquarters or back office operations of such retail enterprises identified thereunder, shall not be exempt from taxation. For the purposes of the preceding provision "standard industrial classification code" means a standard industrial classification code published in the Standard Industrial Classification manual, 1987, as prepared by the statistical policy division of the office of management and budget of the office of the president of the United States. "Headquarters or back office operations" means a facility from which the enterprise is provided direction, management, administrative services, or distribution or warehousing functions in support of transactions made by the enterprise. Property purchased, constructed, reconstructed, improved, equipped, maintained or repaired with the proceeds of industrial revenue bonds issued under the authority of K.S.A. 12-1740 et seq., and amendments thereto, which is located in a redevelopment project area established under the authority of K.S.A. 12-1770 et seq., shall not be exempt from taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto for any poultry confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation. Property purchased, acquired, constructed, reconstructed, improved, equipped, furnished, repaired, enlarged or remodeled with all or any part of the proceeds of revenue bonds issued under the authority of K.S.A. 12-1740 to 12-1749a, inclusive, and amendments thereto, for a rabbit confinement facility on agricultural land which is owned, acquired, obtained or leased by a corporation, as such terms are defined by K.S.A. 17-5903 and amendments thereto, shall not be exempt from such taxation.

Third. All works, machinery and fixtures used exclusively by any rural water district or township water district for conveying or production of potable water in such rural water district or township water district, and all works, machinery and fixtures used exclusively by any entity which performed the functions of a rural water district on and after January 1, 1990, and the works, machinery and equipment of which were exempted hereunder on March 13, 1995.

Fourth. All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safekeeping thereof, and for the meeting of fire companies, whether belonging to any rural fire district, township fire district, town, city or village, or to any fire company organized therein or therefor.

Fifth. All property, real and personal, owned by county fair associations organized and operating under the provisions of K.S.A. 2-125 et seq., and amendments thereto.

Sixth. Property acquired and held by any municipality under the municipal housing law (K.S.A. 17-2337 et seq.) and amendments thereto, except that such exemption shall not apply to any portion of the project used by a nondwelling facility for profit making enterprise.

Seventh. All property of a municipality, acquired or held under and for the purposes of the urban renewal law (K.S.A. 17-4742 et seq.) and amendments thereto except that such tax exemption shall terminate when the municipality sells, leases or otherwise disposes of such property in an urban renewal area to a purchaser or lessee which is not a public body entitled to tax exemption with respect to such property.

Eighth. All property acquired and held by the Kansas armory board for armory purposes under the provisions of K.S.A. 48-317, and amendments thereto.

Ninth. All property acquired and used by the Kansas turnpike authority under the authority of K.S.A. 68-2001 et seq., and amendments thereto, K.S.A. 68-2030 et seq., and amendments thereto, K.S.A. 68-2051 et seq., and amendments thereto, and K.S.A. 68-2070 et seq., and amendments thereto.

Tenth. All property acquired and used for state park purposes by the Kansas department of wildlife and parks.

Eleventh. The state office building constructed under authority of K.S.A. 75-3607 et seq., and amendments thereto, and the site upon which such building is located.

Twelfth. All buildings erected under the authority of K.S.A. 76-6a01 et seq., and amendments thereto, and all other student union buildings and student dormitories erected upon the campus of any institution mentioned in K.S.A. 76-6a01, and amendments thereto, by any other nonprofit corporation.

Thirteenth. All buildings, as the same is defined in subsection (c) of K.S.A. 76-6a13, and amendments thereto, which are erected, constructed or acquired under the authority of K.S.A. 76-6a13 et seq., and amendments thereto, and building sites acquired therefor.

Fourteenth. All that portion of the waterworks plant and system of the city of Kansas City, Missouri, now or hereafter located within the territory of the state of Kansas pursuant to the compact and agreement adopted by K.S.A. 79-205, and amendments thereto.

Fifteenth. All property, real and personal, owned by a groundwater management district organized and operating pursuant to K.S.A. 82a-1020, and amendments thereto.

Sixteenth. All property, real and personal, owned by the joint water district organized and operating pursuant to K.S.A. 80-1616 et seq., and amendments thereto.

Seventeenth. All property, including interests less than fee ownership, acquired for the state of Kansas by the secretary of transportation or a predecessor in interest which is used in the administration, construction, maintenance or operation of the state system of highways, regardless of how or when acquired.

Eighteenth. Any building used primarily as an industrial training center for academic or vocational education programs designed for and operated under contract with private industry, and located upon a site owned, leased or being acquired by or for an area vocational school, an area vocational-technical school, a technical college, or a community college, as defined by K.S.A. 72-4412, and amendments thereto, and the site upon which any such building is located.

Nineteenth. For all taxable years commencing after December 31, 1997, all buildings of an area vocational school, an area vocational-technical school, a technical college or a community college, as defined by K.S.A. 72-4412, and amendments thereto, which are owned and operated by any such school or college as a student union or dormitory and the site upon which any such building is located.

Twentieth. For all taxable years commencing after December 31, 1997, all personal property which is contained within a dormitory that is exempt from property taxation and which is necessary for the accommodation of the students residing therein.

Twenty-First. *All real property from and after the date of its transfer by the city of Olathe, Kansas, to the Kansas state university foundation, all buildings and improvements thereafter erected and located on such property, and all tangible personal property, which is held, used or operated for educational and research purposes at the Kansas state university Olathe innovation campus located in the city of Olathe, Kansas.*

Except as otherwise specifically provided, the provisions of this section shall apply to all taxable years commencing after December 31, 2000.

Sec. 7. K.S.A. 2006 Supp. 79-201d is hereby amended to read as follows: 79-201d. The following described property, to the extent herein specified, shall be and is hereby exempt from all property or ad valorem taxes levied under the laws of the state of Kansas:

First. All hay and silage. The term "hay" shall include alfalfa, brome, clover, and prairie hays and all other grasses and plants which are harvested for forage. The term "silage" shall include corn, milo, sorghum and all other plants, cut, compressed and preserved by its own fermentation for fodder.

Second. All farm storage and drying equipment meeting eligibility requirements, as provided in Title 7, Chapter XIV, Subchapter B, Part 1474 of the Code of Federal Regulations and as in effect on December 31, 1977, for loans under the federal farm storage and drying equipment loan program, whether financed or not, and all used farm storage and drying equipment meeting such eligibility requirements but for the fact that the same was not purchased from the commodity credit corporation, which equipment is used for the storage or drying of haylage, silage, corn, oats, barley, grain sorghum, wheat, rye, soybeans, flaxseed, rice, dry edible beans or sunflower seed, for any eight of the 10 calendar years next following the calendar year in which such equipment is acquired or construction thereof is completed. The exemption provided for in this paragraph shall be limited to a total of eight years for each individual farm storage and drying equipment. The provisions of this subsection shall

apply to equipment acquired or the construction of which was completed during the calendar year 1977, or any year thereafter.

Third. All farm storage structures designed and predominantly used for the storage of hay, for any eight of the 10 calendar years next following the calendar year in which such farm storage structure was newly constructed or first assembled. The exemption provided for in this paragraph shall be limited to a total of eight years for each individual farm storage structure. The provisions of this paragraph shall apply to farm storage structures newly constructed or first assembled after December 31, 2004.

Fourth. All storage structures designed and predominantly used for the storage of cellulose matter or other related agriculturally derived material to be used in the production of cel-lulosic alcohol and coproducts, for any eight of the 10 calendar years next following the calendar year in which such storage structure was newly constructed or first assembled. The exemption provided for in this paragraph shall be limited to a total of eight years for each such individual storage structure. The provisions of this paragraph shall apply to such storage structures newly constructed or first assembled after December 31, 2006.

The provisions of this section shall apply to all taxable years commencing after December 31, ~~2004~~ 2006.

Sec. 8. K.S.A. 2006 Supp. 79-201x is hereby amended to read as follows: 79-201x. For taxable years ~~2005 and 2006~~ 2007 and 2008, the following described property, to the extent herein specified, shall be and is hereby exempt from the property tax levied pursuant to the provisions of K.S.A. 72-6431, and amendments thereto: Property used for residential purposes to the extent of \$20,000 of its appraised valuation.

Sec. 9. K.S.A. 2006 Supp. 79-306e is hereby amended to read as follows: 79-306e. (a) The value for property tax purposes of any vessel, as defined by K.S.A. 32-1102, and amendments thereto, which is acquired or sold after January 1 and prior to September 1 of any taxable year shall be equal to the value determined therefor pursuant to K.S.A. 79-503a, and amendments thereto, multiplied by: (1) In the case of a sale, a fraction the numerator of which is the number of months, or major portion thereof, such vessel was owned by the record owner thereof during the taxable year in which such vessel was sold, and the denominator of which is 12; and (2) in the case of an acquisition, a fraction the numerator of which is the number of months, or major portion thereof, remaining in the taxable year after the date of acquisition by the record owner thereof, and the denominator of which is 12.

(b) *On or after July 1, 2007*, notice of the acquisition or sale of any such vessel shall be provided by the record owner thereof to the appropriate county appraiser ~~within 30 days~~ after such acquisition or sale. Upon receipt of such notice, and after computation of the value of any such vessel in accordance with the provision of subsection (a), a notification or revised notification of value shall be mailed to the taxpayer.

(c) Vessels acquired after September 1 of a taxable year shall not be subject to assessment and taxation for such year, except as provided by paragraph (1) of subsection (a).

(d) The provisions of this section shall apply to all taxable years commencing after December 31, 2002.”;

And by renumbering the remaining sections accordingly;

Also on page 9, in line 22, after “Supp.” by inserting “72-6431, 79-201a, 79-201d, 79-201x, 79-306e.”;

On page 1, in the title, in line 17, before “amending” by inserting “transfer of property, taxation; tax levy rate, school finance; valuation of vessels.”; also in line 17, after “Supp.” by inserting “72-6431, 79-201a, 79-201d, 79-201x, 79-306e.”;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **HB 2044** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Hodge.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

MESSAGE FROM THE SENATE

The Senate adopts conference committee report on **SB 8**.

The Senate adopts conference committee report on **SB 9**.

The Senate adopts conference committee report on **SB 112**.

The Senate adopts conference committee report on **SB 114**.

The Senate adopts conference committee report on **SB 271**.

The Senate adopts conference committee report on **S. Sub. for HB 2031**.

The Senate adopts conference committee report on **S. Sub. for HB 2264**.

The Senate adopts conference committee report on **HB 2360**.

The Senate adopts conference committee report on **HB 2393**.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to Joint Rule 3 (f), Rep. Merrick moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **S. Sub. for HB 2264**. The motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2264**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as SENATE Substitute for HOUSE BILL No. 2264, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 through 19;

On page 20, by striking all in lines 1 through 40 and inserting the following:

“Section 1. K.S.A. 2006 Supp. 79-5401 is hereby amended to read as follows: 79-5401. (a) (1) *Subject to the limitations provided in subsection (g)*, for any foreign or domestic for profit corporation, or professional corporation or association, duly registered and authorized to do business in Kansas by the secretary of state and which has taxable equity attributable to Kansas of ~~\$100,000~~ \$1,000,000 or more, such entity shall pay an annual franchise tax to the secretary of revenue *for tax years commencing after December 31, 2005, and December 31, 2006, at the rate of .125%, for the tax year commencing after December 31, 2007, at the rate of .09375%, for the tax year commencing after December 31, 2008, at the rate of .0625%, and for the tax year commencing after December 31, 2009, at the rate of .03125%*, of such entity's taxable equity attributable to Kansas, except that such annual franchise tax for any such entity shall not exceed \$20,000.

(2) *Subject to the limitations provided in subsection (g)*, for any foreign or domestic limited liability company, foreign or domestic limited partnership or foreign or domestic limited liability partnership duly registered and authorized to do business in Kansas by the secretary of state and which has net capital accounts located in or used in this state at the end of the taxable year as required to be reported on the federal partnership return of income of ~~\$100,000~~ \$1,000,000 or more, such entity shall pay an annual franchise tax to the secretary of revenue for tax years commencing after December 31, 2005, and December 31, 2006, at the rate of .125%, for the tax year commencing after December 31, 2007, at the rate of .09375%, for the tax year commencing after December 31, 2008, at the rate of .0625%, and for the tax year commencing after December 31, 2009, at the rate of .03125%, of the net capital accounts located in or used in this state at the end of the taxable year as required to be reported on the federal partnership return of income, or for a one-member LLC taxed as a sole proprietorship which has net book value of the LLC as calculated on an income tax basis located in or used in this state at the end of the taxable year of ~~\$100,000~~ \$1,000,000 or more, for tax years commencing after December 31, 2005, and December 31, 2006, at the rate of .125%, for the tax year commencing after December 31, 2007, at the rate of .09375%, for the tax year commencing after December 31, 2008, at the rate of .0625%, and for the tax year commencing after December 31, 2009, at the rate of .03125%, of net book value of the LLC as calculated on an income tax basis located in or used in this state at the end of the taxable year, except that such annual franchise tax for any such entity shall not exceed \$20,000.

(3) *Subject to the limitations provided in subsection (g)*, for any business trust duly registered and authorized to do business in Kansas by the secretary of state and which has corpus as shown on its balance sheet at the end of the taxable year as required to be reported to the secretary of revenue of ~~\$100,000~~ \$1,000,000 or more, such entity shall pay an annual franchise tax to the secretary of revenue for tax years commencing after December 31, 2005, and December 31, 2006, at the rate of .125%, for the tax year commencing after December 31, 2007, at the rate of .09375%, for the tax year commencing after December 31, 2008, at the rate of .0625%, and for the tax year commencing after December 31, 2009, at the rate of .03125%, of the corpus as shown on its balance sheet at the end of the taxable year as required to be reported to the secretary of revenue or in the case of a foreign business trust which has a corpus which is located in or which it uses or intends to use in this state as shown on its balance sheet at the end of the taxable year as required to be reported to the secretary of revenue of ~~\$100,000~~ \$1,000,000 or more, for tax years commencing after December 31, 2005, and December 31, 2006, at the rate of .125%, for the tax year commencing after December 31, 2007, at the rate of .09375%, for the tax year commencing after December 31, 2008, at the rate of .0625%, and for the tax year commencing after December 31, 2009, at the rate of .03125%, of that portion of the corpus which is located in or which it uses or intends to use in this state as shown on its balance sheet at the end of the taxable year as required to be reported to the secretary of revenue, except that the annual franchise tax for any such entity shall not exceed \$20,000. Such balance sheet shall be as of the end of the tax period, certified by the trustee, fairly and truly reflecting the trust assets and liabilities and specifically setting out its corpus, and, in the case of a foreign business trust, fairly and truly reflecting an allocation of its moneys and other assets as between those located, used or to be used, in this state and those located, used or to be used elsewhere.

(b) (1) Every corporation or association, business trust, limited liability company, limited partnership or limited liability partnership subject to taxation under this act, regardless of whether such entity has a franchise tax liability, shall make a return, stating specifically such information as may be required by the forms, rules and regulations of the secretary of revenue, which return shall include a balance sheet listing all assets and liabilities as of the end of the tax year, as reported in the federal income tax return on form 1120 or, if no such federal return is required to be filed, such balance sheet information as otherwise required by the secretary, and such further information showing the allocation or apportionment calculations in computing the amount of the franchise tax. The return of a corporation or association shall be signed by the president, vice-president, treasurer, assistant treasurer, chief accounting officer or any other officer so authorized to act. The fact that an individual's name is signed on a return shall be *prima facie* evidence that such individual is authorized

to sign such return on behalf of such corporation. In cases where receivers, trustees in bankruptcy or assignees are operating the property or business of corporations, such receivers, trustees, or assignees shall make returns for such corporations in the same manner and form as corporations are required to make returns. Any tax due on the basis of such returns shall be collected in the same manner as if collected from the corporation for which the return is made. The returns of a limited liability partnership shall be signed by a partner of the limited liability partnership. The returns of a limited liability company shall be signed by a member of the limited liability company.

(2) All returns shall be filed in the office of the director of taxation on or before the 15th day of the fourth month following the close of the taxable year, except as provided in subsection (b) (3).

(3) The director of taxation may grant a reasonable extension of time for filing returns in accordance with rules and regulations of the secretary of revenue. Whenever any such extension of time to file is requested by a taxpayer and granted by the director, no penalty authorized by K.S.A. 79-3228, and amendments thereto, shall be imposed if 90% of the liability is paid on or before the original due date.

(c) (1) All taxes imposed under the provisions of the Kansas franchise tax act shall be paid on the 15th day of the fourth month following the close of the taxable year. When the tax as shown to be due on a return is less than \$5, such tax shall be canceled and no payment need be remitted by the taxpayer.

(2) The director of taxation may extend the time for payment of the tax, or any installment thereof, for a reasonable period of time not to exceed six months from the date fixed for payment thereof. Such extension may exceed six months in the case of a taxpayer who is abroad. Interest shall be charged at the rate prescribed by K.S.A. 79-2968, and amendments thereto, for the period of such extension.

(d) The provisions of K.S.A. 79-3226, 79-3228, 79-3228a, 79-3229, 79-3230, 79-3233, 79-3233a, 79-3233b, 79-3233g, 79-3233h, 79-3233i, 79-3234, 79-3235 and 79-3236, and amendments thereto, shall apply to the administration and enforcement of this section.

(e) All taxes paid pursuant to the provisions of this act shall be rounded off to the nearest \$1, and unless other disposition is specifically provided by law, the taxes collected under the provisions of this act and all overpayments which may not be refunded under this section shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the state general fund. The secretary of revenue shall not refund any overpayment of franchise taxes which is equal to \$5 or less, shall not credit any domestic corporation or foreign corporation, association, business trust, limited liability company, limited partnership or limited liability partnership with any amount which may not be refunded under this section, and shall not require reimbursement for any underpayment of franchise taxes which is less than \$5. Franchise tax refunds shall be paid to the claimant from the income tax refund fund upon warrants of the director of accounts and reports pursuant to vouchers approved by the director of taxation, but no warrant issued hereunder shall be drawn in an amount less than \$5. No interest shall be allowed on any payment made to a claimant pursuant to this act.

(f) As used in this section: (1) "Act" means the Kansas franchise tax act;

(2) "net book value as calculated on an income tax basis located in or used in this state" means the net book value of a limited liability company multiplied by a percentage which is the average of the following three percentages: (A) The average value of the limited liability company's real and tangible personal property owned or rented and used in this state during the tax period divided by the average total value of the limited liability company's real and tangible personal property owned or rented and used during the tax period; (B) the total amount of compensation paid by the limited liability company in this state during the tax period divided by the total amount of compensation paid everywhere by the limited liability company during the tax period; and (C) the total sales of the limited liability company in this state during the tax period divided by the total sales of the limited liability company everywhere during the tax period. If a limited liability company has no real and tangible property owned or rented and used, compensation paid or sales made for the tax

period, then the average percentage shall be determined by using only those percentages for property, compensation and sales which reflect property or activity;

(3) "net capital accounts located in or used in this state" means the net capital accounts of a limited partnership or limited liability partnership as stated on the federal income tax return multiplied by a percentage which is the average of the following three percentages: (A) The average value of such entity's real and tangible personal property owned or rented and used in this state during the tax period divided by the average total value of such entity's real and tangible personal property owned or rented and used during the tax period; (B) the total amount of compensation paid by such entity in this state during the tax period divided by the total amount of compensation paid everywhere by such entity during the tax period; and (C) the total sales of such entity in this state during the tax period divided by the total sales of such entity everywhere during the tax period. If such entity has no real and tangible personal property owned or rented and used, compensation paid or sales made for the tax period, then the average percentage shall be determined by using only those percentages for property, compensation and sales which reflect property or activity;

(4) "shareholder's equity" means the sum of: (1) Paid-in capital stock, except that paid-in capital stock shall not include any capital stock issued by a corporation and reacquired by such corporation through gift, purchase or otherwise and available for resale or retirement; (2) capital paid in, in excess of par; and (3) retained earnings, all as stated on such corporation's federal income tax return;

(5) "shareholder's equity attributable to Kansas" means the shareholder's equity of a corporation multiplied by a percentage which is the average of the following three percentages: (A) The average value of the corporation's real and tangible personal property owned or rented and used in this state during the tax period divided by the average total value of the corporation's real and tangible personal property owned or rented and used during the tax period; (B) the total amount of compensation paid by the corporation in this state during the tax period divided by the total amount of compensation paid everywhere by the corporation during the tax period; and (C) the total sales of the corporation in this state during the tax period divided by the total sales of the corporation everywhere during the tax period. If a corporation has no real and tangible personal property owned or rented and used, compensation paid or sales made for the tax period, then the average percentage shall be determined by using only those percentages for property, compensation and sales which reflect property or activity; and

(6) "taxable equity attributable to Kansas" means shareholder's equity attributable to Kansas.

(g) The provisions of this section shall apply to all tax years commencing after December 31, 2003, *but shall not apply to any tax year commencing after December 31, 2010.*

(h) The provisions of this section shall be known and may be cited as the Kansas franchise tax act.

Sec. 2. K.S.A. 2006 Supp. 79-5401 is hereby repealed.”;

And by renumbering section 11 as section 3;

On page 1, in the title, in line 9, by striking all after “concerning”; by striking all in lines 10 through 14 and inserting “taxation; relating to the franchise tax; rates; phase out; amending K.S.A. 2006 Supp. 79-5401 and repealing the existing section.”;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
DEREK SCHMIDT
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2264** was adopted.

On roll call, the vote was: Yeas 121; Nays 1; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Flaharty.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

INTRODUCTION OF ORIGINAL MOTIONS

Pursuant to Joint Rule 3 (f), Rep. Merrick moved that the rules be suspended and that no copies be printed for distribution of the conference committee report on **S. Sub. for HB 2031**. The motion prevailed.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2031**, submits the following report:

The House accedes to all Senate amendments to the bill, and your committee on conference further agrees to amend the bill, as printed as SENATE Substitute for HOUSE BILL No. 2031, as follows:

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 through 10;

On page 11, by striking all in lines 1 through 15 and inserting the following:

"Section 1. K.S.A. 2006 Supp. 79-3299 is hereby amended to read as follows: 79-3299.

(a) Every employer, payer, person or organization deducting and withholding tax, on or before January 31 of each year, shall prepare a statement for each employee or payee on a form prescribed by the director stating the amount of wages or payments other than wages subject to Kansas income tax paid during the preceding year, the total amount of tax withheld, if any, from such wages or payments other than wages by the employer, payer, person or organization pursuant to this act and such other information as may be prescribed by the director. One copy of such statement shall be filed by the employer, payer, person or organization with the division of taxation on or before the last day of February of each year. *Except as otherwise provided*, if the employer, payer, person or organization files statements which report such withholding information for 51 or more employees or payees, the statements shall be filed by electronic means. *If filing such statements by electronic means would be a hardship for any such employer, payer, person or organization, the secretary may permit such statements to be filed other than by electronic means*. Two copies of such statement shall be given to the employee or payee concerned, one of which will be filed by the employee or payee with the tax return required by this chapter.

(b) In the case of an employee whose employment is terminated before the end of a calendar year, the statement required by subsection (a) may be mailed at the time provided in that subsection to the last known address of the employee, or issued at the time of the last payment to the employee, at the employer's option.

(c) Any employer, payer, person or organization deducting and withholding tax who intentionally fails to furnish a statement to an employee or payee as required under the provisions of subsections (a) and (b) shall be guilty of a nonperson misdemeanor and upon conviction thereof shall be punished by a fine not exceeding \$100 for each such offense.

(d) The annual statement of wages and salaries paid and amount withheld required by this section shall be in lieu of the annual information return required under K.S.A. 79-3222, and amendments thereto.

Sec. 2. K.S.A. 2006 Supp. 79-32,100e is hereby amended to read as follows: 79-32,100e.

(a) Corporations for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect are required to deduct and withhold tax at a rate equal to the maximum rate imposed on individuals pursuant to subsection (a) of K.S.A. 79-32,110 and amendments thereto, from a nonresident shareholder's share of Kansas taxable income of the corporation, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. For a taxable year beginning after 2002, the corporation shall make a return and pay over the ~~withheld~~ withheld funds on or before the due date of the S corporation's income tax return, including extensions. Taxes withheld in the name of the nonresident shareholder must be used as credit against taxes due at the time the nonresident files a return of income or other applicable information return for the taxable year.

(b) An S corporation required to withhold taxes on distributed or undistributed income shall file a return with each payment of tax to the department, on forms prescribed by the secretary, disclosing such information as required by the secretary pursuant to subsection (i). The S corporation shall furnish to each nonresident shareholder a written statement as required by K.S.A. 79-3299 and amendments thereto as proof of the amount of the nonresident shareholder's share of distributed or undistributed income and of the amount that has been withheld.

(c) Partnerships are required to withhold tax at a rate equal to the maximum rate imposed on individuals pursuant to subsection (a) of K.S.A. 79-32,110 and amendments thereto, from a nonresident partner's share of Kansas taxable income of the partnership, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. For a taxable year beginning after 2002, the partnership shall make a return and pay over the withheld funds on or before the due date of the partnership's income tax return, including extensions. Taxes withheld in the name of the nonresident partner must be used as credit against taxes due at the time the nonresident files a return of tax or other applicable information return for the taxable year. *The provisions of this subsection shall not apply to any publicly traded partnership, as defined under section 7704 of the federal internal revenue code.*

(d) A partnership required to withhold taxes on distributed or undistributed income shall file a return with each payment of tax to the department, on forms prescribed by the secretary, disclosing such information as required by the secretary pursuant to subsection (i). The partnership shall furnish to each nonresident shareholder a written statement as required by K.S.A. 79-3299 and amendments thereto, as proof of the amount of the nonresident shareholder's share of distributed or undistributed income that has been withheld.

(e) Limited liability companies are required to withhold tax at a rate equal to the maximum rate imposed on individuals pursuant to subsection (a) of K.S.A. 79-32,110 and amendments thereto, from a nonresident member's share of Kansas taxable income of the limited liability company, whether distributed or undistributed, and pay the withheld amount to the department in the manner prescribed by the department. For a taxable year beginning after 2002, the limited liability company shall make a return and pay over the withheld funds on or before the due date of the limited liabilities income tax return, including extensions. Taxes withheld in the name of the nonresident member must be used as credit against taxes due at the time the nonresident files a return of tax or other applicable information return for the taxable year.

(f) A limited liability company required to withhold taxes on distributed or undistributed income shall file a return with each payment of tax to the department, on forms prescribed by the secretary, disclosing such information as required by the secretary pursuant to subsection (i). The limited liability company shall furnish to each nonresident member a written statement as required by K.S.A. 79-3299 and amendments thereto, as proof of the amount of the nonresident member's share of distributed or undistributed income that has been withheld.

(g) If a nonresident shareholder, partner or member provides the S corporation, partnership or limited liability company with a statement that the shareholder or partner is an organization exempt from income taxes under section 501(a) of the federal internal revenue code, then the S corporation, partnership or limited liability company is not required to withhold with regard to that shareholder, partner or member. The statement must contain the shareholder's, partner's or member's name, federal identification number, internal revenue code section exemption number, and a copy of the internal revenue service exemption letter.

(h) (1) For purposes of computing the penalty under K.S.A. 79-32,107 and amendments thereto, the amount withheld is deemed a payment of estimated tax, and an equal part of the amount is deemed paid on each estimated tax due date for the previous taxable year.

(2) If a nonresident shareholder, partner or member files an affidavit with the department in a form acceptable to the department by which such nonresident shareholder, partner or member agrees to be subject to the personal jurisdiction of the department in courts of this state for the purpose of determining and collecting any Kansas taxes, including estimated taxes, together with any related interest and penalties, then the S corporation, partnership or limited liability company is not required to withhold with regard to that shareholder, partner or member. The department may revoke an exemption granted by this subsection at any time it determines that the nonresident shareholder, partner or member is not abiding by its terms.

(i) The department is authorized to require such returns and other information as it considers appropriate to administer the provisions of this section, and to issue rulings and promulgate regulations as necessary or appropriate to implement this section.

(j) The director of taxation may allow a nonresident individual shareholder, partner or member to not file a Kansas income tax return if the nonresident individual shareholder's, partner's or member's only source of Kansas income was such nonresident shareholder's, partner's or member's share of the S corporation's, partnership's or limited liability company's income which was derived from or attributable to sources within this state, and the S corporation, partnership or limited liability company has remitted the amount required by subsections (a), (c) or (e) on behalf of such nonresident shareholder, partner or member. The amount remitted shall be retained in satisfaction of the Kansas income tax liability of the nonresident individual shareholder, partner or member.

(k) The provisions of this section shall be part of and supplemental to the Kansas withholding and declaration of estimated tax act.

(l) The provisions of this section shall be effective on and after July 1, 2003.

Sec. 3. K.S.A. 2006 Supp. 79-32,117, as amended by section 8 of 2007 House Bill No. 2419, is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2006 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2006 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2006 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2006 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,223 through 79-32,226, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2006 Supp. 79-32,227, and amendments thereto.

(xvii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,228 through 79-32,231, and amendments thereto.

(xviii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2006 Supp. 79-32,232, and amendments thereto.

(xix) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,233 through 79-32,236, and amendments thereto.

(xx) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2006 Supp. 79-32,237, and amendments thereto.

(xxi) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2006 Supp. 79-32,238 through 79-32,241, and amendments thereto.

(xxii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to section 7 of 2007 House Bill No. 2419, and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable

years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2006 Supp. 74-50,201, et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) ~~For all taxable years beginning after December 31, 1999, amounts not exceeding \$3,000 or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education.~~ For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a *family postsecondary education savings account established under the Kansas postsecondary education savings program or a* qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2006 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto,

to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xix) *For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.*

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

Sec. 4. K.S.A. 2006 Supp. 79-32,205 is hereby amended to read as follows: 79-32,205. (a) There shall be allowed as a credit against the tax liability of a resident individual imposed under the Kansas income tax act an amount equal to ~~15%~~ 17% for tax year ~~2002~~ 2007, and all tax years thereafter, of the amount of the earned income credit allowed against such taxpayer's federal income tax liability pursuant to section 32 of the federal internal revenue code for the taxable year in which such credit was claimed against the taxpayer's federal income tax liability.

(b) If the amount of the credit allowed by subsection (a) exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

Sec. 5. K.S.A. 2006 Supp. 79-3299, 79-32,100e, 79-32,117, as amended by section 8 of 2007 House Bill No. 2419, and 79-32,205 are hereby repealed.”;

And by renumbering section 4 as section 6;

On page 1, in the title, in line 10, after “concerning” by inserting “income”; also in line 10, after “to” by inserting “withholding; publicly held partnerships.”; in line 11, by striking all after the semicolon; in line 12, by striking all before the semicolon and inserting “earned income credit”; also in line 12, after “Supp.” by inserting “79-3299, 79-32,100e.”; also in line 12, by striking “and 79-5401” and inserting “, as amended by section 8 of 2007 House Bill No. 2419, and 79-32,205”; in line 13, by striking all after “sections”; in line 14, by striking all before the period;

And your committee on conference recommends the adoption of this report.

BARBARA P. ALLEN
LES DONOVAN
JANIS K. LEE
Conferees on part of Senate

KENNY A. WILK
RICHARD CARLSON
TOM HOLLAND
Conferees on part of House

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2031** was adopted.

On roll call, the vote was: Yeas 122; Nays 0; Present but not voting: 0; Absent or not voting: 3.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington,

Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Spalding, Storm, Svaty, Swanson, Tafanelli, Tietze, Treasurer, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Powers, Sharp, Swenson.

The following is a protest of the vote on **SB 66** taken on March 26, 2007, on Final Action on Bills and Concurrent Resolutions.

PROTEST

MR. SPEAKER: Pursuant to Article 2, Section 10, of the constitution of the State of Kansas, we hereby protest the passage of **SB 66** as Amended by the House Committee of the Whole. The base bill dealing with the extension of the Kansas Lottery entered legitimately into the legislative process; however, the amendment passed by the House Committee of the Whole to allow privately-owned and operated casinos in Kansas under the guise of "management contracts" is an affront to the legislative process, entered into in an unconstitutional manner, and flanked by deceit and unethical maneuvering.

SB 66 now marks a sharp departure from good government and good governance. Under the influence of a coalition of a few legislators working behind closed doors with gambling interests, the proper legislative process was averted and stifled. **SB 66** is now the greatest gamble of all—one that dangerously gambles with the very future of Kansas and her families.

Termed "economic development" and "revenue generation" by its proponents, the amendment foisted upon the Kansas House doesn't come close to living up to its billing. The taxing rate of gambling in other states drastically dwarfs that of the agreement struck between the select group of legislators and gambling lobbyists. In Maine, the state collects 61%; in Rhode Island, 60%; in Pennsylvania, 52% with a \$50 million privilege fee; in Florida, 50%; in Illinois, up to 50%; and in Indiana, up to 30%. Our own neighbors in Missouri collect upwards of 27 - 28%, and are reviewing a possible increase. The proponents of the amendment to SB 66 settled for a paltry 22% for our state, showing that the interest and focus of the legislation were not on economic development or revenue generation, but rather on strong-arming through an agreed-upon negotiation rife with greed, corruption, and improper political ties. At a mere 22% tax rate return for the state, there is little doubt that this legislation is of, by, and for the gambling industry. And to add further insult, the meager 22% is to remain fixed, in contract, for 15 years.

Moreover, there is no precedence in this nation for a state-owned casino. Dozens upon dozens of critically-important questions—ranging from financial questions to the breadth and depth of the state's liability to crucial public safety issues—were unable to be answered by the proponents of this amendment. While the proponents were quick to state that Kansas would receive "new" income from expanded gambling, they were unable to quantify the real loss our citizens will suffer when millions of dollars are removed from our state economy in gambling losses. In fact, our citizens must lose an estimated \$900+ million each year in order for the state to make approximately \$200 million each year. What effect on our social systems will a loss of more than \$900 million—much of which is proven to come from our citizens who can least afford to be gambling—have? Neither could the proponents quantify the financial loss to both small and large businesses in the casino zones. There was no attempt made to answer the critical "return on investment" question as the financial and emotional impacts of this legislation are literally unknown. And though proponents acknowledged the negative effects of gambling, they displayed antipathy at the mention of well-documented increases in bankruptcy, embezzlement, theft, fraud, divorce, suicide, and criminal activity associated with gambling.

Sadly, the full impact of the now-amended **SB 66** will be as much of a surprise to Kansans as was the 98-page amendment for the more than 100 House members who were not provided a written copy before or at the time it was offered. If this were a proper and viable proposition, would not the state of Nevada engage in such an agreement? If this were a proper and viable proposition, would not the proponents have run it through the legislative committee process? We know not what we've entered into, but one thing is certain: the state of Kansas will bear great liability by stepping into this arena.

With the legislative committee process averted, and constituent and expert testimony non-existent, the usual opportunity for combing through the language of a bill to find flaws and make improvements did not occur. For the majority of legislators not involved in the closed-door negotiations, and without the proponents' ability to answer key questions, it is virtually impossible to comprehend or understand the future ramifications of this unprecedented and far-reaching legislation.

From an historical perspective, it is well to note that the Constitution of the state of Kansas states that our lottery games must be "state-owned and operated." **SB 66** only requires that the state have operational oversight of the lottery machines; however, even its detailed provisions do not mesh with this policy statement. Language was written into the bill in an effort to convince our judicial branch of government that the Legislature was simply following its prior decision. The Kansas lottery, in fact, has no direct involvement in the operation of table games in this amendment. Further, it is the contract managers who will decide how many slot machines are to be placed in each facility, how many slot machines are to be operational, what kind of slot machines are to be used, and what table games are open, in addition to numerous other decisions. The Constitution of the state of Kansas requires the state to be the operator, but with all key decisions made by the "contract manager," who is the actual operator?

Moreover, the casino slot machines authorized by this bill will dispense the cash for the winnings. The so-called "contract managers" will receive more than 70% of the receipts after payouts to run their business and make their profit. These "contract managers"—or more accurately casino operators—will receive profits in excess of \$50,000,000.00 per year for each casino an amount far greater than what Kansas—the alleged "owner and operator"—will receive. This method of "doing business" is not synonymous with the typical Kansas business owner/operator model where the owner knows and negotiates for his business a contract that is beneficial for the business. At best, we the state of Kansas are only a silent partner without the authority to direct operations.

Further, it should be noted the Governor appointed a special committee, the Governor's Gaming Committee, to study how gambling should be expanded in Kansas. This committee advised the Kansas Legislature to first create only one destination casino in Wyandotte County, and then to proceed in other areas of Kansas after conducting the appropriate feasibility studies. The Kansas Lottery contracted with Christiansen Capital Advisors, LLC, for a study of gambling; however, that study did not provide an economic impact assessment of the effect of gambling on Kansas communities as a whole. Additionally, an interim legislative committee did a gambling study in 1995; however the legislature did not follow up on its recommendations. To date, the Kansas Legislature has not contracted with any experts to provide independent advice as to how Kansas should structure its law if it chooses to expand gambling. The Kansas Legislature has not sought legal advice to determine if the privately-owned casinos that would be authorized by the amendment to **SB 66** would in fact be constitutional in light of the Kansas Supreme Court's earlier ruling that requires operations to be "state-owned and operated."

Finally, last year, the Kansas Legislature received a study conducted by Dr. Bill Thompson, University of Nevada at Las Vegas, covering the best method for expanding gambling in Kansas. Most of his suggestions were simply ignored. With neglect to previous reviews, the small coalition of legislators—along with gambling lobbyists—has taken Kansas down an irreversible path previous studies have warned against.

Important public policy issues raised when the amendment to **SB 66** appeared on the House floor for the first time for public review were received with closed ears, as all amendments—regardless of merit—were defeated. Common-sense amendments such as: providing auditor oversight in the bidding process; directing monies toward Kansas debt reduction;

increasing problem gambling addiction grants by 2%; requiring 2-5 years experience for the racing and gaming commission executive director; limiting the proximity of “payday loan” shops to casinos; improving conditions for public roads surrounding casinos; studying increased use of public assistance programs and crime rates; increasing the state’s profit from 22% to at least 24%; and—perhaps the most stunning—clarifying ballot language to include either “state-owned and operated casinos” or simply “casinos” in place of “expanded lottery gaming facility” to eliminate confusion at the ballot box, were all DEFEATED by the tight-knit coalition formed to protect the gambling lobby’s delicately-balanced legislation. The Senate was then presented with a bill that could not be amended.

Kansas now becomes the only state in the nation to create the faade of owning and operating casinos. We vigorously protest the enactment of **SB 66** as it lacks the honesty and scrutiny Kansans demand from their elected public officials and the proper legislative hearings from the public and experts. Further, it is full of creative “wordsmithing” meant to confound and confuse the Kansas voter into thinking they are voting for an “expanded lottery gaming facility,” rather than the reality of the legislation. And while the proponents feign concern by passing a 25-year moratorium on any future expansion of gambling, those familiar with the process know this measure can be quickly repealed with future legislation.

Governor Sebelius gleefully proclaims the passing of this legislation “an historic” moment in Kansas. It is indeed historic, but not happily so. Rather, this is truly a dark day in the state of Kansas and for the now-tainted legislative process.

Kansans deserve better.

With respect to our constituents, the legislative process, and our state, we the below submit this protest.—KASHA KELLEY, LANCE KINZER, PEGGY MAST, MARC RHOADES, VIRGINIA BEAMER, ANTHONY BROWN, VIRGIL PECK, JR., MICHAEL R. O’NEAL, JASON WATKINS, STEVE HUEBERT, BRENDA K. LANDWEHR, JIM MORRISON, OWEN DONOHOE, DON MYERS, JUDY MORRISON, STEVEN R. BRUNK, TY MASTERSON, DICK KELSEY, RICHARD CARLSON, DONALD L. DAHL, ARLEN SIEGFREID, WILLIAM M. WOLF, JENE VICKREY, DAVID CRUM, LARRY POWELL, MITCH HOLMES, GARY K. HAYZLETT, RAY MERRICK, MELVIN NEUFELD

REPORT ON ENGROSSED BILLS

S. Sub. for HB 2035; HB 2112, HB 2202; S. Sub. for HB 2485 reported correctly engrossed April 3, 2007.

HB 2010, HB 2073 reported correctly re-engrossed April 3, 2007.

REPORT ON ENROLLED RESOLUTIONS

HR 6021, HR 6022 reported correctly enrolled and properly signed on April 3, 2007.

READING AND CORRECTION OF THE JOURNAL

In the Journal, on page 689, under the order of business, Motions to Concur and Non-concur, **HB 2109** should be deleted and **HB 2019** should be inserted.

On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, April 25, 2007.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

