

# Journal of the House

FIFTY-SEVENTH DAY

---

HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Thursday, April 3, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 123 members present.  
Reps. Spalding and Wetta were excused on excused absence by the Speaker.  
Present later: Rep. Wetta.

Prayer by guest chaplain, Ms. Alpha Morrow, Voice of the Martyrs Presbyterian Church, Madison, and guest of Rep. Mast:

Father, I lift up to You all those who will lay down their lives today, not only our soldiers in battle, but my brothers and sisters who have paid with their lives in over fifty nations of the world simply because they were followers of the Lord Jesus Christ.

I lift up the families they leave behind, all aware of the risk and possible loss, yet holding to Your promises. I pray for those who must step forward to not only comfort but to take their places in their communities. For the spouses and children who may be left without support, grant sustenance and joyful strength. I pray for those imprisoned for their faith in Christ, who face torture, who are too cold, too hungry or too ill to face another day. Encourage them with Your hope and Your Exquisite Presence.

Convict us of sin, righteousness; coming judgement. Call all our hearts to repentance as our young people struggle to find noble purpose in their lives.

For my brothers and sisters here in this room, struggling to stand for the right rather than the convenient, give them courage when Your wisdom and the reasoning of man conflict. And Father, I ask that when we begin to press for change, that change would first occur in our hearts as we turn in surrendered helplessness to You. In Jesus' Precious Name, Amen.

The Pledge of Allegiance was led by Rep. Watkins.

## REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were referred to committees as indicated:

Committee of the Whole: **SB 672**.

Education: **SB 620**.

Transportation: **SB 693**.

## MESSAGE FROM THE SENATE

Announcing passage of **HB 2968**.

Announcing passage of **HB 2006**, as amended by **S. Sub. for HB 2006; HB 2412**, as amended by **S. Sub. for HB 2412**.

The Senate concurs in House amendments to **SB 410**.

The Senate concurs in House amendments to **SB 565**, and requests return of the bill.

The Senate nonconcur in House amendments to **SB 417**, requests a conference and has appointed Senators Umbarger, Emler and Hensley as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 570**, requests a conference and has appointed Senators Embler, Apple and Lee as conferees on the part of the Senate.

The Senate nonconcur in House amendments to **SB 586**, requests a conference and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

Announcing adoption of **SCR 1620**.

The Senate adopts conference committee report on **HB 2280**.

The Senate adopts conference committee report **Sub. HB 2562**.

The Senate adopts conference committee report on **HB 2672**.

The Senate adopts conference committee report on **HB 2892**.

The President announced the appointment of Senators McGinn, Taddiken and Hensley as members of the conference committee on **SB 485** to replace Senators Umbarger, Emler and Kelly.

#### INTRODUCTION OF SENATE BILLS AND CONCURRENT RESOLUTIONS

The following Senate concurrent resolution was thereupon introduced and read by title: **SCR 1620**.

#### INTRODUCTION OF ORIGINAL MOTIONS

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 417**.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 570**.

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

On motion of Rep. Merrick, the House acceded to the request of the Senate for a conference on **SB 586**.

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

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5015**, A PROPOSITION to amend section 1 of article 11 of the constitution of the state of Kansas, relating to the classification and taxation of watercraft.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 1 of article 11 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 1. System of taxation; classification; exemption.** (a) The provisions of this subsection shall govern the assessment and taxation of property on and after January 1, ~~1993~~ 2009, and each year thereafter. Except as otherwise hereinafter specifically provided, the legislature shall provide for a uniform and equal basis of valuation and rate of taxation of all property subject to taxation. The legislature may provide for the classification and the taxation uniformly as to class of recreational vehicles *and watercraft*, as defined by the legislature, or may exempt such class from property taxation and impose taxes upon another basis in lieu thereof. The provisions of this subsection shall not be applicable to the taxation of motor vehicles, except as otherwise hereinafter specifically provided, mineral products, money, mortgages, notes and other evidence of debt and grain. Property shall be classified into the following classes for the purpose of assessment and assessed at the percentage of value prescribed therefor:

Class 1 shall consist of real property. Real property shall be further classified into seven subclasses. Such property shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Real property used for residential purposes including multi-family residential real property and real property necessary to accommodate a residential community of mobile or manufactured homes including the real property upon which such homes are located ..... 11½%
- (2) Land devoted to agricultural use which shall be valued upon the basis of its agricultural income or agricultural productivity pursuant to section 12 of article 11 of the constitution ..... 30%
- (3) Vacant lots ..... 12%
- (4) Real property which is owned and operated by a not-for-profit organization not subject to federal income taxation pursuant to section 501 of the federal internal revenue code, and which is included in this subclass by law ..... 12%
- (5) Public utility real property, except railroad real property which shall be assessed at the average rate that all other commercial and industrial property is assessed ..... 33%
- (6) Real property used for commercial and industrial purposes and buildings and other improvements located upon land devoted to agricultural use ..... 25%
- (7) All other urban and rural real property not otherwise specifically subclassified ..... 30%

Class 2 shall consist of tangible personal property. Such tangible personal property shall be further classified into six subclasses, shall be defined by law for the purpose of subclassification and assessed uniformly as to subclass at the following percentages of value:

- (1) Mobile homes used for residential purposes ..... 11½%
- (2) Mineral leasehold interests except oil leasehold interests the average daily production from which is five barrels or less, and natural gas leasehold interests the average daily production from which is 100 mcf or less, which shall be assessed at 25% ..... 30%
- (3) Public utility tangible personal property including inventories thereof, except railroad personal property including inventories thereof, which shall be assessed at the average rate all other commercial and industrial property is assessed ..... 33%
- (4) All categories of motor vehicles not defined and specifically valued and taxed pursuant to law enacted prior to January 1, 1985 ..... 30%
- (5) Commercial and industrial machinery and equipment which, if its economic life is seven years or more, shall be valued at its retail cost when new less seven-year straight-line depreciation, or which, if its economic life is less than seven years, shall be valued at its retail cost when new less straight-line depreciation over its economic life, except that, the value so obtained for such property, notwithstanding its economic life and as long as such property is being used, shall not be less than 20% of the retail cost when new of such property ..... 25%
- (6) All other tangible personal property not otherwise specifically classified .... 30%

(b) All property used exclusively for state, county, municipal, literary, educational, scientific, religious, benevolent and charitable purposes, farm machinery and equipment, merchants' and manufacturers' inventories, other than public utility inventories included in subclass (3) of class 2, livestock, and all household goods and personal effects not used for the production of income, shall be exempted from property taxation."

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

*"Explanatory statement.* This amendment would allow the legislature to classify and tax watercraft upon a basis different from other property.

"A vote for this proposition would permit the legislature to provide for separate classification and taxation of watercraft and to exempt such property from property taxation and impose taxes in lieu thereof.

"A vote against this proposition would continue the taxation of watercraft in the same manner as all other property."

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate, shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election to be held on the first Tuesday after the first Monday in November 2008, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 102; Nays 19; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Feuerborn, 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, Landwehr, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley.

Nays: Beamer, Brown, Faber, Flaharty, Kelley, Kinzer, Kuether, Lane, Light, Loganbill, Mast, McLachlan, Pottorff, Powers, Tietze, Ward, Watkins, Whitham, Yoder.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Spalding, Wetta.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

**HCR 5032**, A concurrent resolution urging the United States Congress to amend the Flood Control Act of 1944 and Public Law 83-780, relating to the authorized purposes of federal reservoirs in the state of Kansas, relating to Perry, Tuttle Creek and Milford reservoirs, was considered on final action.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Spalding, Wetta.

The resolution was adopted.

**HCR 5037**, A PROPOSITION to amend the bill of rights of the constitution of the state of Kansas by adding a new section thereto, relating to the public right to hunt and fish.

*Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected (or appointed) and qualified to the House of Representatives and two-thirds of the members elected (or appointed) and qualified to the Senate concurring therein:*

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: The constitution of the state of Kansas is amended by adding a new section thereto to read as follows:

“§ 21. **Right of public to hunt, fish and trap.** The people have a right to hunt, fish and trap and harvest game, subject to reasonable regulations approved by the state legislature. Consistent with the public trust to conserve birds, fish, game and wildlife, traditional methods may be used to take non-threatened species. Public hunting, fishing and trapping shall be the preferred means of managing and controlling non-threatened wildlife. Nothing in this amendment shall be construed to modify any provision of common law or statutes relating to trespass, eminent domain or any other property rights.”

Sec. 2. The following statement shall be printed on the ballot with the amendment as a whole:

“*Explanatory statement.* This amendment is to preserve constitutionally the right of the public to hunt, fish and trap wildlife subject to the governing laws and regulations. The right of the public to hunt, fish and trap shall not modify any provision of common law or statutes relating to trespass, eminent domain or any other private property rights.

“A vote for this proposition would constitutionally preserve the right of the public to hunt, fish and trap wildlife that has traditionally been taken by hunters, trappers and anglers. This public right is subject to state laws and regulations regarding the management of wildlife and does not change or diminish common law or statutory rights relating to trespass, eminent domain or private property.

“A vote against this proposition would provide for no constitutional right of the public to hunt, fish and trap wildlife. It would maintain existing state laws and regulations governing hunting, fishing and trapping wildlife.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the House of Representatives, and two-thirds of the members elected (or appointed) and qualified to the Senate shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2008 unless a special election is called at a sooner date by concurrent resolution of the legislature, in which case it shall be submitted to the electors of the state at the special election, was considered on final action.

On roll call, the vote was: Yeas 99; Nays 21; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colyer, Craft, Crum, Dahl, Dillmore, Donohoe, Faber, Feuerborn, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, King, Kinzer, Knox, Landwehr, Lane, Long, Lukert, Mah, Mast, Masterson, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Svaty, Swanson, Swenson, Tafaneli, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Colloton, Crow, Davis, Faust-Goudeau, Flaharty, Flora, Garcia, Henderson, Huntington, Johnson, Kiegerl, Kuether, Light, Loganbill, McCray-Miller, Phelps, Quigley, Rardin, Storm, Tietze, Winn.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Judy Morrison, Spalding, Wetta.

A two-thirds majority of the members elected to the House having voted in the affirmative, the resolution was adopted.

**HCR 5039**, A concurrent resolution concerning teacher preparation programs and teacher licensure; urging the State Board of Education, the State Board of Regents and institutions of higher education to collaborate in the review of current alternative teacher preparation programs to determine if any changes should be made to such programs in order to alleviate the shortage of teachers which exists in the state, was considered on final action.

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, 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, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Judy Morrison, Spalding, Wetta.

The resolution was adopted.

**HR 6021**, A resolution urging the State Board of Education to study dyslexia, was considered on final action.

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, 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, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: None.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Judy Morrison, Spalding, Wetta.

The resolution was adopted, as amended.

**SCR 1616**, A concurrent resolution requesting the creation of a task force to study the design and implementation of an electronic motor vehicle financial security verification system for real time verification of compliance with the financial security requirements of the Kansas automobile injury reparations act, was considered on final action.

On roll call, the vote was: Yeas 119; Nays 1; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, 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, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Faber.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Judy Morrison, Spalding, Wetta.

The resolution was adopted, as amended.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **Substitute for SB 491**, submits the following report:

The House recedes from its Committee of the Whole amendments;

The Senate accedes to the House Committee 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, in line 1, by striking "pharmacists" and inserting "pharmacists";

On page 8, after line 1, by inserting the following:

"New Sec. 16. (a) No later than July 1, 2009, each pharmacy shall establish a continuous quality improvement (CQI) program. The purpose of the CQI program shall be to assess errors that occur in the pharmacy in dispensing or furnishing prescription medications so that the pharmacy may take appropriate action to prevent a recurrence.

(b) Reports, memoranda, proceedings, findings and other records generated as part of a pharmacy's CQI program shall be considered confidential and privileged peer review documents and not subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity and shall not be admissible in any civil or administrative action other than an administrative proceeding initiated by the board of pharmacy. Nothing in this section shall be construed to prohibit a patient from accessing such patient's own prescription records. Nothing in this section shall affect the discoverability of any record not solely generated for or maintained as a part of a pharmacy's CQI program.

(c) No person in attendance at any meeting being conducted as part of a CQI program shall be compelled to testify in any civil, criminal or administrative action, other than an administrative proceeding initiated by the board of pharmacy as to any discussions or decisions which occurred as part of the CQI program.

(d) All reports and records generated as part of a pharmacy's CQI program shall be available for inspection by the board of pharmacy within a time period established by the board in rules and regulations.

(e) In conducting a disciplinary proceeding in which admission of any matters that are confidential and privileged under subsection (b) are proposed, the board of pharmacy shall hold the hearing in closed session when any report, record or testimony is disclosed. Unless otherwise provided by law, the board of pharmacy in conducting a disciplinary proceeding may close only that portion of the hearing in which disclosure of such privileged matters are proposed. In closing a portion of a hearing as provided in this subsection, the presiding officer may exclude any person from the hearing except members of the board, the licensee, the licensee's attorney, the agency's attorney, the witness, the court reporter and appropriate staff support for either counsel.

The board of pharmacy shall make the portions of the administrative record in which such privileged matters are disclosed subject to a protective order prohibiting further dis-

closure. Such privileged matters shall not be subject to discovery, subpoena or other means of legal compulsion for their release to any person or entity. No person in attendance at a closed portion of a disciplinary proceeding shall be required to testify at a subsequent civil, criminal or administrative hearing regarding the privileged matters, nor shall such testimony be admitted into evidence in any subsequent civil, criminal or administrative hearing.

The board of pharmacy may review any matters that are confidential and privileged under subsection (b) in conducting a disciplinary proceeding but must prove its findings with independently obtained testimony or records which shall be presented as part of the disciplinary proceeding in an open meeting of the board of pharmacy. Offering such testimony or records in an open public hearing shall not be deemed a waiver of the peer review privilege relating to any peer review committee testimony, record or report.

(f) The board may establish by rules and regulations requirements regarding the functions and record keeping of a pharmacy CQI program.

(g) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 17. K.S.A. 65-1657 is hereby amended to read as follows: 65-1657. (a) No nonresident pharmacy shall ship, mail or deliver, in any manner, prescription drugs to a patient in this state unless registered under this section as a nonresident pharmacy. Applications for a nonresident pharmacy registration under this section shall be made on a form furnished by the board. A nonresident pharmacy registration shall be granted for a period of one year upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the registration fee established under K.S.A. 65-1645, and amendments thereto, for a pharmacy registration. A nonresident pharmacy registration shall be renewed annually on forms provided by the board, upon compliance by the nonresident pharmacy with the provisions of this section and rules and regulations adopted pursuant to this section and upon payment of the renewal fee established under K.S.A. 65-1645, and amendments thereto, for the renewal of a pharmacy registration.

(b) As conditions for the granting of a registration and for the renewal of a registration for a nonresident pharmacy, the nonresident pharmacy shall comply with the following:

(1) Provide information to the board to indicate the person or persons applying for the registration, the location of the pharmacy from which the prescription drugs will be dispensed, the names and titles of all principal owners and corporate officers, if any, and the names of all pharmacists dispensing prescription drugs to residents of Kansas;

(2) be registered and in good standing in the state in which such pharmacy is located;

(3) maintain, in readily retrievable form, records of prescription drugs dispensed to Kansas patients;

(4) supply upon request, all information needed by the board to carry out the board's responsibilities under this section and rules and regulations adopted pursuant to this section;

(5) maintain pharmacy hours that permit the timely dispensing of drugs to Kansas patients and provide reasonable access for the patients to consult with a licensed pharmacist about such patients' medications;

(6) provide toll-free telephone communication consultation between a Kansas patient and a pharmacist at the pharmacy who has access to the patient's records, and ensure that the telephone number(s) will be placed upon the label affixed to each prescription drug container dispensed in Kansas; and

(7) provide to the board such other information as the board may reasonably request to administer the provisions of this section.

(c) *When any nonresident pharmacy fails to supply requested information to the board or fails to respond to proper inquiry of the board, after receiving notice by certified mail, the board may assess a civil fine in accordance with the provisions in K.S.A. 65-1658, and amendments thereto.*

~~(d)~~ (d) Each nonresident pharmacy shall comply with the following unless compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located:

(1) All statutory and regulatory requirements of Kansas for controlled substances, including those that are different from federal law;



(2) labeling of all prescriptions dispensed, to include but not be limited to identification of the product and quantity dispensed;

(3) all the statutory and regulatory requirements of Kansas for dispensing prescriptions in accordance with the quantities indicated by the prescriber; and

(4) the Kansas law regarding the maintenance and use of the patient medication profile record system.

(⇔) (e) In addition to subsection (⇔) (d) requirements, each nonresident pharmacy shall comply with all the statutory and regulatory requirements of Kansas regarding drug product selection laws whether or not such compliance would be in conflict with specific laws or rules and regulations of the state in which the pharmacy is located, except that compliance which constitutes only a minor conflict with specific laws or rules and regulations of the state in which the pharmacy is located would not be required under this subsection.

(⇔) (f) Each nonresident pharmacy shall develop and provide the board with a policy and procedure manual that sets forth:

(1) Normal delivery protocols and times;

(2) the procedure to be followed if the patient's medication is not available at the nonresident pharmacy, or if delivery will be delayed beyond the normal delivery time;

(3) the procedure to be followed upon receipt of a prescription for an acute illness, which policy shall include a procedure for delivery of the medication to the patient from the nonresident pharmacy at the earliest possible time, or an alternative that assures the patient the opportunity to obtain the medication at the earliest possible time; and

(4) the procedure to be followed when the nonresident pharmacy is advised that the patient's medication has not been received within the normal delivery time and that the patient is out of medication and requires interim dosage until mailed prescription drugs become available.

(⇔) (g) Except in emergencies that constitute an immediate threat to the public health and require prompt action by the board, the board may file a complaint against any nonresident pharmacy that violates any provision of this section. This complaint shall be filed with the regulatory or licensing agency of the state in which the nonresident pharmacy is located. If the regulatory or licensing agency of the state in which the nonresident pharmacy is located fails to resolve the violation complained of within a reasonable time, not less than 180 days from the date that the complaint is filed, disciplinary proceedings may be initiated by the board. The board also may initiate disciplinary actions against a nonresident pharmacy if the regulatory or licensing agency of the state in which the nonresident pharmacy is located lacks or fails to exercise jurisdiction.

(⇔) (h) The board shall adopt rules and regulations that make exceptions to the requirement of registration by a nonresident pharmacy when the out-of-state pharmacy supplies lawful refills to a patient from a prescription that was originally filled and delivered to a patient within the state in which the nonresident pharmacy is located, or when the prescriptions being mailed into the state of Kansas by a nonresident pharmacy occurs only in isolated transactions. In determining whether the prescriptions being mailed into the state of Kansas by a nonresident pharmacy are isolated transactions, the board shall consider whether the pharmacy has promoted its services in this state and whether the pharmacy has a contract with any employer or organization to provide pharmacy services to employees or other beneficiaries in this state.

(⇔) (i) It is unlawful for any nonresident pharmacy which is not registered under this act to advertise its services in this state, or for any person who is a resident of this state to advertise the pharmacy services of a nonresident pharmacy which has not registered with the board, with the knowledge that the advertisement will or is likely to induce members of the public in this state to use the pharmacy to fill prescriptions. A violation of this section is a class C misdemeanor.

(⇔) (j) Upon request of the board, the attorney general may bring an action in a court of competent jurisdiction for injunctive relief to restrain a violation of the provisions of this section or any rules and regulations adopted by the board under authority of this section. The remedy provided under this subsection shall be in addition to any other remedy provided under this section or under the pharmacy act of the state of Kansas.

(†) (k) The board may adopt rules and regulations as necessary and as are consistent with this section to carry out the provisions of this section.

(†) (l) The executive secretary of the board shall remit all moneys received from fees under this section 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 manner specified under K.S.A. 74-1609, and amendments thereto.

(†) (m) This section shall be part of and supplemental to the pharmacy act of the state of Kansas.

Sec. 18. K.S.A. 65-1657 is hereby repealed.”;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking “scheduled substance and drug of concern” and inserting “the board of pharmacy; relating to continuous quality improvement programs and nonresident pharmacy”; in line 14, before the period, by inserting “; amending K.S.A. 65-1657 and repealing the existing section”;

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

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

JIM BARNETT  
VICKI SCHMIDT  
DAVID HALEY  
*Conferees on part of Senate*

On motion of Rep. Landwehr, the conference committee report on **Sub. SB 491** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Beamer, Bethell, Bowers, Brown, Brunk, Burroughs, Carlin, Carlson, Colton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, George, Goico, 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, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Gatewood, Gordon, Schwartz.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Spalding, Wetta.

#### EXPLANATION OF VOTE

MR. SPEAKER: I vote no to **Sub. SB 491** due to the removal of the meth precursor tracking (**SB 503**) amendment adopted by the House in general orders.—DOUG GATEWOOD

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Faber, the House concurred in Senate amendments to **HB 2660**, An act concerning the secretary of agriculture; relating to agricultural chemicals; registration requirements; petroleum products; payment of fees; amending K.S.A. 55-427 and K.S.A. 2007 Supp. 2-2204 and repealing the existing sections.

Call of the House was demanded.

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

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

Nays: None.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Spalding, Wetta.

On motion of Rep. Faber, the House concurred in Senate amendments to **HB 2897**, An act concerning grain commodity commissions; amending K.S.A. 2-3005 and K.S.A. 2007 Supp. 2-3002, 2-3003 and 2-3007 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 117; Nays 4; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brown, Brunk, 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Burroughs, Grant, McKinney, Powers.

Present but not voting: None.

Absent or not voting: Burgess, Hodge, Spalding, Wetta.

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

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 148** be adopted; also, on motion of Rep. C. Holmes be amended on page 1, in line 16, by striking all after "1."; by striking all in lines 17 through 36; in line 37, by striking "(b) Any new" and inserting "(a) Any"; also in line 37, by striking "unit" and inserting "facility";

On page 2, after line 3, by inserting:

"(b) The emission limits in this section shall be set forth in the construction permit pursuant to the Kansas air quality act.";

Also on page 2, in line 11, after "a" by inserting "commercial"; in line 14, by striking all after the period; by striking all in lines 15 through 17 and inserting "If a public utility selling energy at retail does not own wind generation and does not purchase wind energy from a commercial wind generator, and if the utility's member-owned wholesale provider, if any,

owns no wind generation, the public utility shall not be required to submit such tariff for approval.”; after line 31, by inserting:

“New Sec. 3. (a) As used in this section:

(1) “Electric cooperative utility” means any corporation which sells electric energy at retail and which is organized under the electric cooperative act, K.S.A. 17-4601 et seq., and amendments thereto, or becomes subject to the electric cooperative act in the manner in such act.

(2) “Generation and transmission utility” means any public utility operating a pulverized coal electricity generating facility which is constructed in Kansas after the effective date of this act, has 1,400 megawatts or more nameplate capacity and is co-located with an existing coal-fired electric generating unit in western Kansas that has greater than 325 megawatts nameplate capacity.

(3) “Municipal utility” means any Kansas municipality which owns or operates an electric utility and sells electric energy at retail.

(4) “Public utility” means an electric public utility as defined in K.S.A. 66-101a, and amendments thereto.

(b) Upon request by any municipal utility or any electric cooperative utility to purchase electric energy from a generation and transmission utility, the generation and transmission utility shall make application to the southwest power pool to make a determination of the transmission line upgrades necessary to deliver the purchased electricity to such municipal utility or electric cooperative utility and the appropriate cost recovery mechanism under southwest power pool tariffs and rules. Costs of studies or upgrades, if any, shall be the responsibility of the requesting municipal utility or electric cooperative utility.”;

And by renumbering sections accordingly;

Also on page 2, in line 32, by striking “3 through 7” and inserting “4 through 8”;

On page 6, in line 31, by striking “fossil-fuel-fired” and inserting “coal-fired”;

On page 8, in line 18, by striking “11 through 27” and inserting “12 through 28”;

On page 10, in line 36, by striking “13” and inserting “14”;

On page 11, in line 26, by striking “14” and inserting “15”;

On page 12, in line 5, by striking “17” and inserting “18”;

On page 13, in line 13, by striking “18” and inserting “19”;

On page 14, in line 37, by striking “12” and inserting “13”;

On page 16, in line 20, by striking “10” and inserting “11”; in line 26, by striking “12” and inserting “13”;

On page 26, in line 9, by striking “34” and inserting “35”;

Also, on motion of Rep. Sloan to amend **H. Sub. for SB 148**, Rep. C. Holmes requested the question be divided. The question was divided.

On Part A of the motion of Rep. Sloan, **H. Sub. for SB 148** be amended on page 27, after line 23, by inserting the following:

“New Sec. 38. The state corporation commission and the department of health and environment shall, on an annual basis, identify operators of electric utilities with coal-fired generating capacity greater than 350 MW located in Kansas with carbon dioxide emissions in excess of 110% of the statewide average emissions from coal-fired plants located in Kansas with a capacity greater than 350 MW.”;

Also, on Part B of the motion of Rep. Sloan to amend **H. Sub. for SB 148**, the motion did not prevail.

Also, on motion of Rep. Colloton to amend **H. Sub. for SB 148**, the motion did not prevail, and the substitute bill be passed as amended.

#### MESSAGE FROM THE SENATE

Announcing passage of **HB 2133**, as amended by **S. Sub. for Sub. HB 2133; HB 2421**, as amended by **S. Sub. for HB 2421; HB 2620**, as amended; **HB 2827**, as amended by **S. Sub. for HB 2827; HB 2919**, as amended as amended by **S. Sub. for HB 2919**.

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the conference committee on **SB 21** to replace Senators Umbarger, Emler and Kelly.

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the conference committee on **SB 23** to replace Senators Schodorf, Vratil and Lee.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Gordon, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2006** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurrred in Senate amendments to **S. Sub. for Sub. HB 2412** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. O'Neal, the House nonconcurrred in Senate amendments to **HB 2620** and asked for a conference.

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

#### **CHANGE OF CONFEREES**

Speaker pro tem Dahl announced the appointment of Rep. Colloton as a member of the conference committee on **S. Sub. for HB 2923** to replace Rep. Goico.

Also, the appointment of Reps. Siegfried, Huebert and Peterson as members of the conference committee on **Sub. for Sub. SB 316** to replace Reps. Gordon, Huntington and Winn.

On motion of Rep. Merrick, the House recessed until 3:30 p.m.

---

### AFTERNOON SESSION

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

#### **CHANGE OF CONFEREES**

Speaker pro tem Dahl announced the appointment of Reps. Siegfried, Huebert and Peterson as members of the conference committee on **SB 178** to replace Reps. Landwehr, Mast and Flaharty.

Also, the appointment of Rep. Crum as a member of the conference committee on **SB 81** to replace Rep. Colyer.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2133** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

On motion of Rep. Schwartz, the House nonconcurrred in Senate amendments to **S. Sub. for HB 2421** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Schwartz, Tafanelli and Feuerborn as conferees on the part of the House.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 404**, 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 4, in line 25, by striking “a resident of the state of Kansas;”; in line 26, by striking “(2) is”; also in line 26, by striking “(3)” and inserting “(2)”; in line 28, by striking “(4)” and inserting “(3)”; in line 30, by striking “(5)” and inserting “(4)”;

On page 7, in line 8, by striking “plus”; by striking all in lines 9 through 12; in line 13, by striking all before the period;

On page 8, in line 12, before the period by inserting “and to authorize admission of nonresident academically talented pupils and international academically talented pupils as well as additional Kansas residents”; in line 13, before “pupils” by inserting “Kansas residents”; in line 17, before “The” by inserting “At least three-fourths of the total number of academically talented pupils enrolled in KAMS shall be Kansas residents.”; following line 38, by inserting:

“New Sec. 5. (a) For the purpose of determining the general fund budget of a school district, weightings shall not be assigned to a pupil enrolled in and attending KAMS.

(b) Moneys in the general fund which are attributable to a pupil enrolled in and attending KAMS shall not be included in the computation of the local option budget of the school district.

(c) The provisions of this section shall be part of and supplemental to the school district finance and quality performance act.”;

And by renumbering the remaining sections accordingly;

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

CLAY AURAND  
DEENA HORST  
SUE STORM

*Conferees on part of House*

JEAN KURTIS SCHODORF  
JOHN VRATIL  
JANIS K. LEE

*Conferees on part of Senate*

On motion of Rep. Aurand, the conference committee report on **SB 404** was adopted.

On roll call, the vote was: Yeas 110; Nays 11; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Bethell, Bowers, Brown, Brunk, Burgess, Carlin, Carlson, Colloton, Craft, Crow, Crum, Dahl, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, 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, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treasurer, Trimmer, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Burroughs, Donohoe, Faber, Frownfelter, Knox, Otto, Peck, Powers, Ward, Winn.

Present but not voting: None.

Absent or not voting: Colyer, Flora, Masterson, Spalding.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 437**, 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 5, by striking all in lines 14 through 24 and inserting the following:

“Sec. 8. (a) The Salina area technical school is authorized to be converted to and established as a technical college and, upon such conversion and establishment as provided by law, shall be officially designated as the Salina area technical college.

(b) Whenever the Salina area technical school is referred to or designated by or in any statute, contract or other document, such reference or designation shall be deemed to apply to the Salina area technical college.”;

In the title, in line 14, following “concerning” by inserting “education; relating to”; also in line 14, by striking all following “institutions”; by striking all in lines 15 and 16; in line 17, by striking all preceding the period;

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

CLAY AURAND  
DEENA HORST  
SUE STORM

*Conferees on part of House*

JEAN KURTIS SCHODORF  
JOHN VRATIL  
JANIS K. LEE

*Conferees on part of Senate*

On motion of Rep. Aurand, the conference committee report on **SB 437** 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 562**, 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, in line 21, after “Section 1.” by inserting “From and after January 1, 2010.”;

On page 3, in line 11, after “Sec. 2.” by inserting “From and after January 1, 2010.”; after line 30, by inserting the following:

“Sec. 3. K.S.A. 25-433 is hereby amended to read as follows: 25-433. (a) The county election officer shall mail all official ballots with a return identification envelope and instructions sufficient to describe the voting process to each elector entitled to vote in the election on one date not sooner than the 20th day before the date of the election and not later than the 10th day before the date of the election. Ballots mailed by the county election officer shall be addressed to the address of each elector appearing in the registration records, and placed in an envelope which is prominently marked “Do Not Forward.” *Ballots shall not be mailed to any inactive voter who, based on information provided by the postal service, appears to have moved to a residence address outside the county in which the voter is*

currently registered and who has been mailed a confirmation notice as described in subparagraph (4) of subsection (e) of K.S.A. 25-2316c, and amendments thereto, or because a "Forwarding Order Expired" or "Moved No Forwarding Address" notice was received from the post office. Any inactive voter who believes such voter is entitled to vote in the election may request a replacement ballot as provided for in subsection (d) of this section.

(b) Upon receipt of the ballot the elector shall mark it, sign the return identification envelope supplied with the ballot and comply with the instructions provided with the ballot. The elector may return the marked ballot to the county election officer by United States mail, if it is received by the county election officer by the date of the election, or personally deliver the ballot to the office of the county election officer before noon on the date of the election. The ballot shall be returned in the return identification envelope. The county election officer shall provide for the payment of postage for the return of ballot envelopes.

(c) The return identification envelope shall contain the following form:

I declare under penalty of election perjury, a felony, that I am a resident and a qualified voter for this election as shown on voter registration records and that I have voted the enclosed ballot and am returning it in compliance with Kansas law, and amendments thereto, and have not and will not vote more than one ballot in this election.

I also understand that failure to complete the information below will invalidate my ballot.

\_\_\_\_\_  
Signature  
\_\_\_\_\_  
Residence Address

(d) If the ballot is destroyed, spoiled, lost or not received by the elector, the elector may obtain a replacement ballot from the county election officer as provided in this subsection. An elector seeking a replacement ballot shall sign a statement verified on oath or affirmation, on a form prescribed by the secretary of state, that the ballot was destroyed, spoiled, lost or not received. The applicant shall deliver the statement to the county election officer before noon on the date of the election. The applicant may mail the statement to the county election officer, except a county election officer shall not transmit a ballot by mail under this subsection unless the application is received prior to the close of business on the second day prior to the election. When an application is timely received under this subsection, the county election officer shall deliver the ballot to the voter if the voter is present in the office of the county election officer, or promptly transmit the ballot by mail to the voter at the address contained in the application, except when prohibited in this subsection. The county election officer shall keep a record of each replacement ballot provided under this subsection.

(e) A ballot shall be counted only if: (1) It is returned in the return identification envelope; (2) the envelope is signed by the elector to whom the ballot is issued; and (3) the signature has been verified as provided in this subsection. The county election officer shall verify the signature of each elector on the return identification envelope with the signature on the elector's registration records and may commence verification at any time prior to the canvass of the election. If the county election officer determines that an elector to whom a replacement ballot has been issued under subsection (d) has voted more than once, the county election officer shall not count any ballot cast by that elector.

(f) The county election officer shall supervise the procedures for the handling and canvassing of ballots to insure the safety and confidentiality of all ballots properly cast.

(g) The names of voters whose mail ballot envelopes are returned to the county election officer as "undeliverable" shall be subject to removal from the voter registration book and party affiliation list in the manner provided in subsection (d) of K.S.A. 25-2316c, and amendments thereto.

Sec. 4. From and after July 1, 2008, K.S.A. 25-2021 is hereby amended to read as follows: 25-2021. (a) In school districts in which a member district method of election is in effect, if there are more than two (2) qualified candidates for one (1) member position in any member district, the county election officer shall call, and there shall be held, a primary



election in each such member district and, if there are more than two (2) qualified candidates for the at-large member position, the county election officer shall call, and there shall be held, a primary election in such school district. The names of the two (2) candidates receiving the greatest number of votes for any member position at the primary election shall appear on the ballots in the general election.

— (b) In school districts having the election at large method, if there are more than two (2) times the number of candidates as there are board members to be elected, the county election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are board members to be elected who received the greatest number of votes at the primary election shall appear on the ballots in the general election.

— (c) If a member is to be elected to fill an unexpired term the rules in this section shall be modified consistent with the provisions of this subsection. If there are more than two (2) candidates for such unexpired term, the county election officer shall call and there shall be held, a primary election. The names of the two (2) candidates for such unexpired term receiving the greatest number of votes shall appear on the ballots in the general election.

— (d) No ballot in a primary school election shall have either names or write-in blanks for any board member position unless more than two (2) candidates have filed for such position.

*(a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of school district board members shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of candidates as there are board members to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general school board election ballot.*

~~(e)~~ (b) On the ballots in general school elections, blank lines for the name of write-in candidates shall be printed at the end of the list of candidates for each different office equal to the number to be elected thereto. The purpose of such blank lines shall be to permit the voter to insert the name of any person not printed on the ballot for whom such voter desires to vote for such office. No lines for write-in candidates shall appear on primary school election ballots.

Sec. 5. From and after July 1, 2008, K.S.A. 25-2108a is hereby amended to read as follows: 25-2108a. (a) There shall be a primary election of city officers on the Tuesday preceding by five weeks the first Tuesday in April of every year that such city has a city election, except as otherwise provided in subsection (b) of this section.

(b) *A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates.* No primary election of city officers shall be held unless by holding such primary ~~one (1)~~ two or more persons will be eliminated as candidates for office. In the event there are not more than ~~two (2)~~ three times the number of candidates ~~for any one office~~ as there are officers to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general city election ballot.

Sec. 6. From and after July 1, 2008, K.S.A. 71-1415 is hereby amended to read as follows: 71-1415. ~~(a) In any college district having a district method and in which there are more than two candidates for a member position, the election officer shall call, and there shall be held, a primary election. The names of the two candidates receiving the greatest number of votes for any member position shall appear on the ballots in the general election.~~

~~— (b) In any college district having the election-at-large method and in which there are more than two times the number of candidates as there are trustees to be elected, the election officer shall call, and there shall be held, a primary election. The names of twice the number of candidates as there are trustees to be elected who receive the greatest number of votes in the primary shall appear on the ballots in the general election.~~

*(a) A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as*

*candidates for office. In the event there are not more than three times the number of candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.*

(~~e~~) (b) In the general election, there shall appear on the ballots a line appropriate for write-in candidates. No lines for write-in candidates shall appear on the primary election ballots.

New Sec. 7. (a) On and after the effective date of this act, any provision of a restrictive covenant which prohibits the display of political yard signs, which are less than six square feet, during a period commencing 45 days before an election and ending two days after the election is hereby declared to be against public policy and such provision shall be void and unenforceable.

(b) The provisions of this section shall apply to any restrictive covenant in existence on the effective date of this act.”;

And by renumbering the remaining sections accordingly;

Also on page 3, in line 31, after “Sec. 3.” by inserting “From and after January 1, 2010.”; after line 31, by inserting the following:

“Sec. 9. From and after July 1, 2008, K.S.A. 25-2021, 25-2108a and 71-1415 are hereby repealed.

Sec. 10. K.S.A. 25-433 is hereby repealed.”;

And by renumbering the remaining section accordingly;

Also on page 3, in line 33, by striking “statute book” and inserting “Kansas register”;

In the title, in line 17, after the semicolon by inserting “pertaining to mail ballot elections; pertaining to mailing of ballots to inactive voters in local question submitted elections conducted by mail ballot; pertaining to certain primary elections; pertaining to political yard signs.”; in line 18, before “K.S.A.” by inserting “K.S.A. 25-433, 25-2021, 25-2108a and 71-1415 and”; also in line 18, by striking “section” and inserting “sections”;

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

MIKE BURGESS

TED POWERS

TOM SAWYER

*Conferees on part of House*

TIM HUELSKAMP

ROGER P. REITZ

DONALD BETTS JR.

*Conferees on part of Senate*

On motion of Rep. Burgess, the conference committee report on **SB 562** 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Spalding.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. C. Holmes, the House nonconcurrent in Senate amendments to **S. Sub. for HB 2919** 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. Merrick, the House resolved into Committee of the Whole, with Rep. Ruff in the chair.

#### COMMITTEE OF THE WHOLE

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

Recommended that committee report recommending a substitute bill to **H. Sub. for SB 180** be adopted; and the substitute bill be passed.

Committee report to **HCR 5033** be adopted; and the resolution be adopted as amended.

#### 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 **H. Sub. for Sub. SB 309**. The motion prevailed.

#### REPORTS OF STANDING COMMITTEES

Committee on **Appropriations** recommends **SB 656** be passed.

Committee on **Federal and State Affairs** recommends **HCR 5031** be adopted.

Committee on **Federal and State Affairs** recommends **HB 2799** be amended on page 3, in line 17, by striking "with the consent of the senate" and inserting "subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto"; in line 22, by striking all following "court"; in line 23, by striking "senate" and inserting "subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto"; in line 27, by striking "as-"; in line 28, by striking "sume" and inserting "exercise any powers, duties or functions of"; also in line 28, by striking all following "until"; by striking all in line 29; in line 30, by striking all preceding the period and inserting "confirmed by the senate as provided in K.S.A. 75-4315b, and amendments thereto"; in line 31, by striking "to consent to any" and inserting "on the confirmation of"; in line 32, by striking all following the period; by striking all in lines 33 through 35; in line 36, by striking all preceding "In"; also in line 36, by striking all following "event"; in line 37, by striking "not vote to consent to" and inserting "the senate does not confirm"; in line 41, by striking "consent" and inserting "confirmation"; in line 43, by striking "did not receive the consent of" and inserting "was not confirmed by";

On page 4, in line 3, by striking "given consent to" and inserting "confirmed"; and the bill be passed as amended.

Committee on **Federal and State Affairs** recommends **SB 397** be amended by substituting a new bill to be designated as "HOUSE Substitute for SENATE BILL No. 397," as follows:

"HOUSE Substitute for SENATE BILL No. 397

By Committee on Federal and State Affairs

"AN ACT relating to drivers' licenses and other state issued identification cards; concerning the photo fee fund; amending K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 and repealing the existing sections."; and the substitute bill be passed.

(**H. Sub. for SB 397** was thereupon introduced and read by title.)

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6027—

By Representative Grant

A RESOLUTION celebrating and commemorating Frank Bozick as the oldest living veteran in Kansas.

WHEREAS, Frank Bozick, son of Frank and Teresa Bozick, immigrants from Slovenia, then a part of Austria-Hungary but now an independent country, was born on February 11, 1903, in Frontenac, Kansas; and

WHEREAS, Mr. Bozick was recognized in November as part of the Frontenac USD 249 Veteran's Day program as the oldest veteran in Kansas - a status that has been confirmed by the historian of the American Legion National Headquarters; and

WHEREAS, Mr. Bozick attended the Central Automobile and Tractor Division of the Pittsburg Business College. After graduation he became a mechanic. Mr. Bozick worked for the Ford Motor Company in Detroit for 18 months. Subsequently, Mr. Bozick returned to Kansas where he repaired steam engines for the Kansas City Southern Railroad until 1932. In 1934, he opened his own gas station which he operated for 42 years; and

WHEREAS, In December 1943, at the age of 38, Mr. Bozick was drafted into the United States Army, where he spent three years repairing tanks. While serving in the army, Mr. Bozick was stationed in Ohio, Kentucky, and Europe. His unit landed on the beaches at Normandy just seven days after D-Day and then moved to Paris, France two days after the city was liberated from the Germans; and

WHEREAS, Mr. Bozick's time in the army ended in June of 1946 as a Sergeant, 1st class. For his actions while in service to his country, Mr. Bozick earned a European theater ribbon and a good conduct medal; and

WHEREAS, Because of his remarkable life and his valiant service to his country, Frank was presented with a plaque on behalf of the City of Frontenac and the American Legion, John F. Derby Post 43 of Frontenac: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we congratulate and commend Frank Bozick upon completion of 105 years on this earth and wish him many happy returns; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide an enrolled copy of this resolution to Frank Bozick, 306 S. Jefferson, Frontenac, KS 66763.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2280**, 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 and inserting the following:

“New Section 1. (a) No officer or employee of the state or any political subdivision thereof, member of the Kansas national guard in the service of the state, or any person operating pursuant to or under color of state law, receiving state funds, under control of any official of the state or political subdivision thereof, or providing services to such officer, employee or other person, while acting during a declared official state of emergency, may:

(1) Temporarily or permanently seize, or authorize seizure of, any firearm the possession of which is not prohibited under state law, other than as evidence in a criminal investigation; or

(2) require registration of any firearm for which registration is not required by state law.

(b) Any individual aggrieved by a violation of this section may seek in the courts of this state relief in an action at law or in equity or other proper proceeding for redress against any person who subjects such individual, or causes such individual to be subjected, to the deprivation of any of the rights, privileges or immunities provided by this section.

(c) In addition to any other remedy at law or in equity, an individual aggrieved by the seizure or confiscation of a firearm in violation of this section may bring an action for return

of such firearm in the district court of the county in which that individual resides or in which such firearm is located. In any action or proceeding to enforce this section, the court shall award the prevailing party, other than the state or political subdivision thereof, reasonable attorneys' fees.

(d) "Seize" shall mean the act of forcible dispossessing an owner of property under actual or apparent authority of law.

Sec. 2. K.S.A. 48-925 is hereby amended to read as follows: 48-925. (a) During any state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, the governor shall be commander-in-chief of the organized and unorganized militia and of all other forces available for emergency duty. To the greatest extent practicable, the governor shall delegate or assign command authority by prior arrangement, embodied in appropriate executive orders or in rules and regulations of the adjutant general, but nothing herein shall restrict the authority of the governor to do so by orders issued at the time of a disaster.

(b) Under the provisions of this act and for the implementation thereof, the governor may issue orders and proclamations which shall have the force and effect of law during the period of a state of disaster emergency declared under subsection (b) of K.S.A. 48-924, and amendments thereto, and which orders and proclamations shall be null and void thereafter unless ratified by concurrent resolution of the legislature. Such orders and proclamations may be revoked at any time by concurrent resolution of the legislature.

(c) During a state of disaster emergency declared under K.S.A. 48-924, and amendments thereto, and in addition to any other powers conferred upon the governor by law, the governor may:

(1) Suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business, or the orders or rules and regulations of any state agency which implements such statute, if strict compliance with the provisions of such statute, order or rule and regulation would prevent, hinder or delay in any way necessary action in coping with the disaster;

(2) utilize all available resources of the state government and of each political subdivision as reasonably necessary to cope with the disaster;

(3) transfer the supervision, personnel or functions of state departments and agencies or units thereof for the purpose of performing or facilitating emergency management activities;

(4) subject to any applicable requirements for compensation under K.S.A. 48-933, and amendments thereto, commandeer or utilize any private property if the governor finds such action necessary to cope with the disaster;

(5) direct and compel the evacuation of all or part of the population from any area of the state stricken or threatened by a disaster, if the governor deems this action necessary for the preservation of life or other disaster mitigation, response or recovery;

(6) prescribe routes, modes of transportation and destinations in connection with such evacuation;

(7) control ingress and egress of persons and animals to and from a disaster area, the movement of persons and animals within the area and the occupancy by persons and animals of premises therein;

(8) suspend or limit the sale, dispensing or transportation of alcoholic beverages, ~~firearms~~, explosives and combustibles;

(9) make provision for the availability and use of temporary emergency housing;

(10) require and direct the cooperation and assistance of state and local governmental agencies and officials; and

(11) perform and exercise such other functions, powers and duties as are necessary to promote and secure the safety and protection of the civilian population.

(d) The governor shall exercise the powers conferred by subsection (c) by issuance of orders under subsection (b). The adjutant general, subject to the direction of the governor, shall administer such orders.

Sec. 3. K.S.A. 48-925 is hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the statute book.":

In the title, by striking all in lines 10 through 13 and inserting the following:

“AN ACT concerning emergency powers of local government and other governmental entities; amending K.S.A. 48-925 and repealing the existing section.”;

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

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

MIKE BURGESS  
 TED POWERS  
 TOM SAWYER  
*Conferees on part of House*

On motion of Rep. Burgess, the conference committee report on **HB 2280** 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, 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, 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, Quigley, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Roth, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **Substitute for HB 2562**, 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, following line 28, by inserting the following:

“Sec. 5. K.S.A. 2007 Supp. 73-1210a is hereby amended to read as follows: 73-1210a. (a) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the commission, as are necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 12 of chapter 73 of Kansas Statutes Annotated, and amendments thereto.

(b) Upon the commencement of the interview process, every candidate for a position in a Kansas commission on veterans affairs office that interviews claimants and provides information advice and counseling to veterans, surviving spouses, their dependents concerning compensation, pension, education, vocational rehabilitation, insurance, hospitalization, outpatient care, home loans, housing, tax exemptions, burial benefits and other benefits to which they may be entitled, or any other sensitive position, as determined by the executive director shall be given a written notice that a criminal history records check is required. The Kansas commission on veterans affairs shall require such candidates to be fingerprinted and submit to a state and national criminal history record check. The fingerprints shall be used to identify the candidate and to determine whether the candidate has a record of criminal history in this state or another jurisdiction. The Kansas commission on veterans affairs shall submit the fingerprints to the Kansas bureau of investigation and the federal bureau of

investigation for a state and national criminal history record check. Local and state law enforcement officers and agencies shall assist the Kansas commission on veterans affairs in taking and processing of fingerprints of candidates. If the criminal history record information reveals any conviction of crimes of dishonesty, or violence such conviction may be used to disqualify a candidate for any position within the Kansas commission on veterans affairs. If the criminal history record information is used to disqualify a candidate, the candidate shall be informed in writing of that decision.

(c) Persons employed by the Kansas soldiers home and Kansas veterans home shall be excluded from the provisions of subsection (b). No person who has been employed by the Kansas commission on veterans affairs for five consecutive years immediately prior to the effective date of this act shall be subject to the provisions of subsection (b) while employed by the Kansas commission on veterans affairs.

(d) All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the Kansas commission on veterans affairs and the executive director of the commission may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission and the executive director to the extent authority to do so is delegated by such commission or director.

(e) Except as otherwise provided by law, and subject to the Kansas civil service act, the executive director of the Kansas commission on veterans affairs shall appoint such subordinate officers and employees, subject to the approval of the Kansas commission on veterans affairs, as shall be necessary to enable the commission to exercise or perform its functions, powers and duties pursuant to the provisions of article 19 of chapter 76 of Kansas Statutes Annotated, and amendments thereto. All such subordinate officers and employees shall be within the classified service under the Kansas civil service act, shall perform such duties and exercise such powers as the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home may prescribe and such duties and powers as are designated by law, and shall act for and exercise the powers of the commission, the executive director of the commission, the superintendent of the Kansas soldiers' home and the superintendent of the Kansas veterans' home to the extent authority to do so is delegated by such commission, executive director or superintendent.

(f) Any veterans service representative appointed by the executive director of the Kansas commission on veterans affairs shall be an honorably discharged veteran or retired from the United States armed forces. *No veterans service representative of the Kansas commission on veterans affairs shall take a power of attorney in the name of the Kansas commission on veterans affairs. Nothing in this act shall be construed to prohibit any such veterans service representative from assisting any veteran with any claim in which a power of attorney is not required.*

Nothing in this subsection shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas commission on veterans affairs employed by such commission on the effective date of this act.

For the purpose of this subsection, "veterans service representative" means any officer or employee appointed pursuant to this section whose primary duties include:

(1) Assisting ~~and representing~~ veterans and their dependents in securing benefits from the federal government and the state of Kansas.

(2) Providing information and assistance to veterans and dependents in obtaining special services and benefits based on knowledge of federal and state laws, policies and regulations pertaining to veterans benefits and services.

(3) *Providing assistance to veterans service organizations participating in the veterans claims assistance program.*

(g) Nothing in this act shall be construed to affect the status, rights or benefits of any officer or employee of the Kansas veterans' commission employed by such commission on the effective date of this act.";

And by renumbering the remaining sections accordingly;

Also on page 4, in line 29, by striking "is" and inserting "and K.S.A. 2007 Supp. 73-1210a are";

In the title, in line 12, following "preference" by inserting "and powers of attorney"; in line 13, following "73-201" by inserting "and K.S.A. 2007 Supp. 73-1210a"; also in line 13, by striking "section" and inserting "sections";

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

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

DON MYERS  
MARIO GOICO  
L. CANDY RUFF  
*Conferees on part of House*

On motion of Rep. Ruff, the conference committee report on **Sub. HB 2562** was adopted.

On roll call, the vote was: Yeas 119; Nays 2; Present but not voting: 0; Absent or not voting: 4.

Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, 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, Quigley, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Hodge.

Present but not voting: None.

Absent or not voting: Colyer, Masterson, Roth, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2672**, 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, in line 24, by striking "rate" and inserting "rates"; also in line 24, after "and" by inserting "create a"; in line 25, by striking "of" and inserting "on"; in line 27, after "but" by inserting "are"; in line 30, by striking the comma and inserting "and a";

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 2672** was adopted.

Call of the House was demanded.

On roll call, the vote was: Yeas 116; Nays 6; Present but not voting: 0; Absent or not voting: 3.



Yeas: Aurand, Ballard, Beamer, Bethell, Bowers, Brunk, Burgess, Burroughs, Carlin, Carlson, Colloton, 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, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Brown, Hodge, Kelley, Kinzer, Judy Morrison, Peck.

Present but not voting: None.

Absent or not voting: Colyer, Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2892**, 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 31, following "of" by inserting "a"; also in line 31, by striking "and mineral"; in line 32, by striking "interests" and inserting "interest"; in line 34, by striking "surface and" and inserting "a"; also in line 34, by striking "interests" and inserting "interest";

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

ANNIE KUETHER

*Conferees on part of House*

On motion of Rep. C. Holmes, the conference committee report on **HB 2892** 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Spalding.

On motion of Rep. Merrick, the House recessed until 7:30 p.m.

---

## EVENING SESSION

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

### CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Reps. Siegfried, Huebert and Peterson as members of the conference committee on **HB 2123** to replace Reps. Aurand, Horst and Storm.

Also, the appointment of Rep. Tafanelli as a member of the conference committee on **S. Sub. for HB 2421** to replace Rep. Grange.

Also, the appointment of Reps. Siegfried, Huebert and Loganbill as members of the conference committee on **H. Sub. for SB 21** to replace Schwartz, Tafanelli and Feuerborn.

Also, the appointment of Reps. Siegfried, Huebert and Loganbill as members of the conference committee on **SB 23** to replace Reps. Aurand, Spalding and Storm.

Also, the appointment of Rep. Loganbill as a member of the conference committee on **S. Sub. for Sub. SB 316** to replace Rep. Peterson.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 470**, 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 6, in line 38, after "whether" by inserting "or not";

On page 7, by striking all in lines 8 through 10; following line 10 by inserting:

"Sec. 3. K.S.A. 2007 Supp. 72-1397 is hereby amended to read as follows: 72-1397. (a) The state board of education shall not knowingly issue a license to or renew the license of any person who has been convicted of ~~any offense or attempt to commit any offense specified in subsection (c) of K.S.A. 21-4619 and amendments thereto:~~

- (1) Rape, as defined in K.S.A. 21-3502, and amendments thereto;
- (2) indecent liberties with a child, as defined in K.S.A. 21-3503, and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, and amendments thereto;
- (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto;
- (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, and amendments thereto;
- (6) indecent solicitation of a child, as defined in K.S.A. 21-3510, and amendments thereto;
- (7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, and amendments thereto;
- (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, and amendments thereto;
- (9) aggravated incest, as defined in K.S.A. 21-3603, and amendments thereto;
- (10) aggravated endangering a child, as defined in K.S.A. 21-3608a, and amendments thereto;
- (11) abuse of a child, as defined in K.S.A. 21-3609, and amendments thereto;
- (12) capital murder, as defined in K.S.A. 21-3439, and amendments thereto;
- (13) murder in the first degree, as defined in K.S.A. 21-3401, and amendments thereto;
- (14) murder in the second degree, as defined in K.S.A. 21-3402, and amendments thereto;
- (15) voluntary manslaughter, as defined in K.S.A. 21-3403, and amendments thereto;
- (16) involuntary manslaughter, as defined in K.S.A. 21-3404, and amendments thereto;
- (17) involuntary manslaughter while driving under the influence of alcohol or drugs, as defined in K.S.A. 21-3442, and amendments thereto;

(18) *sexual battery, as defined in K.S.A. 21-3517, and amendments thereto, when, at the time the crime was committed, the victim was less than 18 years of age or a student of the person committing such crime;*

(19) *aggravated sexual battery, as defined in K.S.A. 21-3518, and amendments thereto;*

(20) *attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;*

(21) *conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection;*

(22) *an act in another state or by the federal government that is comparable to any act described in this subsection; or*

(23) *an offense in effect at any time prior to the effective date of this act that is comparable to an offense as provided in this subsection.*

(b) Except as provided in subsection (c), the state board of education shall not knowingly issue a license to or renew the license of any person who *has been convicted of, or has entered into a criminal diversion agreement after having been charged with:*

(1) *Has been convicted of a felony under the uniform controlled substances act, (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student, (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student, (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated, (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection, (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-4301a or 21-4301c, and amendments thereto, (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection, or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.*

(1) *A felony under the uniform controlled substances act;*

(2) *a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or a battery, as described in K.S.A. 21-3412, and amendments thereto, or domestic battery, as described in K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student;*

(3) *a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);*

(4) *any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);*

(5) *a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated;*

(6) *promoting obscenity, as described in K.S.A. 21-4301, and amendments thereto, promoting obscenity to minors, as described in K.S.A. 21-4301a, and amendments thereto, or promoting to minors obscenity harmful to minors, as described in K.S.A. 21-4301c, and amendments thereto;*

(7) *endangering a child, as defined in K.S.A. 21-3608, and amendments thereto;*

(8) *driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is punishable as a felony;*

(9) *attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;*

(10) *conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection; or*

(11) *an act committed in violation of a federal law or in violation of another state's law that is comparable to any act described in this subsection.*

(c) The state board of education may issue a license to or renew the license of a person who has been convicted of committing an offense or act described in subsection (b) or who

has entered into a criminal diversion agreement after having been charged with an offense or act described in subsection (b) if the state board determines, following a hearing, that the person has been rehabilitated for a period of at least five years from the date of conviction of the offense or commission of the act or, in the case of a person who has entered into a criminal diversion agreement, that the person has satisfied the terms and conditions of the agreement. The state board of education may consider factors including, but not limited to, the following in determining whether to grant a ~~certificate~~ license:

- (1) The nature and seriousness of the offense or act;
  - (2) the conduct of the person subsequent to commission of the offense or act;
  - (3) the time elapsed since the commission of the offense or act;
  - (4) the age of the person at the time of the offense or act;
  - (5) whether the offense or act was an isolated or recurring incident; and
  - (6) discharge from probation, pardon or expungement.
- (d) Before any license is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.
- (e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.

(f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a license by reason of the state board's compliance, in good faith, with the provisions of this section.

Sec. 4. K.S.A. 72-5437 is hereby amended to read as follows: 72-5437. (a) All contracts of employment of teachers, as defined in K.S.A. 72-5436, and amendments thereto, except contracts entered into under the provisions of K.S.A. 72-5412a, and amendments thereto, shall be deemed to continue for the next succeeding school year unless written notice of termination or nonrenewal is served as provided in this subsection. Written notice to terminate a contract may be served by a board upon any teacher prior to the time the contract has been completed, and written notice of intention to nonrenew a contract shall be served by a board upon any teacher on or before May 1. A teacher shall give written notice to a board that the teacher does not desire continuation of a contract on or before May 15 or, if applicable, not later than 15 days after final action is taken by the board upon termination of professional negotiation absent a binding agreement under article 54 of chapter 72 of Kansas Statutes Annotated, whichever is the later date.

(b) Terms of a contract may be changed at any time by mutual consent of both a teacher and a board.

(c) *As used in this section, "teacher" means (1) a teacher as defined by K.S.A. 72-5436, and amendments thereto, and (2) any professional employee who is a retirant from school employment of the Kansas public employees retirement system.*

Sec. 5. K.S.A. 72-5411 and 72-5437 and K.S.A. 2007 Supp. 72-1397, 72-89c01 and 72-89c02 are hereby repealed.;

And by renumbering the remaining section accordingly;

In the title, in line 10, by striking all after the first semicolon; in line 11, after "amending" by inserting "K.S.A. 72-5437 and"; also in line 11, after "Supp." by inserting "72-1397,;" in line 12, after "sections" by inserting "; also repealing K.S.A. 72-5411";

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

CLAY AURAND  
DEENA HORST  
SUE STORM

*Conferees on part of House*

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

*Conferees on part of Senate*

On motion of Rep. Aurand, the conference committee report on **SB 470** 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to HOUSE Substitute for Substitute for **SB 309**, 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, after line 20, by inserting the following:

"Section 1. K.S.A. 12-5005 is hereby amended to read as follows: 12-5005. (a) Every retired member of a local police or fire pension plan and every active member of the plan who is entitled to make an election to become a member of the Kansas police and firemen's retirement system pursuant to K.S.A. 12-5003 or 74-4955 and amendments thereto and who does not so elect shall become a special member of the Kansas police and firemen's retirement system on the entry date of the city which is affiliating with the Kansas police and firemen's retirement system with regard to all active members and retired members of the local police or fire pension plan under K.S.A. 74-4954 and amendments thereto.

(b) Beginning with the first payroll for services as a policeman or fireman after an active member of a local police or fire pension plan becomes a special member of the Kansas police and firemen's retirement system under this section, the city shall deduct from the compensation of each special member the greater of 7% or the percentage rate of contribution which the active member was required to contribute to the local police or fire pension plan preceding the entry date of the city, as employee contributions. The deductions shall be remitted quarterly, or as the board of trustees otherwise provides, to the executive secretary of the Kansas public employees retirement system for credit to the Kansas public employees retirement fund. All deductions shall be credited to the special members' individual accounts beginning on July 1 of the year following the entry date of the city for purposes of all active and retired members of the local police and fire pension plan.

(c) Except as otherwise provided in this act, each active member of a local police or fire pension plan who becomes a special member of the Kansas police and firemen's retirement system under this section shall be subject to the provisions of and entitled to pensions and other benefits, rights and privileges to the extent provided under the local police and fire pension plan on the day immediately preceding the entry date of the city which is affiliating

with the Kansas police and firemen's retirement system with regard to all active members and retired members of the plan.

(d) Each retired member of a local police or fire pension plan who becomes a special member of the Kansas police and firemen's retirement system under this section shall be entitled to receive from the Kansas police and firemen's retirement system a pension or any other benefit to the same extent and subject to the same conditions as existed under the local police or fire pension plan on the day immediately preceding the entry date of the city which is affiliating with the system with regard to all active members and retired members of the plan under K.S.A. 74-4954 and amendments thereto, except no retired special member shall be appointed in or to a position or office for which compensation is paid for service to the same state agency, or the same police or fire department of a city, township, special district or county or the same sheriff's office of a county. This subsection shall not apply to service rendered by a retiree as a juror, as a witness in any legal proceeding or action, as an election board judge or clerk or in any other office or position of a similar nature. However, all such benefits paid shall be paid in accordance with the applicable requirements under section 401 (a)(9) of the federal internal revenue code of 1986 as applicable to governmental plans, as in effect on July 1, ~~1998~~ 2008, and the regulations thereto, as in effect on July 1, ~~1998~~ 2008, and in accordance with the provisions of K.S.A. 74-49,123, and amendments thereto. Any retiree employed by a participating employer in the Kansas police and firemen's retirement system shall not make contributions or receive additional credit under the system for that service. This subsection, except as it relates to contributions and additional credit, shall not apply to the employment of any retiree by the state of Kansas, or any county, city, township, special district, political subdivision or instrumentality of any one or several of the aforementioned for a period of not exceeding 30 days in any one calendar year.

(e) (1) Every pension or other benefit received by any special member pursuant to subsection (c) or (d) is hereby made and declared exempt from any tax of the state of Kansas or any political subdivision or taxing body of this state; shall not be subject to execution, garnishment, attachment or any other process or claim whatsoever, except such pension or benefit or any accumulated contributions due and owing from the system to such special member are subject to decrees for child support or maintenance, or both, as provided in K.S.A. 60-1610 and amendments thereto; and shall be unassignable, except that within 30 days after the death of a retirant the lump-sum death benefit payable to a retirant pursuant to the provisions of K.S.A. 74-4989 and amendments thereto may be assignable to a funeral establishment providing funeral services to such retirant by the beneficiary of such retirant. The Kansas public employees retirement system shall not be a party to any action under article 16 of chapter 60 of the Kansas Statutes Annotated, and amendments thereto, and is subject to orders from such actions issued by the district court of the county where such action was filed. Such orders from such actions shall specify either a specific amount or specific percentage of the amount of the pension or benefit or any accumulated contributions due and owing from the system to be distributed by the system pursuant to this act.

(2) Every pension or other benefit received by any special member pursuant to subsection (c) or (d) is hereby made and declared exempt from any tax of the state of Kansas or any political subdivision or taxing body of this state; shall not be subject to execution, garnishment, attachment or any other process or claim whatsoever, except such pension or benefit or any accumulated contributions due and owing from the system to such special members are subject to claims of an alternate payee under a qualified domestic relations order. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008. The provisions of this subsection shall apply to any qualified domestic relations order which is in effect on or after July 1, 1994.

(f) (1) Subject to the provisions of K.S.A. 2001 Supp. 74-49,123 and amendments thereto, each participating employer, pursuant to the provisions of section 414(h)(2) of the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008, shall pick up and pay the contributions which would otherwise be payable by members as prescribed in subsection (b) commencing with the third quarter of 1984. The contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the member's compensation.

(2) Member contributions picked up by the employer shall be paid from the same source of funds used for the payment of compensation to a member. A deduction shall be made from each member's compensation equal to the amount of the member's contributions picked up by the employer, provided that such deduction shall not reduce the member's compensation for purposes of computing benefits under K.S.A. 12-5001 to 12-5007, inclusive, and amendments thereto.

(3) Member contributions picked up by the employer shall be remitted quarterly, or as the board may otherwise provide, to the executive secretary for credit to the Kansas public employees retirement fund. Such contributions shall be credited to a separate account within the member's individual account so that amounts contributed by the member commencing with the third quarter of 1984 may be distinguished from the member contributions picked up by the employer. Interest shall be added annually to members' individual accounts.

Sec. 2. K.S.A. 13-14a02 is hereby amended to read as follows: 13-14a02. The governing body of all cities of the first class, maintaining an organized police department and a fire department, shall establish, maintain and fund a separate pension fund for each department, which shall be set aside and used exclusively for the payment of pensions and disability benefits as authorized in K.S.A. 13-14a01 et seq. and amendments thereto. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. Each such pension fund shall be maintained and funded in accordance with the minimum funding standards prescribed in K.S.A. 12-5002 and amendments thereto. For the purpose of creating, maintaining and funding such pension funds, the governing body of each city of first class is hereby authorized and shall:

(a) Accept gifts, grants, bequests, gratuities or any other money and credit the same to the pension fund designated by the donor;

(b) levy an assessment against each officer and member of each department equal to 7% of such officer's or member's monthly salary or compensation, such assessment amount to be deducted from the regular payroll and to be transferred into such pension fund;

(c) place into such funds the proceeds of all lost or stolen securities, money or personal property which remains unclaimed in possession of any department of the city for six months, together with the proceeds of all unclaimed or confiscated property of any nature which has been in custody of the police department for a period of six months. The city is authorized to sell at public auction such property and place the proceeds into such pension funds in equal shares;

(d) transfer into such pension funds the unencumbered balance, including investments, in any existing pension fund or funds, except that if there is more than one pension fund existing in such city, then each of such existing funds, other than the firemen's and policemen's relief funds, shall be transferred into the new pension fund of a like classification. Upon the termination of any pension fund or funds, the rights of members to benefits accrued at the date of termination to the extent funded or to the amount in members' accounts at the date of termination are nonforfeitable;

(e) carry forward the balance in such funds at the close of each budget year as revenue for the next ensuing year;

(f) levy annually at the time for the levying of taxes for city purposes, a tax upon all of the taxable tangible property in such city for each pension fund to make annual contributions to each pension fund as required under K.S.A. 12-5002 and amendments thereto and to maintain and fund each pension fund on an actuarial reserve basis in accordance with the provisions of K.S.A. 13-14a05 and amendments thereto. In lieu of levying the tax authorized in this section, the annual contribution required of the city may be paid from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto; and

(g) administer such funds in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue code of 1954 or 1986, as in effect on July 1, ~~1996~~ 2008, and as applicable for a governmental plan in accordance with the provisions of K.S.A. ~~2001 Supp.~~ 74-49,123 and amendments thereto.

Sec. 3. K.S.A. 13-14a10 is hereby amended to read as follows: 13-14a10. Except as provided further, any annuity, benefits, funds, property or rights created by or accruing to any

person under the provisions of K.S.A. 13-14a01 et seq. or K.S.A. 14-10a01 et seq., and amendments thereto, are hereby made and declared exempt from any tax of the state of Kansas or any political subdivision or taxing body thereof, and shall not be subject to execution, garnishment or attachment, or any other process or claim whatsoever, and shall be unassignable, except as specifically provided by law.

Any pension benefits or annuities accruing under the provisions of K.S.A. 13-14a01 et seq. or K.S.A. 14-10a01 et seq., and amendments thereto, shall not be exempt from claims of an alternate payee under a qualified domestic relations order. As used in this section, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008. The provisions of this section shall apply to any qualified domestic relations order which is in effect on or after July 1, 1994.

Sec. 4. K.S.A. 13-14a13 is hereby amended to read as follows: 13-14a13. Any officer or member of such police department or fire department, who leaves such department and serves in the uniformed services of the United States shall be credited by the respective board of trustees, with time or any part thereof so served, in computing such officer's or member's retirement time for pension purposes, as required by federal law, including, but not limited to, when applicable, the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1998~~ 2008.

Sec. 5. K.S.A. 14-10a02 is hereby amended to read as follows: 14-10a02. The governing bodies of all cities of the second class, with a population in excess of 6,000 located in counties having a population of 10,000 or more, maintaining an organized police and fire department, may establish and maintain a separate pension fund for each department, which shall be set aside and used exclusively for the payment of pensions and disability benefits as authorized in K.S.A. 14-10a01 et seq. and amendments thereto. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. Each such pension fund shall be maintained and funded in accordance with the minimum funding standards prescribed in K.S.A. 12-5002 and amendments thereto. For the purpose of creating, maintaining and funding such pension funds, the governing body of each such city of the second class is hereby authorized and shall:

(a) Accept gifts, grants, bequests, gratuities or any other money and credit the same to the pension fund designated by the donor;

(b) levy an assessment against each officer and member of each department equal to 7% of such officer's or member's monthly salary or compensation, such assessment amount to be deducted from the regular payroll and to be transferred into such pension fund;

(c) place into such funds the proceeds of all lost or stolen securities, money or personal property which shall remain unclaimed in possession of any department of the city for six months, together with the proceeds of all unclaimed or confiscated property of any nature which shall have been in custody of the police department for a period of six months. The city is authorized to sell at public auction such property and place the proceeds into such pension funds in equal shares;

(d) transfer into such pension funds the unencumbered balance, including investments, in any existing pension fund or funds, except that if there is more than one pension fund existing in such city then each of such existing funds, other than the firemen's and policemen's relief funds, shall be transferred into the new pension fund of a like classification. Upon the termination of any pension fund or funds, the rights of members to benefits accrued at the date of termination to the extent funded or to the amount in members' accounts at the date of termination are nonforfeitable;

(e) carry forward the balance in such funds at the close of each budget year as revenue for the next ensuing year;

(f) transfer into said fund any proceeds from any municipally owned utility at the discretion of the governing body;

(g) levy annually at the time for the levying of taxes for city purposes, a tax upon all of the taxable tangible property in such city for each pension fund to make annual contributions to each pension fund as required under K.S.A. 12-5002 and amendments thereto and to maintain and fund each pension fund on an actuarial reserve basis in accordance with the



provisions of K.S.A. 14-10a05 and amendments thereto and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto. In lieu of levying the tax authorized in this section, the annual contribution required of the city may be paid from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto; and

(h) administer such funds in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue code of 1954 or 1986, as in effect on July 1, ~~1998~~ 2008, and as applicable for a governmental plan in accordance with the provisions of K.S.A. ~~2001 Supp.~~ 74-49,123 and amendments thereto.

Sec. 6. K.S.A. 14-10a13 is hereby amended to read as follows: 14-10a13. Any officer or member of such police department or fire department, who leaves such department and serves in the uniformed services of the United States shall be credited by the respective board of trustees, with time or any part thereof so served, in computing such officer's or member's retirement time for pension purposes, as required by federal law, including, not limited to, when applicable, the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1998~~ 2008.

Sec. 7. K.S.A. 20-2601 is hereby amended to read as follows: 20-2601. As used in K.S.A. 20-2601 et seq. and amendments thereto, unless the context otherwise requires:

(a) "Fund" means the Kansas public employees retirement fund created by K.S.A. 74-4921 and amendments thereto;

(b) "retirement system for judges" means the system provided for in the acts contained in article 26 of chapter 20 of the Kansas Statutes Annotated and any acts amendatory thereof or supplemental thereto;

(c) "judge" means any duly elected or appointed justice of the supreme court, judge of the court of appeals or judge of any district court of Kansas, who serves in such capacity on and after the effective date of this act and commencing with the first day of the first payroll period of the fiscal year ending June 30, 1994, any district magistrate judge who makes an election as provided in K.S.A. 20-2620 and amendments thereto or who is elected or appointed on or after July 1, 1993;

(d) "member" means a judge who is making the required contributions to the fund, or any former judge who has made the required contributions to the fund and has not received a refund of the judge's accumulated contributions;

(e) "prior service" means all the periods of time any judge has served in such capacity prior to the effective date of this act except that district magistrate judges who have service credit under the Kansas public employees retirement system must make application to the board and, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, make payment as required by the board to transfer service credit from the Kansas public employees retirement system to the retirement system for judges;

(f) "current service" means the period of service any judge serves in such capacity from and after the effective date of this act;

(g) "military service" means service of any judge for which retirement benefit credit must be given as provided in the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1998~~ 2008;

(h) "total years of service" means the total number of years served as a judge, including prior service, military service and current service as defined by this section, computed to the nearest quarter;

(i) "salary" means the statutory salary of a judge;

(j) "final average salary" means that determined as provided in subsection (b) of K.S.A. 20-2610 and amendments thereto;

(k) "beneficiary" means any natural person or persons or estate designated by a judge in the latest designation of beneficiary received in the retirement system office to receive any benefits as provided for by this act. Except as provided in subsection (n), if there is no named beneficiary living at the time of the judge's death, any benefits provided for by this act shall be paid to: (1) The judge's surviving spouse; (2) the judge's dependent child or children; (3) the judge's dependent parent or parents; (4) the judge's nondependent child or children; (5) the judge's nondependent parent or parents; or (6) the estate of the deceased member; in the order of preference as specified in this subsection. Designations of bene-

ficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law;

(l) "annuity" means a series of equal monthly payments, payable at the end of each calendar month during the life of a retired judge, of which payments the first payment shall be made as of the end of the calendar month in which such annuity was awarded and the last payment shall be at the end of the calendar month in which such judge dies. The first payment shall include all amounts accrued since the effective date of the award of annuities, including a pro rata portion of the monthly amount of any fraction of a month elapsing between the effective date of such annuity and the end of the calendar month in which such annuity began;

(m) "board" means the board of trustees of the Kansas public employees retirement system;

(n) "trust" means an express trust created by any trust instrument, including a will, and designated by a member to receive benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, instead of a beneficiary. A designation of a trust shall be filed with the board. If there is a designated trust at the time of the member's death, all benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the trust instead of the member's beneficiary. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, any benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the member's beneficiary and any payments so made shall be a full discharge and release to the retirement system for judges from any further claims;

(o) "accumulated contributions" means the sum of all contributions by a member to the retirement system for judges which are credited to the member's account, with interest allowed thereon after June 30, 1982;

(p) "federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as in effect on July 1, ~~1998~~ 2008, and as applicable to a governmental plan; and

(q) except as otherwise provided in K.S.A. 20-2601 et seq. and amendments thereto, words and phrases used in K.S.A. 20-2601 et seq. and amendments thereto shall have the same meanings ascribed to them as are defined in K.S.A. 74-4902 and amendments thereto.

Sec. 8. K.S.A. 20-2623 is hereby amended to read as follows: 20-2623. The retirement system for judges shall be administered by the board in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue code of 1954 or 1986, as amended and as appropriate for a governmental plan and as in effect on July 1, ~~1998~~ 2008. The provisions of K.S.A. 74-49,123 and amendments thereto apply to the administration of the system.

Sec. 9. K.S.A. 72-5501 is hereby amended to read as follows: 72-5501. As used in this act, unless the context otherwise requires:

(a) "Retirement system" means the state school retirement system;

(b) "board" means the board of trustees of the Kansas public employees retirement system;

(c) "school year" means either the twelve-month period beginning on September first, or the legal school term during such period. In case of doubt the board shall decide what constitutes a school year. The board shall not give credit for a school year that represents less than 140 days, except that the board may give credit for a school year if not less than 80 days of actual service has been rendered and if continuance in school service was prevented by illness or other emergency beyond the control of the person entitled to such credit. No person shall receive credit for more than one school year during any twelve-month period beginning on September 1. The board shall give credit for ½ of a school year for ½ school year of continuous full-time service;

(d) "school employees" means persons who have performed or who shall hereafter perform school services as classroom teachers, administrators, supervisors, librarians, nurses, clerks, janitors or in any other full-time capacity in the public schools, area vocational-technical schools or community junior colleges of the state of Kansas and who are citizens

of the United States and school employees shall include: (1) Persons who have performed service as a county superintendent of public instruction or as an employee appointed by and under the supervision of a county superintendent; (2) persons who have performed service as a state superintendent of public instruction or as an employee appointed by and under supervision of a state superintendent; (3) persons who have performed services as an employee appointed by the former state board for vocational education, except that prior to the time of accepting such employment by such county superintendent, state superintendent or state board for vocational education such employees had performed school service in Kansas as a teacher, principal, supervisor, or superintendent; (4) persons who are employees appointed by and under the supervision of the constitutional state board of education, including those employees transferred to the state department of education at its inception in January of 1969, and who prior to the time of accepting such employment by the state board of education had performed school service in Kansas as a teacher, principal, supervisor, or superintendent; (5) the commissioner of education if such commissioner exercises an irrevocable option to be covered by the state school retirement system in lieu of being covered by the Kansas public employees retirement system, which option shall be exercised by written notice of the commissioner of education at the time of appointment. Such notice shall be directed to the state school retirement board and the board of trustees of the Kansas public employees retirement system; (6) all instructional employees for the school for the blind and such employees shall be excluded from participation in any other state retirement system; and (7) teachers and supervisors of instruction at the state institutions under the management of the director of penal institutions and those under the management of the state board of social welfare which provide regular classroom instruction for their inmates or patients if such instructional personnel have valid certificates issued by the state board of education, except that the provisions of this subsection shall not include such employees who have elected or shall elect, irrevocably, at the time of employment by the institution to participate in the Kansas public employees retirement system. The term "school employees" shall not include any employee while a member of a separate retirement system operated by any board of education but if any such employee at any time becomes eligible to participate in the state retirement as provided by this act, the years such person served in a school system in Kansas which maintains a separate retirement system shall be included in determining years of service of such person under this act. An employee performing service in a school system maintaining its own separate retirement system in Kansas may qualify for service credit in the state system by discontinuing membership in such separate retirement system prior to the time of retirement and accepting a position which is covered by the state retirement system, and continuing in such service for at least one school year. Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, such employee shall contribute to the state retirement system an amount of money equal to that which was deducted from such employee's salary for services rendered after September 1, 1941, in the city maintaining its own retirement system and this amount shall be credited to the savings account of the employee. If such employee was for any reason excluded from participation in the separate retirement system, the board shall give credit for such nonmember service in the public schools in the city maintaining a separate retirement system without the required transfer of funds. After September 1, 1971, no person shall be deemed a school employee for the purposes of this act;

(e) "school service" means: (1) Service performed as a school employee prior to September 1, 1941, if such years of service include at least six months during the years 1938-39 or 1939-40 or 1940-41; service performed by any employee who was not in school service in any of the school years from 1938 to 1941, but who reentered school service after September 1, 1941, and continued in such service for at least five years; all service prior to September 1, 1941, of any annuitant who retired prior to September 1, 1961, and who was granted a service annuity for one or more years as a contributing member of the school retirement system; all service prior to September 1, 1941, of any employee who served for at least six months during one of the qualifying years from 1938 to 1941 in a school system maintaining its own separate retirement system in Kansas, if such employee has not qualified, nor will in the future qualify, for retirement benefits under the separate retirement system; all service as a school employee, including out-of-state service as a school employee, for a period of

10 or more years prior to September 1, 1938, except that service annuities paid by the state of Kansas to such school employees shall not include such out-of-state service as a school employee, unless otherwise provided by law; (2) service as a school employee after September 1, 1941, as a contributing member of the school retirement system. No service credit shall be granted to a school employee who established or shall hereafter establish membership later than September 1, 1941, for a period of time between September 1, 1941, and the date of becoming a contributing member of the retirement system. School service shall include only full-time employees, except that  $\frac{1}{2}$  year of credit shall be given to instructional employees who perform school service on at least a  $\frac{1}{2}$  time basis throughout a school year. No school service credit shall be given in fractional units of less than  $\frac{1}{2}$  year. The board may grant service credit to employees, who were performing school service at the time of their induction into the armed forces of the United States, equal to the time spent in the armed forces between September 1, 1940, and September 1, 1947, and between June 25, 1950, and July 27, 1953 and between August 5, 1964, and August 15, 1973, but no such service credit shall be granted for a period of more than five years spent in the armed forces between September 1, 1940, and September 1, 1947, or for a period of more than two years spent in the armed forces between June 25, 1950, and July 27, 1953 or for a period of more than two years spent in the armed forces between August 5, 1964 and August 15, 1973. In the event the employee served during the periods between September 1, 1940, and September 1, 1947, and between June 25, 1950, and July 27, 1953, such employee shall be granted a service credit for the actual time spent in the armed forces between June 25, 1950, and July 27, 1953, nor shall such service credit be granted to any employee unless such employee shall reenter school service and continue in such service for at least one school year. The board may grant service credit to an employee who was performing school service prior to the time of becoming employed as a veterans' instructional on-the-farm training instructor equal to the time spent as such instructor between the dates of September 1, 1946, and September 1, 1961. The board may grant service credit to an employee who prior to performing school service was a faculty member of the Kansas vocational school at Topeka, known part of the time as the Kansas technical institute, which operated under the Kansas state board of regents prior to 1956 equal to the time spent as instructor at such school. In case of doubt the board shall decide what constitutes school service; and (3) service for which credit must be given under federal law, including, but not limited to, when applicable, the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1996~~ 2008;

(f) "school annuitant" means any person who is entitled to receive a school annuity;

(g) "school annuity" means the monthly payments due to any school annuitant. Such payments shall continue for life, and be paid in monthly installments;

(h) "service annuity" means that part of the school annuity which is based upon the service record of the person concerned, and which is paid by the state;

(i) "savings annuity" means that part of the school annuity which results from the accumulated contributions of the school employee and interest thereon less the proportionate share of the expense of the administration of this act;

(j) "disability annuity" means a school annuity granted to a school employee who suffers such physical or mental disability as to be unable to perform school service;

(k) "standard annuity" means the school annuity which is granted to a school employee at the age of 65 years, as prescribed by this act. The standard annuity shall be used as the basis in computing actuarially equivalent annuities granted at ages prior to 65 years. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumption shall be specified in a way that precludes employer discretion;

(l) "service record" means the individual record kept by the board for each school employee. It shall show the number of school years of school service, the salary or wages earned, the date of birth, and such other data as the board may require;

(m) "age" and "attained age" shall be computed as of September 1 of the calendar year under consideration;

(n) "deductions" means the amounts withheld, as provided in this act, from warrants issued in payment for school services;

(o) "actuarial computation" means computation in accordance with some standard actuarial table. The board shall determine which one of the standard actuarial tables shall be used. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion; and

(p) "compensation" means the same as provided in K.S.A. 74-49,123 and amendments thereto for purposes of nondiscrimination testing pursuant to the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008.

Sec. 10. K.S.A. 2007 Supp. 74-4902 is hereby amended to read as follows: 74-4902. As used in articles 49 and 49a of chapter 74 and amendments thereto, unless otherwise provided or the context otherwise requires:

(1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;

(2) "acts" means the provisions of articles 49 and 49a of the Kansas Statutes Annotated and amendments thereto;

(3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion;

(4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;

(5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

(6) "agent" means the individual designated by each participating employer through whom system transactions and communication are directed;

(7) "beneficiary" means, subject to the provisions of K.S.A. 74-4927, and amendments thereto, any natural person or persons, estate or trust, or any combination thereof, named by a member to receive any benefits as provided for by this act. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law. Except as otherwise provided by subsection (33) of this section, if there is no named beneficiary living at time of member's death, any benefits provided for by this act shall be paid to: (A) The member's surviving spouse; (B) the member's dependent child or children; (C) the member's dependent parent or parents; (D) the member's nondependent child or children; (E) the member's nondependent parent or parents; (F) the estate of the deceased member; in the order of preference as specified in this subsection;

(8) "board of trustees," "board" or "trustees" means the managing body of the system which is known as the Kansas public employees retirement system board of trustees;

(9) "compensation" means, except as otherwise provided, all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year which begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year which begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that (A) any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member, (B) any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of com-

pensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year which begins in calendar year 1991, compensation shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "compensation" shall have the meaning as provided in K.S.A. 74-49,123 and amendments thereto. For purposes of this subsection and application to the provisions of subsection (4) of K.S.A. 74-4927, and amendments thereto, "compensation" shall not include any payments made by the state board of regents pursuant to the provisions of subsection (5) of K.S.A. 74-4927a, and amendments thereto, to a member of the faculty or other person defined in subsection (1)(a) of K.S.A. 74-4925, and amendments thereto;

(10) "credited service" means the sum of participating service and prior service and in no event shall credited service include any service which is credited under another retirement plan authorized under any law of this state;

(11) "dependent" means a parent or child of a member who is dependent upon the member for at least ½ of such parent or child's support;

(12) "effective date" means the date upon which the system becomes effective by operation of law;

(13) "eligible employer" means the state of Kansas, and any county, city, township, special district or any instrumentality of any one or several of the aforementioned or any noncommercial public television or radio station located in this state which receives state funds allocated by the Kansas public broadcasting commission whose employees are covered by social security. If a class or several classes of employees of any above defined employer are not covered by social security, such employer shall be deemed an eligible employer only with respect to such class or those classes of employees who are covered by social security;

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, and any such officer or employee who is concurrently employed performing similar or related tasks by two or more participating employers, who each remit employer and employee contributions on behalf of such officer or employee to the system, and whose combined employment is not seasonal or temporary, and whose combined employment requires at least 1,000 hours of work per year, but not including: (A) Any employee who is a contributing member of the United States civil service retirement system; (B) any employee who is a contributing member of the federal employees retirement system; (C) any employee who is a leased employee as provided in section 414 of the federal internal revenue code of a participating employer; and (D) any employee or class of employees specifically exempted by law. After June 30, 1975, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925 and amendments thereto, except that no person shall receive service credit under the Kansas public employees retirement system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925 and amendments thereto. After June 30, 1982, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for any benefit under another retirement plan authorized under any law of this state, except that no such person shall receive service credit under the Kansas public employees retirement system for any period of service for which any benefit accrues or is granted under any such retirement plan. Employee shall include persons who are in training at or employed by, or both, a sheltered workshop for the blind operated by the secretary of social and rehabilitation services. The entry date for such persons shall be

the beginning of the first pay period of the fiscal year commencing in calendar year 1986. Such persons shall be granted prior service credit in accordance with K.S.A. 74-4913 and amendments thereto. However, such persons classified as home industry employees shall not be covered by the retirement system. Employees shall include any member of a board of county commissioners of any county and any council member or commissioner of a city whose compensation is equal to or exceeds \$5,000 per year;

(15) "entry date" means the date as of which an eligible employer joins the system. The first entry date pursuant to this act is January 1, 1962;

(16) "executive director" means the managing officer of the system employed by the board under this act;

(17) "final average salary" means in the case of a member who retires prior to January 1, 1977, and in the case of a member who retires after January 1, 1977, and who has less than five years of participating service after January 1, 1967, the average highest annual compensation paid to such member for any five years of the last 10 years of participating service immediately preceding retirement or termination of employment, or in the case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under subsection (3) of K.S.A. 74-4925 and amendments thereto, or who became a member with a participating employer as defined in subsection (3) of K.S.A. 74-4931 and amendments thereto and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or termination of employment; in the case of a member who retires on or after July 1, 1993, whose date of membership in the system is prior to July 1, 1993, and any member who is in such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in subsection (2) of K.S.A. 74-4919h and amendments thereto which is completed within five years of retirement. For any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or will begin paying to the system a lump-sum amount for such member's purchase or repurchase and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system. In the case of any former member who was eligible for assistance pursuant to K.S.A. 74-4925 and amendments

thereto prior to July 1, 1998, for the purpose of calculating final average salary of such member, such member's final average salary shall be based on such member's salary while a member of the system or while eligible for assistance pursuant to K.S.A. 74-4925 and amendments thereto, whichever is greater;

(18) "fiscal year" means, for the Kansas public employees retirement system, the period commencing July 1 of any year and ending June 30 of the next;

(19) "Kansas public employees retirement fund" means the fund created by this act for payment of expenses and benefits under the system and referred to as the fund;

(20) "leave of absence" means a period of absence from employment without pay, authorized and approved by the employer, and which after the effective date does not exceed one year;

(21) "member" means an eligible employee who is in the system and is making the required employee contributions; any former employee who has made the required contributions to the system and has not received a refund if such member is within five years of termination of employment with a participating employer; or any former employee who has made the required contributions to the system, has not yet received a refund and has been granted a vested benefit;

(22) "military service" means service in the uniformed forces of the United States, for which retirement benefit credit must be given under the provisions of USERRA or service in the armed forces of the United States or in the commissioned corps of the United States public health service, which service is immediately preceded by a period of employment as an employee or by the entering into of an employment contract with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall be extended not more than two years from the date of discharge or separation from military service;

(23) "normal retirement date" means the date on or after which a member may retire with full retirement benefits pursuant to K.S.A. 74-4914 and amendments thereto;

(24) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees;

(25) "participating service" means the period of employment after the entry date for which credit is granted a member;

(26) "prior service" means the period of employment of a member prior to the entry date for which credit is granted a member under this act;

(27) "prior service annual salary" means the highest annual salary, not including any amounts received as payment for overtime or as reimbursement for travel or moving expense, received for personal services by the member from the current employer in any one of the three calendar years immediately preceding January 1, 1962, or the entry date of the employer, whichever is later, except that if a member entered the employment of the state during the calendar year 1961, the prior service annual salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(28) "retirant" means a member who has retired under this system;

(29) "retirement benefit" means a monthly income or the actuarial equivalent thereof paid in such manner as specified by the member pursuant to this act or as otherwise allowed to be paid at the discretion of the board, with benefits accruing from the first day of the month coinciding with or following retirement and ending on the last day of the month in which death occurs. Upon proper identification a surviving spouse may negotiate the warrant issued in the name of the retirant. If there is no surviving spouse, the last warrant shall be payable to the designated beneficiary;

(30) "retirement system" or "system" means the Kansas public employees retirement system as established by this act and as it may be amended;

(31) "social security" means the old age, survivors and disability insurance section of the federal social security act;

(32) "trust" means an express trust, created by a trust instrument, including a will, designated by a member to receive payment of the insured death benefit under K.S.A. 74-4927



and amendments thereto and payment of the member's accumulated contributions under subsection (1) of K.S.A. 74-4916 and amendments thereto. A designation of a trust shall be filed with the board. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, the insured death benefit under K.S.A. 74-4927 and amendments thereto and the member's accumulated contributions under subsection (1) of K.S.A. 74-4916 and amendments thereto shall be paid in accordance with the provisions of subsection (7) of this section as in other cases where there is no named beneficiary living at the time of the member's death and any payments so made shall be a full discharge and release to the system from any further claims;

(33) "salary" means all salary and wages payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of salary. Salary shall not include reimbursement for travel or moving expenses, payment for accumulated sick leave or vacation or annual leave, severance pay or any other payments to the member determined by the board to not be payments for personal services performed for a participating employer constituting salary or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. When the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, salary shall include any amounts for tax sheltered annuities or deferred compensation plans. Salary shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "salary" shall have the meaning as provided in K.S.A. 74-49,123 and amendments thereto. In any case, if participating service is less than three years, then the average annual salary paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

(34) "federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as in effect on July 1, ~~2002~~ 2008, and as applicable to a governmental plan; and

(35) "USERRA" means the federal uniformed services employment and reemployment rights act of 1994 as in effect on July 1, ~~1998~~ 2008.

Sec. 11. K.S.A. 74-4912 is hereby amended to read as follows: 74-4912. (1) The state of Kansas or any county, city, township, special district or instrumentality of any of the aforementioned whose employees or a class of whose employees are members of any other retirement or pension plan authorized by a statute of the state of Kansas may by resolution adopted by the board, body or officer or officers authorized to apply for application pursuant to K.S.A. 74-4910 and any amendments thereto, request the board to submit a proposal for consolidation of such other system with the Kansas public employees retirement system including an estimate of the contribution rate necessary to comply with the actuarial standard of this system. Such proposal shall provide that:

(a) The operation of such other pension system shall be discontinued;

(b) the existing retirants or annuitants of such other system shall continue to be paid by the Kansas public employees retirement system on the basis of the benefits schedule applicable in such other system at the date of proposed consolidation, except that all such benefits shall be paid in accordance with the applicable requirements of section 401 (a)(9) of the federal internal revenue code and the regulations thereto in effect on July 1, ~~1998~~ 2008, and in accordance with the provisions of K.S.A. 74-49,123, and amendments thereto. Active members of such other system shall be deemed vested in such member's accrued benefit under such system;

(c) all cash and securities to the credit of such other system shall be transferred to the Kansas public employees retirement system;

(d) funds of such other system which represent accumulated contributions, if any, of members shall be credited to the employees accumulated contribution reserve of each employee. The balance of the funds so transferred to the Kansas public employees retirement system shall be offset against the liability on account of existing retirants, annuitants and active members;

(e) the resulting liability so determined shall be the basis for a rate of contribution of such employer; and

(f) such consolidation shall take effect only on January 1 of any given year.

(2) Before any employer shall adopt a resolution of affiliation which shall propose to accept a proposal of the board as provided in this section, at least 60% of the members, not retirants or annuitants, shall approve such consolidation. The board shall prescribe the manner in which such consent shall be exercised.

Sec. 12. K.S.A. 2007 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

(2) No retirant shall make contributions to the system or receive service credit for any service after the date of retirement.

(3) Any member who is an employee of an affiliating employer pursuant to K.S.A. 74-4954b and amendments thereto and has not withdrawn such member's accumulated contributions from the Kansas police and firemen's retirement system may retire before such member's normal retirement date on the first day of any month coinciding with or following the attainment of age 55.

(4) Any member may retire before such member's normal retirement date on the first day of any month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 55 with the completion of 10 years of credited service, but in no event before six months after the entry date, upon the filing with the office of the retirement system of an application for retirement in such form and manner as the board shall prescribe.

(5) On or after July 1, 2006, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorially prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one such calendar year, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation

provided by this section. Any retirant employed by a participating employer shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected officials prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, ~~and ending June 30, 2005~~; the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1), or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas ~~at the Osawatomic state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Kansas neurological institute in an institution as defined in subsection (b) of K.S.A. 76-12a01 or subsection (f) of K.S.A. 38-2302, and amendments thereto~~, the Kansas soldiers' home or the Kansas veterans' home. *Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.* The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment.

(6) For purposes of this section, any employee of a local governmental unit which has its own pension plan who becomes an employee of a participating employer as a result of a merger or consolidation of services provided by local governmental units, which occurred on January 1, 1994, may count service with such local governmental unit in determining whether such employee has met the years of credited service requirements contained in this section.

Sec. 13. K.S.A. 74-4919b is hereby amended to read as follows: 74-4919b. (a) Any employee of a participating employer who becomes a member of the system as provided in K.S.A. 74-4911 or 74-4935 and amendments thereto, who has previously been a member of the system and who has forfeited participating and prior service credit by reason of termination of employment with a participating employer and withdrawal of such member's accumulated contributions, may have all or a part of such forfeited service reinstated as provided in K.S.A. 74-4901 through 74-4930 and amendments thereto.

~~(b) Any member, if not actively employed, who has previously been a member of the system and who has forfeited participating and prior service credit by reason of termination of employment with a participating employer and withdrawal of such member's accumulated contributions may have all or a part of such forfeited service reinstated as provided in K.S.A. 74-4901 through 74-4930 and amendments thereto. Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, such member may purchase such service credit by means of a single lump-sum payment. The lump-sum payment shall be an amount determined by the actuary using the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. Any employee of a participating employer who becomes a member of the system~~

*as provided in K.S.A. 74-4911 or 74-4935, and amendments thereto, who has been a member of the system prior to July 1, 2009, and who has forfeited participating and prior service credit by reason of termination of employment with a participating employer and withdrawal of such member's accumulated contributions, may have all or a part of such forfeited service reinstated as provided in K.S.A. 74-4901 through 74-4930, and amendments thereto, upon return to covered employment after July 1, 2009, and shall have such service credited under the terms of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto.*

Sec. 14. K.S.A. 74-4924 is hereby amended to read as follows: 74-4924. (1) Any person who shall knowingly make any false statement, or who shall falsify or permit to be falsified any record necessary for carrying out the intent of this act for the purpose of committing fraud, shall be subject to the provisions of K.S.A. 21-3904 and amendments thereto.

(2) Should any error in any records or in any calculation of the Kansas public employees retirement system result in any member or beneficiary receiving more or less than he would have been entitled to receive had the records or calculations been correct, the board shall correct such error, and, as far as practicable, make future payments in such a manner that the actuarial equivalent of the benefit to which such member or beneficiary was entitled shall be paid and may recover any overpayments. In the event a member has withdrawn, all or part of, such member's accumulated contributions in a manner not in compliance with the provisions of this act or the regulations of the system, ~~the amount of such withdrawal, plus interest at a rate specified by the board, shall be deducted from any amounts, including group insurance benefits, which shall become due the member or such member's beneficiaries under the provisions of this act member shall forfeit all service credit related to such withdrawn accumulated contributions.~~

(3) (a) Notwithstanding the provisions of subsection (2) and except as provided in subsection (3)(d), the board is not required to collect any benefit overpayment that is of more than 60 months' standing when discovered, if any errors in the records or calculations of the system that resulted in such overpayment are attributable solely to incorrect procedures or calculations by the system and there is no evidence of fraud or misconduct on the part of the member or other person receiving the benefit.

(b) The board shall make reasonable efforts to recover all benefit overpayment of 60 months' standing or less, including the imposition of an actuarially calculated reduction in an ongoing monthly benefit payment or the deduction of the total overpaid amount from any refund of contributions or group life insurance benefits that become due and payable to the member or member's beneficiary.

(c) No monthly benefit reduction imposed under this section for the purpose of collecting an overpayment shall result in a monthly benefit payment that is more than 10% lower than the monthly benefit payment would have been without such collection-related reduction, except that the monthly benefit payment in all cases must first be reduced to the correct amount as provided by the terms of this section before the 10% cap on collection-related reductions is imposed.

(d) Notwithstanding the provisions of this section, on and after the effective date of this act, the board shall not collect any benefit overpayment, attributable to errors in the calculation of benefits by the system that resulted in such overpayments to any person that first occurred after and as a result of a statutory increase in benefits passed by the legislature in 1993, and there is no evidence of fraud or other misconduct on the part of the person receiving the benefit.

Sec. 15. K.S.A. 74-4988 is hereby amended to read as follows: 74-4988. (1) (a) Each person who is a member of a retirement system and who becomes a member of another retirement system shall receive credit under each such retirement system for credited service under the other retirement system for the purpose of satisfying any requirement for such person to complete certain periods of service to become eligible to receive a retirement benefit or disability benefit or for such person's beneficiaries to receive a death benefit. The retirement benefit which a person becomes eligible to receive under a retirement system shall be based only on credited service under such retirement system, except that the determination of final average salary under such retirement system shall include the compensation received as a member of each other retirement system if such compensation is higher. Except as provided in subsection (1)(b), such retirement benefit shall become payable upon

the member submitting an application to retire under each system, except that a member who is not eligible to retire under the retirement system to which such member is not currently making contributions because such member does not meet the age requirements of the earliest retirement date of such system may retire, upon meeting the requirements for retirement, under the provisions of the retirement system which the member had been most recently making contributions. No further rights and benefits will accrue under the retirement system to which the member is not currently making contributions after the date the member retires from the system from which the member had been most recently making contributions and the member will be retired and benefits shall commence on the date that the member would first have attained retirement age from the system to which the member is not currently making contributions. *If the member does not meet the age requirements of the earliest retirement date under the retirement system to which such member is not currently making contributions but used credited service under such system for the purpose of satisfying any requirement for such person to complete certain periods of service to become eligible to receive a retirement benefit from the member's current system, the member's account under the system to which such member is not currently making contributions shall be withdrawn the month immediately following the member's retirement in a form and manner as determined by the board. Members who are covered under the provisions of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto, may use service from any system under the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto, to attain a vested benefit pursuant to the provisions of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto.*

(b) The requirement that a member shall submit an application to retire under each system before becoming eligible to receive any retirement system benefits shall not apply to any member who was active and contributing to one retirement system and who was inactive in another retirement system on July 1, 1995.

(2) Any member who is not otherwise eligible for service credit as provided for in subsection (1)(a) of K.S.A. 74-4913 or subsection (1)(a) of K.S.A. 74-4936 and amendments thereto, may be granted credit for the service upon the attainment of 38 quarters of participating service in any retirement system as defined in subsection (3)(b) or upon retirement.

(3) As used in this section:

(a) "Member" means a person who has attained membership in a retirement system, who has not retired under such retirement system and who has not withdrawn such person's accumulated contributions for such retirement system; and

(b) "retirement system" means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges.

Sec. 16. K.S.A. 74-4998c is hereby amended to read as follows: 74-4998c. (a) Except as otherwise provided in this section, for all payroll periods commencing on or after July 1, 1988, but prior to the end of the term of office in which such elected official is serving on the effective date of this act, each elected state official shall contribute 5% of the elected state official's salary for each payroll period to the fund. For all payroll periods commencing on or after July 1, 1988, but prior to the end of the term of office in which such elected official is serving on the effective date of this act, the employer shall deduct from the compensation of each member who has received 30 years of credited service 2% of such member's compensation as employee contributions. Each elected state official shall make contributions as provided in K.S.A. 74-4919 and amendments thereto in lieu of contributions as provided in this section, for all payroll periods during any term of office of such elected state official which commences after the effective date of this act. The provisions of K.S.A. 74-4919c, 74-4919d, 74-4919e, 74-4919h or 74-4919j and amendments thereto shall apply to elected state officials, except that, subject to the provisions of K.S.A. 74-49,123 and amendments thereto, such elected state officials shall purchase prior and participating service credit at the rate of 10% or 15% for the payroll periods commencing on or after July 1, 1988, but prior to the end of the term of office in which such elected official is serving on the effective date of this act.

(b) The director of accounts and reports shall deduct the amount each elected state official is to contribute to the fund on the payroll of each elected state official for each payroll period showing the amount deducted and its credit to the fund. Such deductions shall be

remitted as the board may provide, to the executive director of the Kansas public employees retirement system for credit to the fund to the credit of the elected state official's individual account therein.

(c) For purposes of contributions to and benefits under the Kansas public employees retirement system of such elected state officials who are members of the legislature, the salary or compensation of such elected state official shall be as provided in K.S.A. 74-4995 and amendments thereto.

(d) (1) Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, the state of Kansas pursuant to the provisions of section 414(h)(2) of the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008, shall pick up and pay the contributions which would otherwise be payable by elected state officials as prescribed in subsection (a) commencing with the effective date of this act. Contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the elected state official's compensation.

(2) Member contributions picked up by the state shall be paid from the same source of funds used for the payment of compensation to an elected state official. A deduction shall be made from each elected state official's compensation equal to the amount of the elected state official's contributions picked up by the state, provided that such deduction shall not reduce the elected state official's compensation for purposes of computing benefits under the retirement system.

(3) Member contributions picked up by the state shall be remitted as the board may provide, to the executive director for credit to the Kansas public employees retirement fund.

(e) No former member of the legislature shall be required to make contributions as otherwise required by this section.

Sec. 17. K.S.A. 74-49,105 is hereby amended to read as follows: 74-49,105. Every retirement benefit received by any person under subsection (b) of K.S.A. 74-49,104 and amendments thereto shall be exempt from any tax of the state of Kansas or any political subdivision or taxing body of the state; shall not be subject to execution, garnishment, attachment or except as otherwise provided, any other process or claim whatsoever; and shall be unassignable. Any retirement benefit due and owing to any person under subsection (b) of K.S.A. 74-49,104 and amendments thereto is subject to claims of an alternate payee under a qualified domestic relations order. As used in this subsection, the terms "alternate payee" and "qualified domestic relations order" shall have the meaning ascribed to them in section 414(p) of the internal revenue code of 1986, as amended as in effect on July 1, ~~1998~~ 2008, and as applicable to a governmental plan. The provisions of this act shall apply to any qualified domestic relations order which was filed or amended either before or after July 1, 1994.

Sec. 18. K.S.A. 74-49,122 is hereby amended to read as follows: 74-49,122. (1) Notwithstanding any other provision of law, compensation or salary in excess of the limitations set forth in section 401(a)(17) of the internal revenue code shall not be taken into account under any system of retirement benefits administered by the Kansas public employees retirement system, except that for eligible employees, compensation or salary that may be taken into account shall not be less than that which was allowed to be taken into account on July 1, 1993. For purposes of this section, an "eligible employee" is an individual whose membership in any retirement system administered by the Kansas public employees retirement system was earlier than ~~January~~ July 1, 1996.

(2) Notwithstanding any other provision of law, employee contributions shall not be withheld or paid into any retirement system administered by the Kansas public employees retirement system by reason of compensation or salary in excess of the limitations set forth in section 401(a)(17) of the internal revenue code, except that for eligible employees as defined in subsection (1). Compensation or salary on which contributions shall be withheld shall not be subject to any limitations other than those that were in effect under the Kansas public employees retirement system on July 1, 1993.

(3) Notwithstanding any other provision of law, and except for eligible employees as defined in subsection (1), no benefit shall be paid based on compensation or salary that is in excess of the limitations set forth in section 401(a)(17) of the internal revenue code.

(4) *Effective with respect to plan years beginning on and after January 1, 2002, the annual compensation of a member which exceeds \$200,000 as adjusted for cost-of-living increases in accordance with section 401(a)(17)(B) of the federal internal revenue code, may not be taken into account in determining benefits or employee contributions for any plan year. Annual compensation for the determination period means compensation during the plan year or such other consecutive 12-month period over which compensation is otherwise determined under the plan. The cost-of-living adjustment in effect for a calendar year applies to annual compensation for the determination period that begins with or within such calendar year. If the determination period consists of fewer than 12 months, the annual compensation limit is an amount equal to the otherwise applicable annual compensation limit multiplied by a fraction, the numerator of which is the number of months in the short determination period, and the denominator of which is 12. If the compensation for any prior determination period is taken into account in determining a member's contributions or benefits for the current plan year, the compensation for such prior determination period is subject to the applicable annual compensation limit in effect for that prior period.*

(5) For purposes of this section, retirement system means the Kansas public employees retirement system, the Kansas police and firemen's retirement system and the retirement system for judges, *and any other system administered by the board of trustees.*

Sec. 19. K.S.A. 74-49,123 is hereby amended to read as follows: 74-49,123. (a) This section applies to the Kansas public employees retirement system and to all other public retirement plans administered by the board of trustees.

(b) As used in this section:

(1) "Federal internal revenue code" means the federal internal revenue code of 1954 or 1986, as amended and as applicable to a governmental plan as in effect on July 1, ~~1998~~ 2008; and

(2) "retirement plan" includes the Kansas public employees retirement system and all other Kansas public retirement plans and benefit structures, which are administered by the board.

(c) In addition to the federal internal revenue code provisions otherwise noted in each retirement plan's law, and in order to satisfy the applicable requirements under the federal internal revenue code, the retirement plans shall be subject to the following provisions, notwithstanding any other provision of the retirement plan's law:

(1) The board shall distribute the corpus and income of the retirement plan to the members and their beneficiaries in accordance with the retirement plan's law. At no time prior to the satisfaction of all liabilities with respect to members and their beneficiaries shall any part of the corpus and income be used for, or diverted to, purposes other than the exclusive benefit of the members and their beneficiaries.

(2) Forfeitures arising from severance of employment, death or for any other reason may not be applied to increase the benefits any member would otherwise receive under the retirement plan's law. However, forfeitures may be used to reduce an employer's contribution.

(3) All benefits paid from the retirement plan shall be distributed in accordance with the requirements of section 401(a)(9) of the federal internal revenue code and the regulations under that section. ~~In order to meet these requirements, the retirement plan shall be administered in accordance with the following provisions:~~ (A) Distribution of a member's benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70½ or the April 1 of the year following the calendar year in which the member retires;

~~—(B) the life expectancy of a member or the member's spouse may not be recalculated after the benefits commence;~~

~~—(C) if a member dies before the distribution of the member's benefits has begun, distributions to beneficiaries must begin no later than December 31 of the calendar year immediately following the calendar year in which the member died, except as provided in subsection (6) of K.S.A. 74-4918 and amendments thereto; and~~

~~—(D) Notwithstanding any other provision of these rules and regulations, effective on and after January 1, 2003, the retirement plan is subject to the following provisions:~~

(A) Benefits must begin by the required beginning date, which is the later of April 1 of the calendar year following the calendar year in which the member reaches 70½ years of age or April 1 of the calendar year following the calendar year in which the member terminates employment. If a member fails to apply for retirement benefits by April 1 of the calendar year following the calendar year in which such member reaches 70½ years of age or April 1 of the calendar year following the calendar year in which such member terminates employment, whichever is later, the board will begin distributing the benefit as required by this section.

(B) The member's entire interest must be distributed over the member's life or the lives of the member and a designated beneficiary, or over a period not extending beyond the life expectancy of the member or of the member and a designated beneficiary. Death benefits must be distributed in accordance with section 401 (a)(9) of the federal internal revenue code, including the incidental death benefit requirement in section 401 (a)(9)(G) of the federal internal revenue code, and the regulations implementing that section.

(C) The life expectancy of a member, the member's spouse or the member's beneficiary may not be recalculated after the initial determination for purposes of determining benefits.

(D) If a member dies after the required distribution of benefits has begun, the remaining portion of the member's interest must be distributed at least as rapidly as under the method of distribution before the member's death and no longer than the remaining period over which distributions commenced.

(E) If a member dies before required distribution of the member's benefits has begun, the member's entire interest must be either:

(i) In accordance with federal regulations, distributed over the life or life expectancy of the designated beneficiary, with the distributions beginning no later than December 31 of the calendar year immediately following the calendar year of the member's death; or

(ii) distributed by December 31 of the calendar year containing the fifth anniversary of the member's death.

(F) The amount of ~~benefits payable~~ an annuity paid to a member's beneficiary may not exceed the maximum determined under the incidental death benefit requirement of the federal internal revenue code.

(G) The death and disability benefits provided by a retirement plan are limited by the incidental benefit rule set forth in section 401 (a)(9)(G) of the federal internal revenue code and treasury regulation 1.401-1 (b)(1)(i).

(4) Distributions from the retirement plans may be made only upon retirement, separation from service, disability or death.

(5) The board or its designee may not:

(A) determine eligibility for benefits;

(B) compute rates of contribution; or

(C) compute benefits of members or beneficiaries, in a manner that discriminates in favor of members who are considered officers, supervisors or highly compensated, as prohibited under section 401(a)(4) of the federal internal revenue code.

(6) Subject to the provisions of this subsection, benefits paid from, and employee contributions made to, the retirement plans shall not exceed the maximum benefits and the maximum annual additions, respectively, permissible under section 415 of the federal internal revenue code.

(A) Before January 1, 1995, a member may not receive an annual benefit that exceeds the limits specified in section 415(b) of the federal internal revenue code, subject to the applicable adjustments in that section. Beginning January 1, 1995, a participant may not receive an annual benefit that exceeds the dollar amount specified in section 415(b)(1)(A) of the federal internal revenue code, subject to the applicable adjustments in section 415 of the federal internal revenue code, ~~except as provided in clause (C) of this subsection.~~

(B) Notwithstanding any other provision of law to the contrary, the board may modify a request by a participant to make a contribution to the retirement plans if the amount of the contribution would exceed the limits under section 415(c) or 415(n) of the federal internal revenue code subject to the following:

(i) Where the retirement plan's law requires a lump-sum payment, for the purchase of service credit, the board may establish a periodic payment plan in order to avoid a contri-



bution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code.

~~(ii) An eligible participant in a retirement plan, as defined by section 1526 of the federal taxpayer relief act of 1997, may purchase service credit without regard to the limitations of section 415 (c)(1) of the federal internal revenue code as provided by state law in effect on August 5, 1997.~~

If the board's option under subdivision (i) will not avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code, the board shall reduce or deny the contribution.

*(C) Effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, if an active member makes one or more contributions to purchase permissive service credit under a retirement plan, then the requirements of this section shall be treated as met only if:*

*(i) The requirements of section 415(b) of the federal internal revenue code are met, determined by treating the accrued benefit derived from all such contributions as an annual benefit for purposes of such section; or*

*(ii) the requirements of section 415(c) of the federal internal revenue code are met, determined by treating all such contributions as annual additions for purposes of such section. For purposes of applying subparagraph (i) a retirement plan shall not fail to meet the reduced limit under section 415(b)(2)(C) of the federal internal revenue code solely by reason of this paragraph (C), and for purposes of applying subparagraph (ii), a retirement plan shall not fail to meet the percentage limitation under section 415(c)(1)(B) of the federal internal revenue code solely by reason of this paragraph.*

*(iii) For purposes of this paragraph, the term "permissive service credit" means service credit:*

*(a) Specifically recognized by a retirement plan's law for purposes of calculating a member's benefit under that retirement plan;*

*(b) which such member has not received under a retirement plan; and*

*(c) which such member may receive under a retirement plan's law only by making a voluntary additional contribution, in an amount determined under the retirement plan's law and procedures established by the board, which does not exceed the amount necessary to fund the benefit attributable to such service credit.*

*(iv) A retirement plan shall fail to meet the requirements of this paragraph if the retirement plan's law specifically provides for a purchase of nonqualified service purchase, and if:*

*(a) More than five years of nonqualified service credit are taken into account for purposes of this paragraph; or*

*(b) any nonqualified service credit is taken into account under this paragraph before the member has at least five years of participation under a retirement plan. For purposes of this paragraph, effective for permissive service credit contributions made in limitation years beginning after December 31, 1997, the term "nonqualified service credit" means the same as provided in section 415(n)(3)(C) of the federal internal revenue code.*

*(v) In the case of a trustee-to-trustee transfer after December 31, 2001, to which section 403(b)(13)(A) or 457(e)(17)(A) of the federal internal revenue code applies, without regard to whether the transfer is made between plans maintained by the same employer:*

*(a) The limitations of subparagraph (iv) shall not apply in determining whether the transfer is for the purchase of permissive service credit; and*

*(b) the distribution rules applicable under federal law to a retirement plan shall apply to such amounts and any benefits attributable to such amounts.*

*(vi) For an eligible member, the limitation of section 415(c)(1) of the federal internal revenue code shall not be applied to reduce the amount of permissive service credit which may be purchased to an amount less than the amount which was allowed to be purchased under the terms of the statute as in effect on August 5, 1997. For purposes of this subparagraph, an eligible member is an individual who first became a member in the retirement plan before January 1, 1998.*

*(D) Subject to approval by the internal revenue service, the board shall maintain a qualified governmental excess benefit arrangement under section 415(m) of the federal internal revenue code. The board shall establish the necessary and appropriate procedures for the*

administration of such benefit arrangement under the federal internal revenue code. The amount of any annual benefit that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be paid from this benefit arrangement. The amount of any contribution that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be credited to this benefit arrangement. The qualified excess benefit arrangement shall be a separate portion of the retirement plan. The qualified excess benefit arrangement is subject to the following requirements:

(i) The benefit arrangement shall be maintained solely for the purpose of providing to participants in the retirement plans that part of the participant's annual benefit otherwise payable under the terms of the act that exceeds the limitations on benefits imposed by section 415 of the federal internal revenue code; and

(ii) participants do not have an election, directly or indirectly, to defer compensation to the excess benefit arrangement.

~~(D) Prior to January 1, 1998, the definition of compensation, wages, salary or other similar term when used for purposes of determining compliance with section 415 of the federal internal revenue code does not include the amount of any elective deferral, as defined in section 402(g)(3) of the federal internal revenue code, or any contribution which is contributed or deferred by the employer at the election of the employee and which is not includable in the gross income of the employee by reason of section 125 or 457 of the federal internal revenue code.~~

~~(7) The board may not engage in a transaction prohibited by section 503(b) of the federal internal revenue code.~~

~~(8) To the extent required by section 401(a)(31) of the federal internal revenue code, the board shall allow members and qualified beneficiaries to elect a direct rollover of eligible distributions to another eligible retirement plan.~~

*(E) For purposes of applying these limits only and for no other purpose, the definition of compensation where applicable shall be compensation actually paid or made available during a limitation year, except as noted below and as permitted by treasury regulation section 1.415(c)-2. Specifically, compensation shall be defined as wages within the meaning of section 3401(a) of the federal internal revenue code and all other payments of compensation to an employee by an employer for which the employer is required to furnish the employee a written statement under sections 6041(d), 6051(a)(3) and 6052 of the federal internal revenue code. Compensation shall be determined without regard to any rules under section 3401(a) of the federal internal revenue code that limit the remuneration included in wages based on the nature or location of the employment or the services performed, such as the exception for agricultural labor in section 3401(a)(2) of the federal internal revenue code.*

*(i) However, for limitation years beginning after December 31, 1997, compensation shall also include amounts that would otherwise be included in compensation but for an election under sections 125(a), 402(e)(3), 402(h)(1)(B), 402(k) or 457(b) of the federal internal revenue code. For limitation years beginning after December 30, 2000, compensation shall also include any elective amounts that are not includable in the gross income of the employee by reason of section 132(f)(4) of the federal internal revenue code.*

*(ii) The definition of compensation shall exclude employee contributions picked up under section 414(h)(2) of the federal internal revenue code.*

*(iii) For limitation years beginning on and after January 1, 2007, compensation for the limitation year will also include compensation paid by the later of 2½ months after an employee's severance from employment or the end of the limitation year that includes the date of the employee's severance from employment if:*

*(a) The payment is regular compensation for services during the employee's regular working hours or compensation for services outside the employee's regular working hours, such as overtime or shift differential, commissions, bonuses or other similar payments, and absent a severance from employment, the payments would have been paid to the employee while the employee continues in employment with the employer; or*

*(b) the payment is for unused accrued bona fide sick, vacation or other leave that the employee would have been able to use if employment had continued.*

*(iv) Back pay, within the meaning of treasury regulation section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent*

the back pay represents wages and compensation that would otherwise be included under this definition.

(7) On and after January 1, 2009, for purposes of applying the limits under section 415(b) of the federal internal revenue code, the following shall apply:

(A) A member's applicable limit shall be applied to the member's annual benefit in the first limitation year without regard to any automatic cost-of-living increases;

(B) to the extent the member's annual benefit equals or exceeds such limit, the member shall no longer be eligible for cost-of-living increases until such time as the benefit plus the accumulated increases are less than such limit;

(C) thereafter, in any subsequent limitation year, the member's annual benefit including any automatic cost-of-living increase applicable shall be tested under the then applicable benefit limit including any adjustment to the dollar limit under section 415(b)(1)(A) or 415(d) of the federal internal revenue code and the regulations thereunder; and

(D) in no event shall a member's annual benefit payable from a retirement plan in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to section 415(d) of the federal internal revenue code and the regulations thereunder. If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity, then the preceding sentence is applied by reducing the limit under section 415(b) of the federal internal revenue code applicable at the annuity starting date to an actuarially equivalent amount determined using the assumptions specified in treasury regulation section 1.415(b)-1(c)(2)(ii) that take into account the death benefits under the form of benefit. This subsection applies to distributions made on and after January 1, 1993. A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a transfer made from the retirement system.

(i) An eligible rollover distribution is any distribution of all or any portion of the balance to the credit of the distributee, except that an eligible rollover distribution does not include:

(a) Any distribution that is one of a series of substantially equal periodic payments, not less frequently than annually, made for the life or the life expectancy of the distributee or the joint lives or joint life expectancies of the distributee and the distributee's designated beneficiary or for a specified period of 10 years or more; (b) any distribution to the extent such distribution is required under section 401(a)(9) of the federal internal revenue code; (c) the portion of any distribution that is not includable in gross income; and (d) any other distribution that is reasonably expected to total less than \$200 during the year. Effective January 1, 2002, a portion of a distribution shall not fail to be an eligible rollover distribution merely because the portion consists of after-tax employee contributions that are not includable in gross income. However, such portion may be transferred only to an individual retirement account or annuity described in section 408(a) or (b) of the federal internal revenue code, or to a qualified defined contribution plan described in section 401(a) of the federal internal revenue code or to a qualified plan described in section 403(a) of the federal internal revenue code, or on or after January 1, 2007, to a qualified defined benefit plan described in section 401(a) of the federal internal revenue code or to an annuity contract described in section 403(b) of the federal internal revenue code, that agrees to separately account for amounts so transferred and earnings thereon, including separately accounting for the portion of the distribution that is includable in gross income and the portion of the distribution that is not so includable.

(ii) An eligible retirement plan is any of the following that accepts the distributee's eligible rollover distribution:

(a) An individual retirement account described in section 408(a) of the federal internal revenue code;

(b) an individual retirement annuity described in section 408(b) of the federal internal revenue code;

(c) an annuity plan described in section 403(a) of the federal internal revenue code;

(d) a qualified trust described in section 401(a) of the federal internal revenue code;

(e) effective January 1, 2002, an annuity contract described in section 403(b) of the federal internal revenue code;

(f) effective January 1, 2002, a plan eligible under section 457(b) of the federal internal revenue code that is maintained by a state, political subdivision of a state or any agency or instrumentality of a state or a political subdivision of a state that agrees to separately account for amounts transferred into the plan from a retirement plan; or

(g) effective January 1, 2008, a roth IRA described in section 408(A) of the federal internal revenue code.

(iii) Effective January 1, 2002, the definition of eligible rollover distribution also includes a distribution to a surviving spouse, or to a spouse or former spouse who is an alternate payee under a domestic relations order, as defined in section 414(p) of the federal internal revenue code.

(iv) A distributee includes an employee or former employee. It also includes the employee's or former employee's surviving spouse and the employee's or former employee's spouse or former spouse who is the alternate payee under a qualified domestic relations order, as defined in section 414(p) of the federal internal revenue code. Effective July 1, 2007, a distributee further includes a nonspouse beneficiary who is a designated beneficiary as defined by section 401(a)(9)(E) of the federal internal revenue code. However, a nonspouse beneficiary may rollover the distribution only to an individual retirement account or individual retirement annuity established for the purpose of receiving the distribution and the account or annuity will be treated as an "inherited" individual retirement account or annuity.

(v) A direct rollover is a payment by the retirement system to the eligible retirement plan specified by the distributee.

(8) Notwithstanding any law to the contrary, the board may accept a direct or indirect ~~rollover of~~ eligible rollover distributions for the purpose of the purchase of service credit. In addition, the board may accept a direct trustee to trustee transfer from a deferred compensation plan under section 457(b) of the federal internal revenue code or a tax sheltered annuity under section 403(b) of the federal internal revenue code for: (A) The purchase of permissive service credit, as defined under section 415(n)(3)(A) of the federal internal revenue code; or (B) a repayment to which section 415 of the federal internal revenue code does not apply pursuant to section 415(k)(3) of the federal internal revenue code. Any such transfer shall be allowed as provided in this subsection to the extent permitted by law, subject to any conditions, proofs or acceptance established or required by the board or the board's designee.

(9) Where required by the act, an employer shall pick up and pay contributions that would otherwise be payable by members of a retirement plan in accordance with section 414(h)(2) of the federal internal revenue code as follows:

(A) The contributions, although designated as employee contributions, are being paid by the employer in lieu of contributions by the employee;

(B) the employee must not have been given the option of receiving the amounts directly instead of having them paid to the retirement plan; and

(C) the pickup shall apply to amounts that a member elects to contribute to receive credit for prior or participating service if the election is irrevocable and applies to amounts contributed before retirement.

(10) Notwithstanding any provision of this plan to the contrary, contributions, benefits and service credit with respect to qualified military service will be provided in accordance with section 414(u) of the federal internal revenue code and the uniformed services employment and reemployment rights act of 1994.

(11) Upon the complete or partial termination of a retirement plan, the rights of members to benefits accrued to the date of termination, to the extent funded, or to the amounts in their accounts are nonforfeitable, and amounts in their accounts may be distributed to them.

(d) The plan year for the retirement plan begins on July 1.

(e) The limitation year for purposes of section 415 of the federal internal revenue code is the calendar year.

(f) The board may not engage in a transaction prohibited by section 503(b) of the federal internal revenue code.

(g) (1) For purposes of determining an "actuarial equivalent" or of an "actuarial computation" for members hired prior to July 1, 2009, the board shall use the following:

(A) *The applicable mortality table is specified in revenue ruling 2001-62 or revenue ruling 2007-67, as applicable; and*

(B) *the applicable interest factor is 8% per year.*

(2) *For purposes of determining an “actuarial equivalent” or an “actuarial computation” for members hired on or after July 1, 2009, the board shall use the following:*

(A) *The applicable mortality table is the 50/50 male/female blend of the RP 2000 health annuitant mortality table, projected to 2025; and*

(B) *The applicable interest factor is 8% per year.*

(3) *For converting amounts payable under the partial lump sum option, the board shall use the following:*

(A) *The applicable mortality table is a 50/50 male/female blend of the 1983 group annuity mortality table; and*

(B) *the applicable interest factor is 8% per year.*

(4) *For benefit testing under section 415(b) of the federal internal revenue code, the factors required by treasury regulations shall be used. The applicable mortality table is specified in revenue ruling 2001-62.*

Sec. 20. K.S.A. 74-49,124 is hereby amended to read as follows: 74-49,124. (a) The board shall administer the Kansas public employees retirement fund, including all benefit structures administered by the board, in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue code of 1954 or 1986, as amended and as appropriate for a governmental plan and as in effect on July 1, ~~1995~~ 2008.

(b) *Members shall be completely vested in their employee contributions at all times. Upon completion of required years of service and attainment of normal retirement age members are vested in the benefits provided under the retirement plan. Upon plan termination or discontinuance of employer contributions, members are vested in the retirement plan to the extent funded.*

Sec. 21. K.S.A. 2007 Supp. 74-49,202 is hereby amended to read as follows: 74-49,202. (a) As used in this act, unless otherwise provided or the context otherwise requires: (1) “Act” means the Kansas public employees retirement system act of 2009, K.S.A. 2007 Supp. 74-49,201 through 74-49,213, and amendments thereto;

(2) “compensation” means the same as such term is defined in K.S.A. 74-4902, and amendments thereto, except that when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 7.5%, then the amount of such increase which exceeds 7.5% shall not be included in compensation, except that: (A) Any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member, (B) any increase in compensation for any member due to the reclassification or reallocation of such member’s position or a reassignment of such member’s job classification to a higher range or level and, (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on July 1, 2009, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of compensation of such member used in determining such member’s final average salary and shall not be subject to the 7.5% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 7.5% which is not included in compensation shall be returned to the member;

(3) “covered position” means a position with an affiliated employer that is eligible for membership in the Kansas public employees retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto;

(4) “employee” means the same as such term is defined in K.S.A. 74-4902, and amendments thereto, except that only employees first employed by a participating employer on or after July 1, 2009, or employees of a participating employer which affiliates on or after July 1, 2009, are subject to the provisions of this act. The term employee shall include employees as provided in K.S.A. 74-4931 et seq., and amendments thereto, first employed by a participating employer on or after July 1, 2009, or such employees of a participating employer which affiliates on or after July 1, 2009;

~~(4)~~ (5) "entry date" means the entry date as of which an eligible employer joins the system. The first entry date is July 1, 2009. All employers which are eligible employers under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, are eligible employers under this act. The entry date for participating employers under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, is July 1, 2009;

~~(5)~~ (6) "final average salary" means the average highest annual salary, as defined in K.S.A. 74-4902, and amendments thereto, paid to such member for any five years of participating service preceding retirement or termination of employment;

~~(6)~~ (7) "first employed" means an employee has not been an employee *in a covered position* of any participating employer prior to July 1, 2009, and is employed by a participating employer *in a covered position* on or after July 1, 2009; an employee who is a former member of the system who withdrew contribution accounts before July 1, 2009, and who is again employed by a participating employer *in a covered position* on or after July 1, 2009; or an employee who was an inactive non-vested member and who is again employed by a participating employer *in a covered position* on or after July 1, 2009;

~~(7)~~ (8) "inactive, non-vested member" means a member who has terminated employment with a participating employer and who does not have a vested retirement benefit in the system on July 1, 2009;

~~(8)~~ (9) "normal retirement date" means the date on or after which a member may retire with all retirement benefits pursuant to K.S.A. 2007 Supp. 74-49,204, and amendments thereto;

~~(9)~~ (10) "participating employer" means an eligible employer who has agreed to make contributions to the system on behalf of its employees first hired on or after July 1, 2009. All participating employers under the provisions of K.S.A. 74-4901 et seq., and amendments thereto, shall be participating employers under this act; and

~~(10)~~ (11) "salary" means the same as such term is defined in K.S.A. 74-4902, and amendments thereto, except that when the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 7.5%, then the amount of such increase which exceeds 7.5% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 7.5% which is not included in salary shall be returned to the member. All other provisions in K.S.A. 74-4902, and amendments thereto, related to compensation and salary of a member that are not in conflict with the provisions of this act are hereby adopted for determining final average salary under this act.

(b) Unless specifically provided in this section or in this act, words and phrases used in this act shall have the meanings ascribed to them as provided under the provisions of K.S.A. 74-4901 et seq., and amendments thereto.

Sec. 22. K.S.A. 2007 Supp. 74-49,203 is hereby amended to read as follows: 74-49,203.

(a) Any employee other than an elected official of a participating employer who is first employed by a participating employer on or after July 1, 2009, shall be a member of the system under the provisions of this act on the first day of employment of such employee with such participating employer.

(b) Any employee other than an elected official of a participating employer which affiliates with the system on or after July 1, 2009, shall be a member of this system under the provisions of this act on the entry date of such participating employer.

(c) *Any non-vested employee other than an elected official of a participating employer who has been employed in a covered position as defined in subsection (3) of K.S.A. 2007 Supp. 74-49,202, and amendments thereto, other than with a school employer, shall remain a member of the Kansas public employees retirement system as provided pursuant to K.S.A. 74-4901 et seq., and amendments thereto, on and after July 1, 2009, if the member: (1) Does not leave covered employment with a participating employer for a period of time exceeding 30 consecutive days; (2) does not withdraw the member's accumulated contributions and interest, forfeiting such member's membership in the interim; and (3) returns to covered employment with a participating employer in a covered position within the 30-day time period. Any non-vested employee other than an elected official of a participating employer who has been employed in a covered position as defined in subsection (3) of K.S.A. 2007 Supp. 74-49,202, and amendments thereto, with a participating school employer shall remain*

*a member of the Kansas public employees retirement system as provided pursuant to K.S.A. 74-4901 et seq., and amendments thereto, if the member was employed in a covered position with a participating school employer for the duration of the school year and immediately returns to covered employment with another participating school employer at the beginning of the following school year, and the member does not withdraw the member's accumulated contributions and interest, forfeiting such member's membership in the interim.*

(d) Any employee who is an elected official and who first took office on or after July 1, 2009, and is eligible to join the system shall file, within 90 days after taking the oath of office, an irrevocable election to become or not to become a member of the system under the provisions of the Kansas public employees retirement system act of 2009. Such election shall become effective immediately upon making such election, if such election is made within 14 days of taking the oath of office or, otherwise, on the first day of the first payroll period of the first quarter following receipt of the election in the office of the retirement system. In the event that such elected official fails to file the election to become a member of the retirement system, it shall be presumed that such person has elected not to become a member.

Sec. 23. K.S.A. 2007 Supp. 74-49,207 is hereby amended to read as follows: 74-49,207.

(a) (1) Notwithstanding the provisions of K.S.A. 2007 Supp. 74-49,204, and amendments thereto, the normal retirement date for all security officers, as defined by subsections (1)(a) or (1)(b) of K.S.A. 74-4914a, and amendments thereto, with at least three consecutive years of service as such security officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 55 with completion of 10 years of service.

(2) Any such security officer may retire before such normal retirement date on the first day of any month coinciding with or following the attainment of age 50 or completion of 10 years of credited service, whichever occurs later.

(b) (1) Notwithstanding the provisions of K.S.A. 2007 Supp. 74-49,204, and amendments thereto, the normal retirement date for all security officers, as defined by subsections (1)(c), (d), (e) or (f) of K.S.A. 74-4914a, and amendments thereto, with at least three consecutive years of service as such security officer immediately preceding the date of retirement, shall be the first day of the month coinciding with or following the attainment of age 60 with completion of 10 years of service.

(2) Any such security officer may retire before such normal retirement date on the first day of any month coinciding with or following the attainment of age 55 or completion of 10 years of credited service, whichever occurs later.

(c) *Any security officer who retires before the normal retirement date as provided pursuant to subsection (a)(2) or (b)(2), shall receive an annual retirement benefit as calculated in K.S.A. 2007 Supp. 74-49,205, and amendments thereto, actuarially reduced for early retirement. The reduction for early retirement shall produce a benefit which is actuarially equivalent to, and has the same present value of, the annual retirement benefit determined in K.S.A. 2007 Supp. 74-49,205, and amendments thereto, payable to such member's normal retirement date in accordance with the provisions of this section. The actuarial basis for reduction of such annual retirement benefit for early retirement shall be set by the board.*

Sec. 24. K.S.A. 2007 Supp. 74-49,208 is hereby amended to read as follows: 74-49,208. Any member who is first employed by a participating employer on or after July 1, 2009, and who has completed five years of credited service at the time of termination, shall be granted a vested retirement benefit in the system, except that at any time prior to the commencement of retirement benefit payments the member may withdraw accumulated contributions, whereupon no other benefits shall be payable for such member's prior and participating benefits. *Any member who is not vested under the Kansas public employees retirement system pursuant to the provisions of K.S.A. 74-4901 et seq., and amendments thereto, and completed five years of credited service and remains employed by the same participating employer without termination in a non-covered position shall be granted a vested benefit in the system.*

Sec. 25. K.S.A. 2007 Supp. 79-32,117 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. 2007 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. 2007 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. 2007 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. 2007 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. 2007 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. 2007 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. 2007 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, 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. 2007 Supp. 79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) 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. 2007 Supp. 79-32,256, 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. 2007 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, 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. 2007 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.

(xx) *Amounts received by retired employees of Washburn university as retirement and pension benefits under the university's retirement plan.*

(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. 26. K.S.A. 12-5005, 13-14a02, 13-14a10, 13-14a13, 14-10a02, 14-10a13, 20-2601, 20-2623, 72-5501, 74-4912, 74-4917a, 74-4919b, 74-4924, 74-4988, 74-4998c, 74-49,105, 74-49,122, 74-49,123 and 74-49,124 and K.S.A. 2007 Supp. 74-4902, 74-4914, 74-49,202, 74-49,203, 74-49,207, 74-49,208 and 79-32,117 are hereby repealed.

Sec. 27. This act shall take effect and be in force from and after its publication in the statute book.”;

Also on page 1, by striking all in lines 21 through 43;

By striking all on pages 2 through 25;

Also on page 1, in the title, in line 11, after “concerning” by inserting “retirement and pensions; relating to the Kansas public employees retirement system and systems thereunder; the Kansas public employees act of 2009; retirement plan compliance with federal law; withdrawal of contributions; employment after retirement; service credit between systems; state taxation of certain retirement benefits; amending K.S.A. 12-5005, 13-14a02, 13-14a10, 13-14a13, 14-10a02, 14-10a13, 20-2601, 20-2623, 72-5501, 74-4912, 74-4919b, 74-4924, 74-4988, 74-4998c, 74-49,105, 74-49,122, 74-49,123 and 74-49,124 and K.S.A. 2007 Supp. 74-4902, 74-4914, 74-49,202, 74-49,203, 74-49,207, 74-49,208 and 79-32,117 and repealing the existing sections; also repealing K.S.A. 74-4917a.”; also in line 11, by striking “health care workers; relating to licensed pro-”; by striking all in lines 12 through 18;

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

SHARON SCHWARTZ

BOB BETHELL

BILL FEUERBORN

*Conferees on part of House*

DWAYNE UMBARGER

JAY SCOTT EMLER

LAURA KELLY

*Conferees on part of Senate*

On motion of Rep. Schwartz, the conference committee report on **H. Sub. for Sub. SB 309** 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, 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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Colyer, Masterson, Spalding.

The House stood at ease until the sound of the gavel.

---

Speaker pro tem Dahl called the House to order.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 453**, 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 4, in line 2, by striking "Kansas, Inc.," and inserting "the department of commerce";

On page 7, by striking all in lines 20 through 43;

On page 8, by striking all in lines 1 through 8; after line 8, by inserting the following:

"Sec. 5. K.S.A. 2007 Supp. 74-50,154 is hereby amended to read as follows: 74-50,154.

(a) As used in this act: (1) "*Business support services*" means *business counseling, technical assistance and business planning services provided to existing or prospective small businesses or entrepreneurs*;

(2) "*contributions*" means and includes the donation of cash or property other than used clothing in an amount or value of \$250 or more. Contributions shall be valued as follows:

(A) Stocks and bonds contributed shall be valued at the stock market price on the date of transfer;

(B) personal property items contributed shall be valued at the lesser of the item's fair market value or cost to the donor and may be inclusive of costs incurred in making the contribution. Such value shall not include sales tax;

(C) contributions of real estate are allowable for credit only when title of such real estate is in fee simple absolute and is clear of any encumbrances; and

(D) the amount of credit allowable shall be based upon the lesser of two current independent appraisals conducted by state licensed appraisers;

~~(2)~~ (3) "*department*" means *the department of commerce*;

(4) "*entrepreneur*" means *an individual creating a new business, service or product*;

(5) "*region*" means *multi-county areas as defined by the secretary of commerce*;

~~(3)~~ (6) "*regional business development fund*" means *an authorized and audited fund that is created by taxpayer contributions, interest income and investment income and is managed by the regional foundation board of directors for the purposes of economic and leadership development in the region*;

(7) "*regional foundation*" means *any organization in Kansas that demonstrates capacity to provide economic development services to regions as defined by this act, and: (A) Has obtained a ruling from the internal revenue service of the United States department of treasury that such organization is exempt from income taxation under the provisions of section 501(c)(3) or 501(c)(6) of the federal internal revenue code;*

*(B) has been designated as a certified development company by the United States small business administration;*

*(C) has been designated as an economic development district by the United States department of commerce's economic development administration;*

(D) has been organized as a regional planning commission under K.S.A. 12-744 et seq., and amendments thereto, or its predecessor, K.S.A. 12-716 et seq., and amendments thereto; or

(E) is incorporated in the state of Kansas as a nonstock, nonprofit corporation;

~~(4)~~ (8) “regional leadership development” means training and education that enable a region to develop community leadership that strengthens the economic and social environment in that region;

(9) “rural community” means any city having a population of fewer than 50,000 or except as otherwise provided, any unincorporated area. Unincorporated areas within any county having a population of more than 100,000 are not eligible; ~~and~~

~~(5)~~ (10) “secretary” means the secretary of the department of commerce;

(11) “small business” means an independently owned and operated business having fewer than 100 full-time equivalent employees;

(12) “taxpayer” means: (A) Any business entity authorized to do business in the state of Kansas which is subject to the state income tax imposed by the provisions of the Kansas income tax act;

(B) any individual subject to the state income tax imposed by the provisions of the Kansas income tax act;

(C) any national banking association, state bank, trust company or savings and loan association paying an annual tax on its net income pursuant to article 11 of chapter 79 of the Kansas Statutes Annotated; or

(D) any insurance company paying the premium tax and privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto; and

(13) “technology improvements” means a project that results in the ability of the region to enhance service in areas, including broadband access, web site creation, wireless internet services, computer programming, computer servers, computer networks, computer databases, electronic training modules, electronic media and any other technological areas deemed eligible by the secretary.

(b) For taxable years commencing after December 31, 2004, any taxpayer contributing to a regional foundation designated by the secretary of commerce, shall be allowed a credit, as provided in this act, against the tax imposed by the Kansas income tax act, the tax on net income of national banking associations, state banks, trust companies or savings and loan associations imposed under article 11 of chapter 79 of the Kansas Statutes Annotated, or the premium tax or privilege fees imposed pursuant to K.S.A. 40-252, and amendments thereto, if the proposal of the regional foundation is approved pursuant to this act.

(c) (1) On December 31, 2007, June 30, 2008, and each June 30 thereafter, each regional foundation shall transfer 5% of funds raised in the previous fiscal year from the marketing of the rural business tax credits to be credited to the enterprise facilitation fund created in K.S.A. 2007 Supp. 74-50,155, and amendments thereto.

(2) The secretary of commerce may adopt rules and regulations for the disbursement of regional foundation funds to the enterprise facilitation fund.

(d) (1) The secretary of commerce is hereby authorized to adopt rules and regulations for establishing criteria for evaluating proposals to designate regional foundations as defined by this act with the assistance of the secretary of revenue.

(2) The proposal shall set forth the program to be conducted, why the program is needed, the estimated amount to be invested in the program, composition of the board that shall be making investment decisions, policies stating the organization shall offer services to all counties in that region and the plans for implementing the program.

(3) The secretary of commerce shall select regional foundations pursuant to rules and regulations adopted pursuant to subsection ~~(c)(4)~~ (d)(1) to use the sale of credits to establish regional business development funds.

(4) The total amount of credits allowed under this act shall not exceed \$2,500,000 for fiscal year 2005; \$2,500,000 for fiscal year 2006; and \$2,000,000 per year for fiscal years 2007 through, and including, 2012. Each region as defined by this act shall receive an equal share of this allocation.

(5) Any credits not sold by such regional foundations shall be reclaimed by the secretary from such region and redistributed to other regions that sold all credits previously issued.

(6) The secretary shall annually review and approve or disapprove the proposal of each designated regional foundation for continued eligibility for tax credits. The department of commerce retains that right to reclaim credits in such cases the regional foundation closes or there is demonstrated violation of the organization's policies. Changes to the investment policies of each regional foundation are subject to approval of the secretary.

(e) *Each regional foundation shall administer a regional business development fund. The sums generated by contributions to each regional business development fund are intended to be distributed to qualified entrepreneurs for the purposes of economic and leadership development in the region. Such sums shall be allocated by each regional foundation as follows:*

(1) *Not less than 60% of such funds may be allocated for job creation or retention;*

(2) *not more than 10% of such funds shall be allocated for administrative costs in overseeing particular projects; and*

(3) *the remaining funds may be allocated towards other eligible activities as provided in subsection (f) in a manner that fits the region's priorities and needs.*

(f) *Funds in the regional business development funds may be utilized by the regional foundation for one or more of the following eligible activities:*

(1) *Business start-ups;*

(2) *business expansion;*

(3) *business retention;*

(4) *business support services;*

(5) *regional leadership development;*

(6) *technology improvements; and*

(7) *administrative services.*

(g) *All interest generated on idle funds administered by the regional foundation shall be used by the foundation's board in accordance with subsections (e) and (f).*

(h) *Any regional foundation may increase or decrease the allocation percentages set forth in subsection (e) only upon approval of such adjustments by the secretary.*

~~(i)~~ (1) The amount of credit allowed pursuant to this act, shall not exceed 75% of the total amount contributed during the taxable year by the taxpayer to a regional foundation approved pursuant to this act.

(2) If the amount of the credit allowed by this act, exceeds the taxpayer's income tax liability imposed under the Kansas income tax act, such excess amount shall be refunded to the taxpayer.

~~(j)~~ (j) The provisions of this act shall be applicable to all taxable years beginning after December 31, 2004.;

Also on page 8, in line 9, by striking "12-5242" and inserting "74-50,154";

In the title, in line 12, after "concerning" by inserting "economic development; relating to"; in line 14, by striking "concerning the rural housing"; in line 15, by striking all before the semicolon and inserting "; relating to regional foundation funds"; in line 16, by striking "12-5242" and inserting "74-50,154";

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

JASON WATKINS  
JOHN C. GRANGE  
DOUG GATEWOOD  
*Conferees on part of House*

KARIN BROWNLEE  
NICK JORDAN  
LAURA KELLY  
*Conferees on part of Senate*

On motion of Rep. Watkins to adopt the conference committee report on **Sub. SB 453**, Rep. Roth 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. Watkins, Grange and Gatewood as second conferees on the part of the House.

**MESSAGE FROM THE SENATE**

Announcing passage of **HB 2315**, as amended by **S. Sub. for HB 2315**; **HB 2422**, as amended by **S. Sub. for S. Sub. for HB 2422**; **HB 2440**, as amended by **S. Sub. for HB 2440**; **HB 2519**, as amended by **S. Sub. for HB 2519**.

The Senate concurs in House amendments to **SB 46**, and requests return of the bill.

The Senate concurs in House amendments to **H. Sub. for SB 389**, and requests return of the bill.

The Senate concurs in House amendments to **SB 417**, and requests return of the bill.

The Senate concurs in House amendments to **SB 521**, and requests return of the bill.

The Senate adopts conference committee report on **Sub. SB 491**.

The Senate adopts conference committee report on **Sub. HB 2018**.

The Senate adopts conference committee report on **S. Sub. for HB 2097**.

The Senate adopts conference committee report on **S. Sub. for HB 2590**.

The Senate adopts conference committee report on **HB 2721**.

The Senate adopts conference committee report on **HB 2771**.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2006** and has appointed Senators Brownlee, Jordan and Barone 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 2133** and has appointed Senators Umbarger, Emler 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 2412** and has appointed Senators Brownlee, Jordan and Barone 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 2421** and has appointed Senators Umbarger, Emler and Kelly as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 2620** and has appointed Senators Wagle, Brungardt and Haley 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 2919** and has appointed Senators Emler, Apple and Lee as conferees on the part of the Senate.

The President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the conference committee on **SB 178** to replace Senators Barnett, V. Schmidt and Haley.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to Substitute for **HB 2018**, 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 2, in line 17, after "orders" by inserting "issued after June 30, 2008.";

On page 3, in line 39, after "Kansas" by inserting "unless, after having exercised due diligence, the governor is unable to find a qualified replacement within 90 days after any vacancy on the court occurs";

On page 11, in line 29, by striking all after the period; in line 30, by striking all before "The";

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

BARBARA P. ALLEN

LES DONOVAN

JANIS K. LEE

*Conferees on part of Senate*

THOMAS C. OWENS

KENNY A. WILK

G. THOMAS HOLLAND II

*Conferees on part of House*

On motion of Rep. Owens, the conference committee report on **Sub. HB 2018** was adopted.

On roll call, the vote was: Yeas 82; Nays 41; Present but not voting: 0; Absent or not voting: 2.

Yeas: Aurand, Ballard, Bethell, Bowers, Burgess, Burroughs, Colloton, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, George, Goyle, Grant, Hawk, Henderson, Henry, Hill, Holland, C. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelsey, King, Knox, Kuether, Light, Loganbill, Long, Lukert, Mah, McCray-Miller, McKinney, Menghini, Metsker, Moxley, Myers, Neighbor, Otto, Owens, Palmer, Peck, Peterson, Pottorff, Proehl, Quigley, Rardin, Roth, Ruff, Ruiz, Schroeder, Shultz, Sloan, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Brunk, Carlin, Carlson, Colyer, Faber, Feuerborn, Goico, Gordon, Grange, Hayzlett, Hodge, M. Holmes, Huebert, Kelley, Kiegerl, Kinzer, Landwehr, Lane, Mast, McLachlan, McLeland, Merrick, Jim Morrison, Judy Morrison, Neufeld, O'Neal, Olson, Patton, Pauls, Phelps, Powell, Powers, Rhoades, Sawyer, Schwartz, Siegfried, Tafanelli, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2097**, 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. 2097, as follows:

On page 1, by striking all in lines 14 through 23 and inserting the following:

“Section 1. (a) At the beginning of a school year, school boards shall provide information on immunizations applicable to school age children to parents and guardians of students in grades six through 12. The information on immunizations shall include:

(1) A list of sources for additional information; and

(2) related standards issued by the national centers for disease control and prevention.

(b) The department of health and environment shall provide assistance, if requested by a school board, and information on immunizations applicable to school age children to school boards for the purposes of this section, and shall not charge the school board for such assistance or information.

(c) For purposes of this section, “school board” means the board of education of a school district and the governing authority of any nonpublic school.”;

Also on page 1, in line 40, after the semicolon by inserting “and”; in line 42, by striking “; and” and inserting a period; by striking all in line 43;

On page 2, by striking all in line 1; after line 10, by inserting:

“Sec. 3. Every maternity center and medical care facility licensed by the department of health and environment to operate in the state shall adopt written policies and inform parents regarding their options for disposition or taking of fetal remains in an event of a fetal death.”;

Also on page 2, in line 11, by striking “3.” and inserting “4.”;

In the title, in line 1, by striking “vaccinations” and inserting “the department of health and environment”; in line 11, by striking the period and inserting “; and relating to disposition of fetal remains.”;

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 **S. Sub. for HB 2097** 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, 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, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Kelley.

Present but not voting: None.

Absent or not voting: Flora, Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2590**, 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. 2590, as follows:

On page 4, in line 5, after "ton," by inserting "Brown,";

On page 9, after line 25, by inserting the following:

"(23) The board of county commissioners of Butler county may submit the question of imposing a countywide retailers' sales tax at the rate of either .25%, .5%, .75% or 1% and pledging the revenue received therefrom for the purpose of financing the costs of public safety capital projects or bridge and roadway construction projects, or both, 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 projects.

(24) The board of county commissioners of Barton 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 roadway and bridge construction and improvement and infrastructure development and improvement 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.

(25) The board of county commissioners of Jefferson 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 the county's obligation as participating employer to make employer contributions and other required contributions to the Kansas public employees retirement system for eligible employees of the county who are members of the Kansas police and firemen's retirement system, 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 purpose.";

On page 11, in line 16, by striking "and"; in line 21, after the semicolon by inserting "and the board of county commissioners of Brown county, for the purposes of paragraph (2) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 2%";

On page 12, in line 35, by striking “paragraph” and inserting “paragraphs”; also in line 35, after “(19)” by inserting “and (25)”; in line 36, by striking “2.0%” and inserting “2.25%”;

On page 13, in line 3, by striking “and”; in line 6, after “2%” by inserting the following:

“;

(u) the board of county commissioners of Butler county for the purposes of paragraph (23) 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 otherwise allowed pursuant to this section, plus .25%, .5%, .75% or 1%; and

(v) the board of county commissioners of Barton county, for the purposes of paragraph (24) of subsection (b) of K.S.A. 12-187, and amendments thereto, may fix such rate at up to 1.5%”;

On page 16, in line 13, by striking “or” and inserting a comma; also in line 13, after “(22)” by inserting “, (23) and (25)”;

On page 1, in the title, in line 9, by striking “Wilson county” and inserting “counties”; also in line 9, after “to” by inserting “financing of”; in line 10, after “projects” by inserting “and employee benefits”; also in line 10, by striking “financing thereof through”;

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

G. THOMAS HOLLAND II

*Conferees on part of House*

On motion of Rep. Wilk, the conference committee report on **S. Sub. for HB 2590** was adopted.

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

Yeas: 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, Landwehr, Light, Loganbill, Long, Lukert, Mah, Mast, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Kelley, Lane, Patton, Powers.

Present but not voting: None.

Absent or not voting: Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2721**, 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 3, after line 9, by inserting the following:

“(k) “Physician” means a person licensed to practice medicine and surgery by the state board of healing arts.”;

On page 4, in line 1, by striking “licensed”; in line 3, by striking “licensed”;

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  
SUE STORM  
*Conferees on part of House*

On motion of Rep. Landwehr, the conference committee report on **HB 2721** was adopted.

On roll call, the vote was: Yeas 93; Nays 30; Present but not voting: 0; Absent or not voting: 2.

Yeas: Ballard, Beamer, Bethell, Bowers, Brunk, Burroughs, Colloton, Colyer, Craft, Crow, Crum, Dahl, Davis, Dillmore, Donohoe, Faber, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, George, Goico, Goyle, Hawk, Henderson, Henry, Hill, C. Holmes, M. Holmes, Horst, Huntington, Johnson, Kelley, Kelsey, Kuether, Landwehr, Light, Loganbill, Long, Lukert, Mast, McCray-Miller, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peck, Peterson, Pottorff, Powell, Proehl, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Whitham, Wilk, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Brown, Burgess, Carlin, Carlson, Feuerborn, Gatewood, Gordon, Grange, Grant, Hayzlett, Hodge, Holland, Huebert, Humerickhouse, Kiegerl, King, Kinzer, Knox, Lane, Mah, McKinney, McLeland, Patton, Phelps, Powers, Vickrey, Ward, Watkins, Wetta.

Present but not voting: None.

Absent or not voting: Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2771**, 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, in line 23, by striking "44-1131 and"

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

KARIN BROWNLEE  
NICK JORDAN  
JIM BARONE  
*Conferees on part of Senate*

STEVEN R. BRUNK  
S. MIKE KIEGERL  
LOUIS RUIZ  
*Conferees on part of House*

On motion of Rep. Brunk to adopt the conference committee report on **HB 2771**, Rep. Goyle 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. Brunk and the conference committee report was adopted.

On roll call, the vote was: Yeas 110; Nays 13; 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, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Fund, George, Goico, Gordon, Grange, Grant, Hawk,

Hayzlett, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, Kiegerl, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mast, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Storm, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Davis, Dillmore, Frownfelter, Garcia, Gatewood, Goyle, Hodge, Kelley, King, Mah, Powers, Svaty, Wilk.

Present but not voting: None.

Absent or not voting: Masterson, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 113**, 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. 113, as follows:

On page 15, in line 2, after the period by inserting "In the case of an audit of the records of a pharmacy by a managed care company, insurance company, third party payor or the representative of the managed care company, insurance company or third party payor, the period covered by the audit shall not exceed two years from the date the claim was submitted to or adjudicated or as otherwise provided by state or federal law."; after line 10, by inserting the following:

"Sec. 3. K.S.A. 2007 Supp. 40-2c01 is hereby amended to read as follows: 40-2c01. As used in this act:

(a) "Adjusted RBC report" means an RBC report which has been adjusted by the commissioner in accordance with K.S.A. 40-2c04, and amendments thereto.

(b) "Corrective order" means an order issued by the commissioner specifying corrective actions which the commissioner has determined are required to address a RBC level event.

(c) "Domestic insurer" means any insurance company or risk retention group which is licensed and organized in this state.

(d) "Foreign insurer" means any insurance company or risk retention group not domiciled in this state which is licensed or registered to do business in this state pursuant to article 41 of chapter 40 of the Kansas Statutes Annotated or K.S.A. 40-209, and amendments thereto.

(e) "NAIC" means the national association of insurance commissioners.

(f) "Life and health insurer" means any insurance company licensed under article 4 or 5 of chapter 40 of the Kansas Statutes Annotated or a licensed property and casualty insurer writing only accident and health insurance.

(g) "Property and casualty insurer" means any insurance company licensed under articles 9, 10, 11, 12, 12a, 15 or 16 of chapter 40 of the Kansas Statutes Annotated, but shall not include monoline mortgage guaranty insurers, financial guaranty insurers and title insurers.

(h) "Negative trend" means, with respect to a life and health insurer, a negative trend over a period of time, as determined in accordance with the "trend test calculation" included in the RBC instructions defined in subsection (j).

(i) "RBC" means risk-based capital.

(j) "RBC instructions" mean the risk-based capital instructions promulgated by the NAIC, which are in effect on December 31, ~~2006~~ 2007.

(k) "RBC level" means an insurer's company action level RBC, regulatory action level RBC, authorized control level RBC, or mandatory control level RBC where:

(1) "Company action level RBC" means, with respect to any insurer, the product of 2.0 and its authorized control level RBC;

(2) "regulatory action level RBC" means the product of 1.5 and its authorized control level RBC;

(3) "authorized control level RBC" means the number determined under the risk-based capital formula in accordance with the RBC instructions; and

(4) "mandatory control level RBC" means the product of .70 and the authorized control level RBC.

(l) "RBC plan" means a comprehensive financial plan containing the elements specified in K.S.A. 40-2c06, and amendments thereto. If the commissioner rejects the RBC plan, and it is revised by the insurer, with or without the commissioner's recommendation, the plan shall be called the "revised RBC plan."

(m) "RBC report" means the report required by K.S.A. 40-2c02, and amendments thereto.

(n) "Total adjusted capital" means the sum of:

(1) An insurer's capital and surplus or surplus only if a mutual insurer; and

(2) such other items, if any, as the RBC instructions may provide.

(o) "Commissioner" means the commissioner of insurance.

Sec. 4. K.S.A. 40-202 is hereby amended to read as follows: 40-202. Nothing contained in this code shall apply to:

(a) Grand or subordinate lodges of any fraternal benefit society which admits to membership only persons engaged in one or more hazardous occupations in the same or similar line of business or to fraternal benefit societies as defined in and organized under article 7 of chapter 40 of the Kansas Statutes Annotated and amendments thereto, unless they be expressly designated;

(b) the employees of a particular person, firm, or corporation;

(c) mercantile associations which simply guarantee insurance to each other in the same lines of trade and do not solicit insurance from the general public;

(d) the Swedish Mutual Aid Association of Rapp, Osage county, Kansas;

(e) the Scandia Mutual Protective Insurance Company, of Chanute, Kansas;

(f) the Seneca and St. Benedict Mutual Fire Insurance Company of Nemaha county, Kansas;

(g) the mutual insurance system practiced in the Mennonite church, in accordance with an old custom, either by the congregation themselves or by special associations, of its members in Kansas;

(h) the Kansas State High-School Activities Association;

(i) the Mutual Aid Association of the Church of the Brethren; or

(j) a voluntary noncontractual mutual aid arrangement ~~founded on or before December 31, 1992~~, whereby the needs of participants are announced and accommodated through subscriptions to a monthly publication.

Sec. 5. K.S.A. 40-2,125 is hereby amended to read as follows: 40-2,125. (a) If the commissioner determines after notice and opportunity for a hearing that any person has engaged or is engaging in any act or practice constituting a violation of any provision of Kansas insurance statutes or any rule and regulation or order thereunder, the commissioner may in the exercise of discretion, order any one or more of the following:

(1) Payment of a monetary penalty of not more than \$1,000 for each and every act or violation, unless the person knew or reasonably should have known such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder, in which case the penalty shall be not more than \$2,000 for each and every act or violation;

(2) suspension or revocation of the person's license or certificate if such person knew or reasonably should have known that such person was in violation of the Kansas insurance statutes or any rule and regulation or order thereunder; or

(3) that such person cease and desist from the unlawful act or practice and take such affirmative action as in the judgment of the commissioner will carry out the purposes of the violated or potentially violated provision.

(b) If any person fails to file any report or other information with the commissioner as required by statute or fails to respond to any proper inquiry of the commissioner, the commissioner, after notice and opportunity for hearing, may impose a *civil* penalty of up to ~~\$500~~ \$1,000, for each violation or act, along with an additional penalty of up to ~~\$100~~ \$500 for each week thereafter that such report or other information is not provided to the commissioner.

(c) If the commissioner makes written findings of fact that there is a situation involving an immediate danger to the public health, safety or welfare or the public interest will be irreparably harmed by delay in issuing an order under subsection (a)(3), the commissioner may issue an emergency temporary cease and desist order. Such order, even when not an order within the meaning of K.S.A. 77-502 and amendments thereto, shall be subject to the same procedures as an emergency order issued under K.S.A. 77-536 and amendments thereto. Upon the entry of such an order, the commissioner shall promptly notify the person subject to the order that: (1) It has been entered, (2) the reasons therefor and (3) that upon written request within 15 days after service of the order the matter will be set for a hearing which shall be conducted in accordance with the provisions of the Kansas administrative procedure act. If no hearing is requested and none is ordered by the commissioner, the order will remain in effect until it is modified or vacated by the commissioner. If a hearing is requested or ordered, the commissioner, after notice of and opportunity for hearing to the person subject to the order, shall by written findings of fact and conclusions of law vacate, modify or make permanent the order.

(d) For purposes of this section:

(1) "Person" means any individual, corporation, association, partnership, reciprocal exchange, inter-insurer, Lloyd's insurer, fraternal benefit society and any other legal entity engaged in the business of insurance, or any person purchasing an interest in a life insurance policy which is licensed pursuant to K.S.A. 40-2,141 and amendments thereto, rating organization, third party administrator, nonprofit dental service corporation, nonprofit medical and hospital service corporation, automobile club, premium financing company, health maintenance organization, insurance holding company, mortgage guaranty insurance company, risk retention or purchasing group, prepaid legal and dental service plan, captive insurance company, automobile self-insurer or reinsurance intermediary. The term "person" shall not include insurance agents licensed pursuant to K.S.A. 40-241 or 40-246, and amendments thereto, insurance brokers licensed pursuant to K.S.A. 40-3701 et seq., and amendments thereto, or employees of licensed agents or brokers and brokers as such terms are defined in K.S.A. 2007 Supp. 40-4902 and amendments thereto.

(2) "Commissioner" means the commissioner of insurance of this state.

Sec. 6. K.S.A. 2007 Supp. 40-433 is hereby amended to read as follows: 40-433. No policy of group life insurance shall be delivered in this state unless it conforms to one of the following descriptions:

(1) A policy issued by an insurance company organized under the laws of the state of Kansas on its employees and agents, which agents for the purpose of this act only shall be deemed employees, the beneficiaries under such policies to be persons designated by each insured, or a policy issued to an employer, or to the trustees of a fund established by an employer, which employer or trustees shall be deemed the policyholder, to insure employees of the employer for the benefit of persons other than the employer, both subject to the following requirements: (a) The employees eligible for insurance under the policy shall be all of the employees of the employer, or all of any class or classes thereof determined by conditions pertaining to their employment. The policy may provide that the term "employees" shall include the employees of one or more subsidiary corporations, and the employees, individual proprietors, and partners of one or more affiliated corporations, proprietors or partnerships if the business of the employer and of such affiliated corporations, proprietors or partnerships is under common control through stock ownership, contract or otherwise. The policy may provide that the term "employees" shall include the individual proprietor or partners if the employer is an individual proprietor or a partnership. The policy may provide that the term "employees" shall include retired employees. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. A policy issued to insure the employees of a public body may provide that the term "employees" shall include elected or appointed officials. (b) The premium for the policy shall be paid by the policyholder, either wholly from the employer's funds or funds contributed

by the employer, or partly from such funds and partly from funds contributed by the insured employees. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured employees. A policy on which part of the premium is to be derived from funds contributed by the insured employees may be placed in force only if at least 75% of the then eligible employees, excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contribution. A policy on which no part of the premium is to be derived from funds contributed by the insured employees shall insure all eligible employees, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer. (c) The policy shall cover at least two employees at date of issue. (d) The amounts of insurance under the policy shall be based upon some plan, precluding individual selection either by the employees or by the employer or trustees.

(2) A policy issued to a creditor, who shall be deemed the policyholder, to insure debtors of the creditor, subject to the following requirements: (a) The debtors eligible for insurance under the policy shall be all of the debtors of the creditor whose indebtedness is repayable in installments, or all of any class or classes thereof determined by conditions pertaining to the indebtedness or to the purchase giving rise to the indebtedness. (b) The premium for the policy shall be paid by the policyholder, either from the creditor's funds or from charges collected from the insured debtors, or from both. A policy on which part or all of the premium is to be derived from the collection from the insured debtors of identifiable charges not required of uninsured debtors shall not include, in the class or classes of debtors eligible for insurance, debtors under obligations outstanding at its date of issue without evidence of individual insurability unless at least 75% of the then eligible debtors elect to pay the required charges. A policy on which no part of the premium is to be derived from the collection of such identifiable charges shall insure all eligible debtors, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer. (c) The policy may be issued only if the group of eligible debtors is then receiving new entrants at the rate of at least 100 persons yearly, or may reasonably be expected to receive at least 100 new entrants during the first policy year, and only if the policy reserves to the insurer the right to require evidence of individual insurability if less than 75% of the new entrants become insured. (d) The amount of insurance on the life of any debtor shall at no time, ~~under one or more policies, exceed the amount owed by that debtor which is repayable in installments to the creditor, or \$100,000, whichever is less.~~ (e) The insurance shall be payable to the policyholder. Such payment shall reduce or extinguish the unpaid indebtedness of the debtor to the extent of such payment.

(3) A policy issued to a labor union, which shall be deemed the policyholder, to insure members of such union for the benefit of persons other than the union or any of its officials, representatives or agents, subject to the following requirements: (a) The members eligible for insurance under the policy shall be all of the members of the union, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the union, or both.

(b) The premium for the policy shall be paid by the policyholder, either wholly from the union's funds, or partly from such funds and partly from funds contributed by the insured members specifically for their insurance. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured members specifically for their insurance. A policy on which part of the premium is to be derived from funds contributed by the insured members specifically for their insurance may be placed in force only if at least 75% of the then eligible members excluding any as to whom evidence of individual insurability is not satisfactory to the insurer, elect to make the required contributions. A policy on which no part of the premium is to be derived from funds contributed by the insured members specifically for their insurance shall insure all eligible members, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer.

(c) The policy shall cover at least 25 members at date of issue.

(d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the members or by the union.

(4) A policy issued to the trustees of a fund established in this state by two or more employers if a majority of the employees to be insured of each employer are located within

the state, or to the trustees of a fund established by one or more labor unions, or by one or more employers and one or more labor unions, which trustees shall be deemed the policyholder, to insure employees of the employers or members of the unions for the benefit of persons other than the employers or the unions, subject to the following requirements: (a) The persons eligible for insurance shall be all of the employees of the employers or all of the members of the unions, or all of any class or classes thereof determined by conditions pertaining to their employment, or to membership in the unions, or to both. The policy may provide that the term "employees" shall include retired employees and the individual proprietor or partners if any employer is an individual proprietor or a partnership. No director of a corporate employer shall be eligible for insurance under the policy unless such person is otherwise eligible as a bona fide employee of the corporation by performing services other than the usual duties of a director. No individual proprietor or partner shall be eligible for insurance under the policy unless the proprietor or partner is actively engaged in and devotes a substantial part of their time to the conduct of the business of the proprietor or partnership. The policy may provide that the term "employees" shall include the trustees or their employees, or both, if their duties are principally connected with such trusteeship. (b) The premium for the policy shall be paid by the trustees either wholly from funds contributed by the employer or employers of the insured persons, or by the union or unions, or by both, or partly from such funds and partly from funds contributed by the insured employees. No policy shall be issued on which the entire premium is to be derived from funds contributed by the insured persons. The policy shall insure all eligible persons, or all except any as to whom evidence of individual insurability is not satisfactory to the insurer. (c) The policy shall cover at date of issue at least 100 persons and not less than an average of five persons per employer unit. (d) The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured persons or by the policyholder, employers, or union.

(e) The requirements of paragraphs (b) and (d) of this subsection governing employer contributions and amounts of insurance shall not apply to a voluntary term life insurance policy issued on a group basis.

(5) A policy issued to an association which has been organized and is maintained for purposes other than that of obtaining insurance, insuring at least 25 members, employees, or employees of members of the association for the benefit of persons other than the association or its officers. The term "employees" as used herein shall be deemed to include retired employees. The premiums for the policies shall be paid by the policyholder, either wholly from association funds, or funds contributed by the members of such association or by employees of such members or any combination thereof. The amounts of insurance under the policy shall be based upon some plan precluding individual selection either by the insured person or by the association or by the member.

(6) Any policy issued pursuant to this section may be extended to insure the employees against loss due to the death of their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents, or any class or classes thereof, subject to the following requirements:

(a) The premium for the insurance shall be paid by the policyholder, either from the employer's funds or from funds contributed by the insured employees, or from both. If any part of the premium is to be derived from funds contributed by the insured employees, the insurance with respect to spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents and their spouse's parents may be placed in force only if at least 75% of the then eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, elect to make the required contribution. If no part of the premium is to be derived from funds contributed by the employees, all eligible employees, excluding any as to whose family members' evidence of insurability is not satisfactory to the insurer, shall be insured with respect to their spouses, their children, their grandchildren, their spouse's children, their spouse's grandchildren, their parents, their spouse's parents.

(b) The amounts of insurance shall be based upon some plan precluding individual selection either by the employees or by the policyholder, or employer and shall not exceed



with respect to any spouse, child or parent 50% of the insurance on the life of such insured employee.

(c) Upon termination of the insurance with respect to the spouse of an employee by reason of the employee's termination of employment or death, the spouse insured pursuant to this section shall have the same conversion rights as to the insurance on such spouse's life as is provided for the employee under K.S.A. 40-434 and amendments thereto.

(d) Notwithstanding the provisions of K.S.A. 40-434 and amendments thereto only one certificate need be issued for delivery to an insured person if a statement concerning any dependent's coverage is included in such certificate.

(e) The requirements of paragraphs (a) and (b) of this subsection governing participation, contribution by an employer and amounts of insurance for dependents shall not apply to a voluntary term life insurance policy issued on a group basis.

(7) A policy may be issued to any other group which the commissioner of insurance finds is the proper subject of a group life insurance policy or contract. Any such group shall be subject to any appropriate conditions or provisions relating thereto which the commissioner may establish or require, consistent with the provisions of this act, and such conditions and provisions shall be included in the policy or contract.

Sec. 7. K.S.A. 40-22a07 is hereby amended to read as follows: 40-22a07. (a) (1) It is unlawful for any person or utilization review organization to perform utilization review activities in this state except in accordance with this act.

(2) No utilization review organization nor any individual performing utilization review activities may agree to be compensated or receive compensation which is contingent in any way upon frequency of certification denials, costs avoided by denial or reduction in payment of claims or other results which may be adverse to the needs of the patient as determined by the attending health care provider.

(3) (A) *A utilization review organization may establish prior notification requirements for inpatient and outpatient hospital admissions. A utilization review organization shall not require notification sooner than the next business day after any inpatient admission occurring on a weekend or holiday or any urgent or emergent inpatient or outpatient admission regardless of when the patient presents for services.*

(B) *For the purposes of this paragraph, a patient that is unstable or uncommunicative shall not be deemed to have presented to a health care facility until the patient is able to provide insurance information and the health care facility is permitted under state and federal law to inquire about insurance coverage.*

(b) *A utilization review organization may not reduce or deny payment to a provider for such provider's failure to comply with any utilization review organization's policy that conflicts with this act or any rules and regulations adopted pursuant to K.S.A. 40-22a11 and amendments thereto.*

(c) When the commissioner has reason to believe a utilization review organization subject to this act has been or is engaged in any conduct which violates this act or any rules and regulations adopted pursuant to K.S.A. 40-22a11, the commissioner, after a hearing conducted in accordance with the Kansas administrative procedure act, may:

(1) Issue and cause to be served upon the utilization review organization an order requiring such organization to cease and desist from engaging in such violations;

(2) suspend or revoke the utilization review organization's certificate to perform utilization review affecting residents of this state;

(3) assess a monetary penalty of not less than \$500 and not more than \$1,000 for each violation; or

(4) apply any combination of the above provisions as the commissioner, by written order, deems appropriate.”;

And by renumbering the remaining sections accordingly;

Also on page 15, in line 11, by striking “40-428 and 40-2442” and inserting “40-202, 40-2,125, 40-428, 40-22a07 and 40-2442 and K.S.A. 2007 Supp. 40-2c01 and 40-433”;

In the title, in line 9, by striking all after the semicolon; by striking all in line 10; in line 11, by striking all before the second “and” and inserting “concerning the regulation thereof; amending K.S.A. 40-202, 40-2,125, 40-428, 40-22a07 and 40-2442 and K.S.A. 2007 Supp. 40-2c01 and 40-433”;

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

CLARK SHULTZ  
ANTHONY R. BROWN  
NILE DILLMORE  
*Conferees on part of House*

RUTH TEICHMAN  
DAVID WYSONG  
CHRIS STEINEGER  
*Conferees on part of Senate*

On motion of Rep. Brown, the conference committee report on **H. Sub. for SB 113** was adopted.

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, 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, Quigley, Rardin, Rhoades, Roth, Ruff, Ruiz, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, 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: Masterson, Spalding.

#### **MOTIONS TO CONCUR AND NONCONCUR**

On motion of Rep. Brunk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2315** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Brunk, Kiegerl and Ruiz as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2422** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **S. Sub. for S. Sub. HB 2440** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Wilk, the House nonconcurred in Senate amendments to **S. Sub. for HB 2519** and asked for a conference.

Speaker pro tem Dahl thereupon appointed Reps. Wilk, Carlson and Holland as conferees on the part of the House.

On motion of Rep. Treaster to concur in Senate amendments to **S. Sub. for HB 2827**, Rep. Gordon offered a substitute motion to nonconcur and asked that a conference committee be appointed. The substitute motion prevailed.

Speaker pro tem Dahl thereupon appointed Reps. Gordon, Huntington and Winn as conferees on the part of the House.

The House stood at ease until the sound of the gavel.

Speaker pro tem Dahl called the House to order.

#### 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 to be sold at private sale, the officers having charge of the sale of such bonds shall publish in advance of the sale a notice of intent to seek private placement of such bonds in a newspaper having*

general circulation in the county where the bonds are issued and in the Kansas register. Such notice shall state the maximum aggregate principal amount of the bonds and shall indicate that the proposed sale is in all respects subject to the subsequent approval of an appropriate bond purchase agreement and an ordinance for the issuance of bonds. 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 R. BROWN  
NILE DILLMORE  
*Conferees on part of House*

RUTH TEICHMAN  
DAVID WYSONG  
CHRIS STEINER  
*Conferees on part of Senate*

On motion of Rep. Shultz, the conference committee report on **SB 239** was adopted.

On roll call, the vote was: Yeas 111; Nays 10; Present but not voting: 0; Absent or not voting: 4.

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

Nays: Colyer, Hodge, Huebert, Kelley, Kinzer, Landwehr, Lane, Mast, Patton, Peck.

Present but not voting: None.

Absent or not voting: Crow, Flora, Masterson, Spalding.

**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 **SB 534**. The motion prevailed.

**CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 534**, 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 22 through 27 and inserting the following:  
“Section 1. (a) For the fiscal years ending 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 2, in line 2, by striking “Rd”;

On page 3, in line 14, by striking “201 S Saint Francis St” and inserting “12741 SW Chisholm Trail Rd”; in line 15, by striking “Wichita, KS 67202” and inserting “Andover, KS 67002”;

On page 4, in line 6, by striking “63076” and inserting “53076”; in line 38, following “Grant” by inserting “St”;

On page 5, in line 17, following “Greyhound” by inserting “Dr”; in line 35, following “2173” by inserting “S”; in line 37, following “Services” by inserting “Inc.”; in line 41, by striking “Tr” and inserting “Trl”;

On page 11, by striking all in lines 15 through 31 and inserting the following:

“(d) On the effective date of this act, the director of accounts and reports shall transfer \$23,320 from the state general fund to the special tuition reimbursement fund which is hereby created in the state treasury.”;

Also on page 11, in line 39, by striking “1” and inserting “2”; in line 42, by striking “1” and inserting “2”;

On page 12, by striking all in lines 10 through 42;

By striking all on pages 13, 14, 15 and 16 and inserting the following:

“Sec. 9.

**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:

Personnel services.....	\$29,915
Utility tunnel repair.....	\$370,170

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 8(l) of chapter 201 of the 2007 Session Laws of Kansas for the department of administration is hereby increased from 760.55 to 761.55.

Sec. 10.

**STATE BOARD OF INDIGENTS' DEFENSE SERVICES**

(a) On the effective date of this act, of the \$10,783,874 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 101(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$395,471 is hereby lapsed.

(b) On the effective date of this act, of the \$1,641,846 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 101(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the capital defense operations account, the sum of \$245,557 is hereby lapsed.

(c) On the effective date of this act, of the \$10,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 101(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the assigned counsel expenditures account, the sum of \$702,297 is hereby lapsed.

Sec. 11.

#### 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, 2008, by the state finance council on the operating expenditures account of the health care stabilization fund is hereby increased from \$1,279,393 to \$1,354,393.

Sec. 12.

#### KANSAS PUBLIC EMPLOYEES RETIREMENT SYSTEM

(a) On the effective date of this act, of the \$7,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 18(a) of chapter 164 of the 2007 Session Laws of Kansas from the state general fund in the reimbursement for postretirement benefit payments account, the sum of \$621,700 is hereby lapsed.

(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, of section 103(e) of chapter 167 of the 2007 Session Laws of Kansas, or of any other statute, the director of accounts and reports shall transfer \$7,924,496 from the Kansas endowment for youth fund to the children's initiatives fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas endowment for youth fund to the children's initiatives fund as prescribed by law.

(c) All moneys received by the state of Kansas pursuant to the tobacco litigation settlement agreements entered into by the attorney general on behalf of the state of Kansas that are amounts allocated to Kansas from the strategic contribution fund established under the master settlement agreement during the fiscal year ending June 30, 2008, shall be deposited in the state treasury and credited to the Kansas endowment for youth fund: *Provided, however*, That, notwithstanding the provisions of section 7(d) of chapter 201 of the 2007 Session Laws of Kansas, all such moneys received from the strategic contribution fund shall not be deposited in a separate account of the Kansas endowment for youth fund: *Provided further*, That any amount transferred or expended from the Kansas endowment for youth fund during fiscal year 2008 may include any amount attributable to revenues received from the strategic contribution fund: *And provided further*, That, on the effective date of this act, the provisions of section 7(d) of chapter 201 of the 2007 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 13.

#### DEPARTMENT OF COMMERCE

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 39(b) of chapter 201 of the 2007 Session Laws of Kansas for the department of commerce is hereby decreased from 424.60 to 424.43.

Sec. 14.

#### KANSAS TECHNOLOGY ENTERPRISE CORPORATION

(a) On the effective date of this act, of the \$12,457,085 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 114(a) of chapter 167 of the 2007 Session Laws of Kansas from the state economic development initiatives fund in the operations, assistance and grants (including official hospitality) account, the sum of \$102,966 is hereby lapsed.

Sec. 15.

#### KANSAS LOTTERY

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the Kansas lottery is hereby increased from 87.00 to 94.00.

(b) On the effective date of this act, the expanded lottery act receipts fund of the Kansas lottery, is hereby redesignated as the expanded lottery receipts fund of the Kansas lottery.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 11(a) of chapter 201 of the 2007 Session Laws of Kansas on the expanded lottery act revenues fund is hereby decreased from no limit to \$0.

Sec. 16.

#### KANSAS RACING AND GAMING COMMISSION

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 10(b) of chapter 201 of the 2007 Session Laws of Kansas for the Kansas racing and gaming commission — state racing operations is hereby decreased from 53.00 to 49.25.

(b) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the state racing fund is hereby decreased from \$4,330,369 to \$1,907,124.

(c) During the fiscal year ending June 30, 2008, 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 transfer on or before June 30, 2008, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2008, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission: *Provided further*, That, on the effective date of this act, the provisions of subsection (f) of section 111 of chapter 167 of the 2007 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect.

Sec. 17.

#### DEPARTMENT OF REVENUE

(a) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$457,775 from the hazmat fee fund of the department of revenue to the division of vehicles operating fund of the department of revenue.

Sec. 18.

#### BOARD OF ACCOUNTANCY

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 69(a) of chapter 167 of the 2007 Session Laws of Kansas on the board of accountancy fee fund is hereby increased from \$305,037 to \$310,150.

Sec. 19.

#### STATE BANK COMMISSIONER

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 70(a) of chapter 167 of the 2007 Session Laws of Kansas on the bank commissioner fee fund is hereby increased from \$7,946,778 to \$8,082,011.

Sec. 20.

#### KANSAS BOARD OF BARBERING

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the board of barbering fee fund is hereby increased from \$139,309 to \$146,109.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 71(a) of chapter 167 of the 2007 Session Laws of Kansas on the board of barbering fee fund is hereby increased from \$140,514 to \$153,088.

Sec. 21.

#### KANSAS STATE BOARD OF COSMETOLOGY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the cosmetology fee fund is hereby increased from \$759,269 to \$774,269.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 74(a) of chapter 167 of the 2007 Session Laws of Kansas on the cosmetology fee fund is hereby increased from \$743,998 to \$778,849.

Sec. 22.

STATE DEPARTMENT OF CREDIT UNIONS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the credit union fee fund is hereby decreased from \$927,530 to \$876,005.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 75(a) of chapter 167 of the 2007 Session Laws of Kansas on the credit union fee fund is hereby decreased from \$902,493 to \$845,916.

Sec. 23.

GOVERNMENTAL ETHICS COMMISSION

(a) On the effective date of this act, of the \$522,415 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 87(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$19,377 is hereby lapsed.

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

Operating expenditures ..... \$5,616

(c) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 87(b) of chapter 167 of the 2007 Session Laws of Kansas on the governmental ethics commission fee fund is hereby increased from \$158,223 to \$161,223.

Sec. 24.

STATE BOARD OF HEALING ARTS

(a) During the fiscal year ending June 30, 2008, the director of the budget and the director of the legislative research department shall consult periodically and review the balance credited to and the estimated receipts to be credited to the healing arts fee fund during the fiscal year 2008, and, upon a finding by the director of the budget in consultation with the director of the legislative research department that the total of the unencumbered balance and estimated receipts to be credited to the healing arts fee fund during fiscal year 2008 are insufficient to finance the authorized budgeted expenditures 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 money as certified from the state general fund to the healing arts fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the authorized budgeted expenditures for fiscal year 2008 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification. On or before June 30, 2008, the director of accounts and reports shall transfer from the healing arts fee fund to the state general fund the amount of money equal to the aggregate of all amounts transferred during fiscal year 2008 pursuant to this section to reimburse the state general fund.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 73(a) of chapter 167 of the 2007 Session Laws of Kansas on the healing arts fee fund is hereby increased from \$3,095,005 to \$3,126,800.

Sec. 25.

STATE BOARD OF MORTUARY ARTS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 77(a) of chapter 167 of the 2007 Session Laws of Kansas on the mortuary arts fee fund is hereby increased from \$267,609 to \$269,279.

Sec. 26.

BOARD OF EXAMINERS IN OPTOMETRY

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 80(a) of chapter 167 of the 2007 Session Laws of Kansas on the KSIP expenditure account of the optometry fee fund is hereby decreased from \$466 to \$0.



(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 80(a) of chapter 167 of the 2007 Session Laws of Kansas on the optometry fee fund is hereby increased from \$128,454 to \$129,406.

Sec. 27.

#### BOARD OF NURSING

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 45(b) of chapter 201 of the 2007 Session Laws of Kansas on the board of nursing fee fund is hereby increased from \$1,762,801 to \$1,787,833.

Sec. 28.

#### KANSAS REAL ESTATE COMMISSION

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 63(b) of chapter 201 of the 2007 Session Laws of Kansas on the real estate fee fund is hereby increased from \$1,074,435 to \$1,081,912.

Sec. 29.

#### OFFICE OF THE SECURITIES COMMISSIONER OF KANSAS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the securities act fee fund is hereby increased from \$2,717,137 to \$2,697,137.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 49(c) of chapter 201 of the 2007 Session Laws of Kansas on the securities act fee fund is hereby increased from \$2,669,467 to \$2,679,338.

Sec. 30.

#### STATE BOARD OF TECHNICAL PROFESSIONS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by the section 85(a) of chapter 167 of the 2007 Session Laws of Kansas on the board of technical professions fee fund is hereby increased from \$561,664 to \$566,121.

Sec. 31.

#### STATE BOARD OF VETERINARY EXAMINERS

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the veterinary examiners fee fund is hereby decreased from \$278,555 to \$275,292.

(b) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 86(a) of chapter 167 of the 2007 Session Laws of Kansas on the veterinary examiners fee fund is hereby decreased from \$271,955 to \$265,080.

Sec. 32.

#### ATTORNEY GENERAL

(a) On the effective date of this act, of the \$4,751,214 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 95(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$144,815 is hereby lapsed.

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 95(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the internet training education for Kansas kids account, the sum of \$307 is hereby lapsed.

(c) On the effective date of this act, the \$228,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 95(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the abuse, neglect and exploitation unit account, is hereby lapsed.

(d) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 95(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the abuse, neglect and exploitation unit account, the sum of \$196,004 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the crime victims compensation fund for state operations is hereby increased from \$331,419 to \$351,278.

Sec. 33.

STATE TREASURER

(a) During the fiscal year ending June 30, 2008, expenditures may be made by the above agency from the pooled money investment portfolio fee fund for official hospitality: *Provided*, That expenditures from the pooled money portfolio fee fund for official hospitality shall not exceed \$500.

(b) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$400,000 from the KSIP — pooled money investment portfolio fee fund to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the KSIP — pooled money investment portfolio fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the KSIP — pooled money investment portfolio 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 pooled money investment board by other state agencies which receive appropriations from the state general fund to provide such services.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 97(b) of chapter 167 of the 2007 Session Laws of Kansas on the KSIP expenditure account of the pooled money investment portfolio fee fund is hereby decreased from \$552,474 to \$122,474.

Sec. 34.

INSURANCE DEPARTMENT

(a) On the effective date of this act, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the commissioner of insurance shall certify to the director of accounts and reports an amount of not to exceed \$445,000 to be transferred from the insurance department service regulation fund to the state firefighters relief fund and, upon receipt of such certification, the director of accounts and reports shall transfer the amount certified from the insurance department service regulation fund to the state firefighters relief fund: *Provided*, That, at the same time as the commissioner of insurance transmits each certification to the director of accounts and reports pursuant to this subsection, the commissioner of insurance shall transmit a copy of such certification to the director of the budget and the director of legislative research: *Provided further*, That, notwithstanding the provisions of any statute to the contrary, the moneys transferred to the state firefighters relief fund pursuant to this subsection shall be paid to the Kansas state firefighters association, inc., and to each firefighters relief association, other than the firefighters relief association for Manhattan, KS, so that each such association, except the firefighters relief association for Manhattan, KS, receives the difference between the amount that each such association should have been paid pursuant to K.S.A. 40-1706, and amendments thereto, and the amount such association was paid from the state firefighters relief fund during fiscal year 2007 and fiscal year 2008 under that statute, due to excess amounts paid in error to the firefighters relief association for Manhattan, KS, from the state firefighters relief fund during fiscal year 2007 and fiscal year 2008: *And provided further*, That the aggregate amount of all such payments pursuant to this subsection to the Kansas state firefighters association, inc., and to each firefighters relief association, other than the firefighters relief association for Manhattan, KS, shall not exceed the aggregate of the amounts that each such association should have been paid pursuant to K.S.A. 40-1706, and amendments thereto, during fiscal year 2007 and fiscal year 2008 under that statute: *And provided further*, That, notwithstanding the provisions of K.S.A. 40-1706, and amendments thereto, or any other statute, the firefighters relief association for Manhattan, KS, shall repay the excess amounts paid in error to the firefighters relief association for Manhattan, KS, over a reasonable period of time, in accordance with this subsection, until the total amount of the overpayment is repaid in full: *And provided further*, That all moneys received for such repayments 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 department service regulation fund: *And provided further*, That, in lieu of such repayments, the insurance department service regulation fund may be reimbursed for all or part of the payments made under this

subsection by setoff reductions in the payments that would otherwise be made from the state firefighters relief fund to the firefighters relief association for Manhattan, KS, pursuant to K.S.A. 40-1706, and amendments thereto, during fiscal year 2009, fiscal year 2010, and fiscal year 2011: *And provided further*, That the commissioner of insurance shall certify the amount of each such setoff reduction to the director of accounts and reports: *And provided further*, That, upon receipt of each such certification, the director of accounts and reports shall transfer the full amount of the setoff reduction from the state firefighters relief fund to the insurance department service regulation fund: *And provided further*, That no setoff reduction under this subsection shall be subject to the provisions of K.S.A. 75-6201 through 75-6215, and amendments thereto: *And provided further*, That the commissioner of insurance shall certify on or before June 30 of each fiscal year to the director of the budget and the director of legislative research the aggregate amount of all repayment or setoff reduction amounts that are credited to the insurance department service regulation fund during such fiscal year.

Sec. 35.

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 .....	\$9,054,438
Other medical assistance .....	\$1,401,066
Vocational rehabilitation aid and assistance.....	\$1,797,781
Larned state hospital — operations expenditures .....	\$500,000

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2008, the following:

Family preservation .....	\$193,504
---------------------------	-----------

(c) On the effective date of this act, of the \$3,492,101 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(c) of chapter 167 of the 2007 Session Laws of Kansas from the children’s initiatives fund in the community services for child welfare account, the sum of \$193,504 is hereby lapsed.

(d) On the effective date of this act, of the \$1,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(c) of chapter 167 of the 2007 Session Laws of Kansas from the children’s initiatives fund in the therapeutic preschool account, the sum of \$52,103 is hereby lapsed.

(e) On the effective date of this act, of the \$65,232,370 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the cash assistance account, the sum of \$2,822,035 is hereby lapsed.

(f) On the effective date of this act, of the \$51,043,147 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the community based services account, the sum of \$1,753,329 is hereby lapsed.

(g) On the effective date of this act, of the \$168,585,313 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the mental health and retardation services aid and assistance account, the sum of \$798,469 is hereby lapsed.

(h) On the effective date of this act, of the \$111,985,973 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 121(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the youth services aid and assistance account, the sum of \$2,512,646 is hereby lapsed.

(i) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 121(b) of chapter 167 of the 2007 Session Laws of Kansas on the title XIX fund is hereby decreased from \$46,406,787 to \$45,306,787.

(j) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the Larned state hospital is hereby decreased from 978.20 to 976.20.

(k) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the Osawatomie state hospital is hereby increased from 419.60 to 428.60.

(l) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the Kansas neurological institute is hereby decreased from 575.20 to 570.20.

(m) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, the following:

Larned state hospital — planning for the expansion of the adult treatment center building .....	\$400,000
Sec. 36.	

KANSAS HEALTH POLICY AUTHORITY

(a) On the effective date of this act, of the \$20,728,574 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$386,822 is hereby lapsed.

(b) On the effective date of this act, of the \$175,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 13(a) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the office of the inspector general account, the sum of \$98,569 is hereby lapsed.

(c) On the effective date of this act, of the \$18,908,711 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the children’s health insurance program account, the sum of \$978,222 is hereby lapsed.

(d) On the effective date of this act, of the \$440,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$23,399,807 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 120(b) of chapter 167 of the 2007 Session Laws of Kansas on the medical programs fee fund is hereby increased from \$38,500,000 to \$53,500,000.

Sec. 37.

DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$1,636,603 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the administration — medicaid account, the sum of \$127,500 is hereby lapsed.

(b) On the effective date of this act, of the \$2,940,801 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — TCM/FE account, the sum of \$604,494 is hereby lapsed.

(c) On the effective date of this act, of the \$25,761,538 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — HCBS/FE account, the sum of \$526,945 is hereby lapsed.

(d) On the effective date of this act, of the \$142,300,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$297,744 is hereby lapsed.

(e) On the effective date of this act, of the \$779,862 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the nursing facilities regulation — title XIX account, the sum of \$135,544 is hereby lapsed.

(f) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the adult care licensing revolving fund of the department on aging to the state licensure fee fund of the department on aging. On the effective date of this act, all liabilities

of the adult care licensing revolving fund of the department on aging are hereby transferred to and imposed on the state licensure fee fund of the department on aging and the adult care licensing revolving fund of the department on aging is hereby abolished.

Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 52(b) of chapter 201 of the 2007 Session Laws of Kansas for the department of health and environment—division of health is hereby decreased from 424.20 to 414.90.

(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:

Primary care safety net clinic loan guarantee fund..... No limit

Sec. 39.

DEPARTMENT OF HEALTH AND ENVIRONMENT—  
DIVISION OF ENVIRONMENT

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 53(b) of chapter 201 of the 2007 Session Laws of Kansas for the department of health and environment—division of environment is hereby increased from 465.30 to 474.60.

Sec. 40.

DEPARTMENT OF LABOR

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the workmen’s compensation fee fund is hereby increased from \$12,888,552 to \$13,179,973.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the department of labor is hereby decreased from 602.23 to 552.00.

Sec. 41.

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 ..... \$40,000

(b) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2008, the following:

Soldiers’ home rehabilitation and repair projects ..... \$71,284

(c) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Veterans’ home facilities rehabilitation and repair projects; veterans’ home capital improvement federal match; cemetery repair and rehabilitation projects.

Sec. 42.

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) ..... \$50,000

KPERS — employer contributions ..... \$2,944,521

Special education services aid ..... \$31,371,062

Supplemental general state aid ..... \$5,487,778

(b) On the effective date of this act, of the \$100,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 123(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the declining enrollment state aid account, the sum of \$50,000 is hereby lapsed.

(c) On July 1, 2008, of the \$2,187,377,000 appropriated for the above agency for the fiscal year ending June 30, 2009, 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 \$20,045,490 is hereby lapsed.

Sec. 43.

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 ..... \$394,415

Sec. 44.

STATE BOARD OF REGENTS

(a) On the effective date of this act, of the \$3,491,111 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 138(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$213,000 is hereby lapsed.

(b) On the effective date of this act, of the \$817,687 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 24(b) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the postsecondary technical education authority account, the sum of \$55,000 is hereby lapsed.

Sec. 45.

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 other than refunds authorized by law shall not exceed the following:

Child care facility addition fund..... No limit

Provided, That the university of Kansas may transfer moneys from the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: Provided further, That, upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or to an appropriate account of the restricted fees fund.

Sec. 46.

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 other than refunds authorized by law shall not exceed the following:

Graduate medical education support fund..... No limit

Sec. 47.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, any unencumbered balance in the following account of the state general fund is hereby lapsed: Kansas veterans experience history project grant awards.

Sec. 48.

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 post-release supervision operations ..... \$678,000

Sec. 49.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$8,247,663 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$2,465 is hereby lapsed.

(b) On the effective date of this act, of the \$3,996,513 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 186(a) of chapter 167 of the 2007 Session Laws of Kansas from the state institutions building fund in the debt service — Topeka complex and Larned juvenile correctional facility account, the sum of \$16,610 is hereby lapsed.

(c) On the effective date of this act, of the \$5,579,530 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(b) of chapter 167 of the 2007 Session Laws of Kansas from the children's initiatives fund in the prevention program grant account, the sum of \$28,771 is hereby lapsed.

(d) On the effective date of this act, of the \$3,420,470 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(b) of chapter 167 of the 2007 Session Laws of Kansas from the children's initiatives fund in the intervention and graduated sanctions community grants account, the sum of \$116,575 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 140(c) of chapter 167 of the 2007 Session Laws of Kansas on the juvenile detention facilities fund is hereby decreased from \$4,400,000 to \$3,993,635.

(f) 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 children's initiatives fund for the juvenile justice authority to another item of appropriation for fiscal year 2008 from the children's initiatives fund for the juvenile justice authority. 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.

(g) 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 juvenile correctional complex — gifts, grants and donations fund.....	No limit
Sec. 50.	

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:

Disaster relief .....	\$10,867,000
NG death benefits .....	\$500,000

(b) On the effective date of this act, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the military activation payments account, is hereby lapsed.

(c) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the military activation payments account, the sum of \$71,000 is hereby lapsed.

(d) On the effective date of this act, the \$390,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the NG life insurance premium reimbursements account, is hereby lapsed.

(e) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the NG life insurance premium reimbursements account, the sum of \$220,490 is hereby lapsed.

(f) On the effective date of this act, of the \$119,292 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 189(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the debt service-armory/classroom/recreation center at PSU account, the sum of \$1,904 is hereby lapsed.

Sec. 51.

EMERGENCY MEDICAL SERVICES BOARD

(a) 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 emergency medical services operating 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 emergency medical services operating fund during fiscal year 2008 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2008 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding 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 education incentive grant payment fund to the emergency medical services operating 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 emergency medical services operating 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.

(b) On the effective date of this act, the official hospitality limitation established for the fiscal year ending June 30, 2008, by section 146(a) of chapter 167 of the 2007 Session Laws of Kansas on the emergency medical services operating fund is hereby increased from \$1,000 to \$1,500.

Sec. 52.

#### STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the fire marshal fee fund is hereby decreased from \$3,695,790 to \$3,614,077.

(b) (1) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the state fire marshal liquefied petroleum gas fee fund is hereby increased from \$81,709 to \$163,422.

(2) On the effective date of this act, the liquefied petroleum gas fee fund of the state fire marshal is hereby redesignated as the state fire marshal liquefied petroleum gas fee fund of the state fire marshal.

(c) On the effective date of this act, the amount prescribed by section 142(b) of chapter 167 of the 2007 Session Laws of Kansas to be transferred on January 1, 2008, by the director of accounts and reports from the fire marshal fee fund to the hazardous material program fund of the state fire marshal is hereby decreased from \$225,172 to \$125,367.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$99,237 from the fire marshal fee fund of the state fire marshal to the health and environment training fee fund — health of the department of health and environment — division of health.

(e) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal 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. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2008, shall not exceed \$50,000.

Sec. 53.

#### KANSAS HIGHWAY PATROL

(a) (1) On the effective date of this act, the provisions of the second proviso to the appropriation of \$2,000,000 for the Kansas highway patrol from the state general fund for the fiscal year ending June 30, 2008, in the homeland security interoperability grant account by section 56(d) of chapter 201 of the 2007 Session Laws of Kansas, which provided that, if the above agency does not receive funds from the public safety interoperable communications grant program during fiscal year 2008, then, on June 30, 2008, the \$2,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 56(d) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the homeland security interoperability grant account is hereby lapsed, are hereby declared to be null and void and shall have no force and effect.

(2) On July 1, 2008, any unencumbered balance in the homeland security interoperability grant account of the state general fund in excess of \$100 as of June 30, 2008, is hereby reappropriated for the Kansas highway patrol for the fiscal year ending on June 30, 2009:



*Provided further*, That all expenditures by the Kansas highway patrol from the homeland security interoperability grant account for fiscal year 2009 shall be made to provide matching funds for the public safety interoperable communications grant program administered by the national telecommunications and information administration of the United States department of commerce.

Sec. 54.

#### KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, of the \$11,258,815 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 149(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$151,877 is hereby lapsed.

(b) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2008, the following:

Subbasin water resources management.....	\$7,430
--	---------

Sec. 55.

#### KANSAS ANIMAL HEALTH DEPARTMENT

(a) On the effective date of this act, of the \$810,157 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 150(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$39,831 is hereby lapsed.

(b) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures.....	\$10,000
-----------------------------	----------

*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.

Sec. 56.

#### STATE CONSERVATION COMMISSION

(a) On the effective date of this act, the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 22(a) of chapter 201 of the 2007 Session Laws of Kansas from the state water plan fund in the lake restoration account, is hereby lapsed.

(b) On the effective date of this act, the director of accounts and reports shall transfer \$236,110 from the lake restoration account of the state water plan fund to the water resources cost share account of the state water plan fund.

Sec. 57.

#### STATE FAIR BOARD

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the state fair board is hereby increased from 23.00 to 24.00.

Sec. 58.

#### KANSAS WATER OFFICE

(a) On the effective date of this act, of the \$733,384 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 153(c) of chapter 167 of the 2007 Session Laws of Kansas from the state water plan fund in the MOU — storage operations and maintenance account, the sum of \$106,575 is hereby lapsed.

Sec. 59.

#### DEPARTMENT OF WILDLIFE AND PARKS

(a) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 154(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the reimbursement for annual licenses issued to national guard members account, the sum of \$22,044 is hereby lapsed.

(b) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 154(a) of chapter 167 of the 2007 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 \$185,837 is hereby lapsed.

(c) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 158(b) of chapter 167 of the 2007 Session Laws of

Kansas on the KSIP expenditure account of the wildlife fee fund is hereby decreased from \$56,342 to \$0.

(d) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 158(b) of chapter 167 of the 2007 Session Laws of Kansas on the KSIP expenditure account of the parks fee fund is hereby decreased from \$227,466 to \$0.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 158(b) of chapter 167 of the 2007 Session Laws of Kansas on the KSIP expenditure account of the boating fee fund is hereby decreased from \$61,081 to \$0.

(f) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the state operations account of the parks fee fund is hereby increased from \$4,077,761 to \$4,534,130.

Sec. 60.

DEPARTMENT OF TRANSPORTATION

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the agency operations account of the state highway fund is hereby increased from \$269,708,502 to \$271,408,502.

Sec. 61.

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:

Operating expenditures ..... \$55,477

Sec. 62.

KANSAS BOARD OF EXAMINERS IN FITTING AND DISPENSING OF HEARING INSTRUMENTS

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 78(a) of chapter 167 of the 2007 Session Laws of Kansas on the hearing instrument board fee fund is hereby increased from \$28,318 to \$28,843.

Sec. 63.

REAL ESTATE APPRAISAL BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 82(a) of chapter 167 of the 2007 Session Laws of Kansas on the appraiser fee fund is hereby increased from \$320,937 to \$322,420.

Sec. 64.

KANSAS DENTAL BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 76(a) of chapter 167 of the 2007 Session Laws of Kansas on the dental board fee fund is hereby increased from \$373,138 to \$375,782.

Sec. 65.

STATE BOARD OF PHARMACY

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 81(a) of chapter 167 of the 2007 Session Laws of Kansas on the state board of pharmacy fee fund is hereby increased from \$729,309 to \$749,513.

Sec. 66.

BEHAVIORAL SCIENCES REGULATORY BOARD

(a) On July 1, 2008, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 72(a) of chapter 167 of the 2007 Session Laws of Kansas on the behavioral sciences regulatory board fee fund is hereby increased from \$605,134 to \$611,761.

Sec. 67.

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) ..... \$50,000

Sec. 68.

LEGISLATIVE COORDINATING COUNCIL

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

Legislative coordinating council — operations ..... \$572,467

*Provided*, That any unencumbered balance in the legislative coordinating council — operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Legislative research department — operations ..... \$3,528,548

*Provided*, That any unencumbered balance in the legislative research department — operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Office of revisor of statutes — operations ..... \$3,210,602

*Provided*, That any unencumbered balance in the office of revisor of statutes — operations 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Legislative research department special revenue fund..... No limit

Sec. 69.

LEGISLATURE

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

Operations (including official hospitality)..... \$18,525,483

*Provided*, That any unencumbered balance in the operations (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009:

*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 2009 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 2009: *And provided further*, That expenditures shall be made during fiscal year 2009, 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 2009 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 2009, 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 2009 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 if out-of-state travel arrangements for which reimbursement is requested, including airline reservations, hotel reservations and meeting registrations, have been made 30 days or more prior to the meeting: And provided further, That expenditures for reimbursement of any out-of-state travel from the operations (including official hospitality) account shall not exceed a maximum of \$800 per trip for reimbursement of out-of-state travel expenses for airfare, meals, lodging, taxi, tips, and car rental if airline reservations, hotel reservations and meeting registrations are made less than 30 days prior to the meeting: And provided further, That such maximum limitation on reimbursement for such out-of-state travel expense reimbursement shall not be waived except upon specific authorization by the speaker of the house of representatives or the president of the senate based upon a determination that a thirty-day period was not available to make such out-of-state travel arrangements after receiving notice of the meeting: And provided further, That any member of the legislature who receives approval to attend more than one out-of-state meeting at the beginning of a twelve-month period may attend one of such out-of-state meetings, selected by such member, without further authorization to attend such meeting, however, such member may attend another of such out-of-state meetings during such twelve-month period, selected by such member, only after receiving specific approval by the speaker of the house of representatives or the president of the senate to attend another of such out-of-state meetings during such twelve-month period: *And provided further*, That each member of the legislature shall be authorized to determine whether the legislative assistant assigned to such member of the legislature shall continue to work normal business hours each day of the veto session: *And provided further*, That those members who collectively are assigned a legislative assistant shall be authorized to jointly determine whether such legislative assistant shall continue to work normal business hours each day of such veto session: *And provided further*, That if those members who collectively are assigned such legislative assistant can not reach agreement on whether such legislative assistant shall continue to work normal business hours each day of such veto session, the director of legislative administrative services is authorized to make such determination.

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

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 co-operation 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 2009 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 2009: *And provided further*, That expenditures shall be made during fiscal year 2009, 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 2009 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 2009, 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 2009 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 if out-of-state travel arrangements for which reimbursement is requested, including airline reservations, hotel reservations and meeting registrations, have been made 30 days or more prior to the meeting: *And provided further*, That expenditures for reimbursement of any out-of-state travel from the legislative special revenue fund shall not exceed a maximum of \$800 per trip for reimbursement of out-of-state travel expenses for airfare, meals, lodging, taxi, tips, and car rental if airline reservations, hotel reservations and meeting registrations are made less than 30 days prior to the meeting: *And provided further*, That such maximum limitation on reimbursement for such out-of-state travel expense reimbursement shall not be waived except upon specific authorization by the speaker of the house of representatives or the president of the senate based upon a determination that a thirty-day period was not available to make such out-of-state travel arrangements after receiving notice of the meeting: *And provided further*, That any member of the legislature who receives approval to attend more than one out-of-state meeting at the beginning of a twelve-month period may attend one of such out-of-state meetings, selected by such member, without further authorization to attend such meeting, however, such member may attend another of such out-of-state meetings during such twelve-month period, selected by such member, only after receiving specific approval by the speaker of the house of representatives or the president of the senate to attend another of such out-of-state meetings during such twelve-month period: *And provided further*, That each member of the legislature shall be authorized to determine whether the legislative assistant assigned to such member of the legislature shall continue to work normal business hours each day of the veto session: *And provided further*, That those members who collectively are assigned a legislative assistant shall be authorized to jointly determine whether such legislative assistant shall continue to work normal business hours each day of such veto session: *And provided further*, That if those members who collectively are assigned such legislative assistant can not reach agreement on whether such legislative assistant shall continue to work normal business hours each day of such veto session, the director of legislative administrative services is authorized to make such determination.

Capitol restoration — gifts and donations fund ..... No limit

Sec. 70.

DIVISION OF POST AUDIT

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

Operations (including legislative post audit committee) ..... \$2,400,599

Provided, That any unencumbered balance in the operations (including legislative post audit committee) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009. Provided further, That the division of post audit shall conduct a performance audit, on approval of the legislative post audit committee, on the Kansas commission on veterans affairs: And provided further, That the division of post audit shall conduct a performance audit, on approval of the legislative post committee, to determine the following issues: (1) The estimated costs to the state for benefits and services provided to illegal immigrants; (2) the estimated tax revenues generated from illegal immigrants in Kansas and the offset to the costs of benefits and services provided; (3) the impact of illegal immigrants on labor costs and job market in Kansas; and (4) the economic impact of pending legislation to the services provided for illegal immigrants.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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. 71.

GOVERNOR'S DEPARTMENT

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

Governor's department ..... \$2,558,096

Provided, That any unencumbered balance in the governor's department account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: 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 ..... \$1,625,243

Provided, That any unencumbered balance in the domestic violence prevention grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: 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 any unencumbered balance in the child advocacy centers account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Provided further, That expenditures may be made from the child advocacy centers account for official hospitality and contingencies without limitation at the discretion of the governor.

Enhancement outreach ..... \$2,525,000

Provided, That expenditures may be made from the enhancement outreach 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, 2009, 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, 2009, 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 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 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 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. 72.

LIEUTENANT GOVERNOR

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

Operations ..... \$213,795

*Provided*, That any unencumbered balance in the operations 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2009, 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, 2009, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 73.

ATTORNEY GENERAL

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

Operating expenditures ..... \$4,872,744

*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: *Provided, however*, That expenditures from this account for official hospitality shall not exceed \$2,000.

Litigation costs ..... \$41,257

*Provided*, That any unencumbered balance in the litigation costs account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Internet training education for Kansas kids ..... \$325,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the internet training education for Kansas kids account is hereby reappropriated for fiscal year 2009.

Abuse, neglect and exploitation unit ..... \$98,690

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2009: *Provided further*, 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.

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



credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 accordance 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 \$447,974: *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, 2009, 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) On July 1, 2008, the director of accounts and reports shall transfer \$1,560,000 from the interstate water litigation reserve account of the state general fund to the interstate water litigation fund of the attorney general.

Sec. 74.

SECRETARY OF STATE

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

Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: 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, 2009, 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
Democracy fund .....	No limit

*Provided*, 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 2009 as authorized by this or any other appropriation act of the 2008 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 2009 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.

Sec. 75.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund..... \$1,577,817

*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 2009, the state treasurer is hereby authorized and directed to credit the first \$1,577,817 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 2009 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 2009 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, 2009, 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, 2009, 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: *And provided further*, That expenditures from the pooled money investment portfolio fee fund for official hospitality shall not exceed \$800.

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. 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 2009, 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 2009, 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. 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. 19-4107, and amendments thereto, unless the context requires otherwise.

Spirit bonds fund .....	No limit
-------------------------	----------

*Provided*, That, on the 15th day of each month that commences during fiscal year 2009, 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. 2007 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 2009, 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. 2007 Supp. 74-50,136, and amendments thereto.

Business machinery and equipment tax reduction assistance fund.....	No limit
Telecommunications and railroad machinery and equipment tax reduction assistance fund .....	No limit
Sec. 76.	

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Insurance department service regulation fund .....	No limit
<i>Provided</i> , That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500; <i>Provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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; <i>Provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , That expenditures may be made from the insurance education and training fund for training programs and official hospitality; <i>Provided further</i> , That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs; <i>And provided further</i> , 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; <i>And provided further</i> , 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
<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 \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than	

moneys appropriated by this or other appropriation act of the 2008 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 2009, other than moneys appropriated by this or other appropriation act of the 2008 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 2009 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 2009 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 2009 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. 77.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Health care stabilization fund ..... No limit

(b) Expenditures from the health care stabilization fund for the fiscal year ending June 30, 2009, other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Operating expenditures ..... \$1,295,720

*Provided*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$500.

Legal services and other claims expenses ..... No limit

Claims and benefits ..... No limit

(c) On July 1, 2008, the fees — legal and professional services account of the health care stabilization fund of the health care stabilization fund board of governors is hereby redesignated as the legal services and other claims expenses account of the health care stabilization fund of the health care stabilization fund board of governors.

Sec. 78.

JUDICIAL COUNCIL

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

Recodification commission ..... \$150,000

*Provided*, That no expenditures shall be made from the recodification commission account to reimburse any employee, agent or contractor for mileage and other travel expenses incurred for travel out-of-state or mileage and other travel expenses for traveling from or

returning to a location outside the state of Kansas: *Provided further*, That any unencumbered balance in the recodification commission account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from such reappropriated balance shall not exceed \$10,000 except upon approval of the state finance council: *And provided further*, That any unencumbered balance in the recodification commission account in excess of \$100 as of June 30, 2009, is hereby reappropriated for fiscal year 2010: *And provided, however*, That expenditures from such reappropriated balance shall not exceed \$10,000 except upon approval of the state finance council.

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

Judicial council fund .....	No limit
Grants and gifts fund .....	No limit
<i>Provided</i> , 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
Recodification commission gifts and grants fund .....	No limit

*Provided*, That all moneys received by the recodification commission for gifts and grants from any source 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 recodification commission gifts and grants fund: *Provided, however*, That during the fiscal year ending June 30, 2009, no expenditures shall be made from the recodification commission gifts and grants fund to reimburse any employee, agent or contractor for mileage and other travel expenses incurred for travel out-of-state or mileage and other travel expenses for traveling from or returning to a location outside the state of Kansas.

(c) On June 30, 2009, notwithstanding the provisions of K.S.A. 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, 2009, 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. 79.

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, 2009, the following:

Operating expenditures .....	\$11,011,077
------------------------------	--------------

*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: *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 ..... \$9,600,000

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the assigned counsel expenditures account is hereby reappropriated for fiscal year 2009: *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..... \$1,822,764

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the capital defense operations account is hereby reappropriated for fiscal year 2009: *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..... \$396,514

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

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, 2009, 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, 2009, from the state general fund for the state board of indigents' defense services to any other item of appropriation for fiscal year 2009 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. 80.

JUDICIAL BRANCH

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

Judiciary operations..... \$109,258,394

*Provided*, That any unencumbered balance in the judiciary operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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

Sec. 81.

**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, 2009, the following:

13th retirement check — debt service.....	\$3,210,948
---	-------------

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

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.	
Kansas public employees deferred compensation fees fund .....	No limit
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  
*Provided*, 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 2009: *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, 2009.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2009, for the following specified purposes:

Agency operations..... \$8,653,209  
*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, 2009, for the following specified purposes:

Agency operations..... \$81,520  
Investment-related expenses ..... No limit

(e) On July 1, 2008, 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, 2008, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to \$64,458,892.

Sec. 82.

KANSAS HUMAN RIGHTS COMMISSION

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

Operating expenditures..... \$1,710,065

*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: *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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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. 83.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2010 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 2010, 2011 and 2012.

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  
Carbon dioxide injection well and underground storage 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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 2009, other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature.

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 conducted by the state corporation commission for staff and members of the state corporation commission: <i>Provided further</i> , That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: <i>And provided further</i> , 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: <i>And provided further</i> , 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 inservice education workshop fee fund.	
Base state registration clearing fund.....	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit
KETA development fund.....	No limit

(b) Expenditures for the fiscal year ending June 30, 2009, 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, \$16,122,496: *Provided*, That, within such limitation on the aggregate of expenditures, expenditures made for fiscal year 2009 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, 2009, 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, 2009, 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. 2007 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 2009 for the corporation commission as authorized by this or other appropriation act of the 2008 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 2009 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 \$102,513.

(f) During the fiscal year ending June 30, 2009, 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.

Sec. 84.

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, 2009, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Utility regulatory fee fund ..... \$792,881

*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 2009 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 2008 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 2009, then the amount equal to the amount of such increased expenditure authority for fiscal year 2009 remaining may be expended from the utility regulatory fee fund for fiscal year 2010 pursuant to contracts for professional services and any such expenditure for fiscal year 2009 shall be in addition to any expenditure limitation imposed on the utility regulatory fee fund for fiscal year 2009.

(b) On July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, 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. 85.

DEPARTMENT OF ADMINISTRATION

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

General administration ..... \$1,129,504

*Provided*, That any unencumbered balance in the general administration account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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

*Provided*, That any unencumbered balance in the department of administration systems account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009:

*Provided further*, That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.

Personnel services..... \$1,954,455

*Provided*, That any unencumbered balance in the personnel services account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Purchasing..... \$512,136

*Provided*, That any unencumbered balance in the purchasing account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Budget analysis..... \$1,385,833

*Provided*, That any unencumbered balance in the budget analysis account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 budget analysis account for eight 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.

Facilities management..... \$68,000

*Provided*, That any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Accounts and reports..... \$1,977,022

*Provided*, That any unencumbered balance in the accounts and reports account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Public broadcasting council grants..... \$2,249,447

*Provided*, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, 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: *And provided further*, 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: *And provided further*, 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.

KPERs bonds debt service..... \$36,146,303

Public broadcasting digital conversion debt service..... \$611,376

Policy analysis initiatives..... \$196,847

*Provided*, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000.

Long-term care ombudsman..... \$270,183

*Provided*, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000.

Any unencumbered balance in the financial management system 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds 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

*Provided*, 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

*Provided*, That expenditures may be made from the general fees fund for operating ex-

penditures 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.

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. 2007 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.

Accounting services recovery fund ..... No limit  
*Provided*, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*, 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: *And provided further*, 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  
*Provided*, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further*, 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: *And provided further*, 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  
 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
Financial management system development fund.....	No limit

*Provided*, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*, That all moneys received for such fees and special assessments 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 financial management system development fund of the department of administration.

State gaming revenues fund .....	No limit
Financial management system development fund — on budget .....	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
Equipment lease purchase program administration clearing fund .....	No limit
Suspense fund.....	No limit
Electronic funds transfer suspense fund.....	No limit
Surplus property program fund — on budget.....	No limit
Surplus property program fund — off budget.....	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
Landon state office building repair expense fund.....	No limit
MacVicar avenue assessment expense fund .....	No limit

(c) On July 1, 2008, 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.

(d) During the fiscal year ending June 30, 2009, 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.

(e) 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 2009 by this or other appropriation act of the 2008 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 2009 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.

(f) (1) On July 1, 2008, 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, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2009. 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 2008 and fiscal year 2009 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2009 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2009, 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 2009.

(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 (f) 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 (i) 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.

(g) (1) On July 1, 2008, 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, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2009. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2009 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2009, 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 2009.

(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.

(h) (1) On July 1, 2008, 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, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2009.

All moneys transferred and credited to the correctional institutions building fund during fiscal year 2009 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2009, 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 2009.

(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.

(i) (1) On July 1, 2008, 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, 2009, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2009 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2009, 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 2009.

(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 (i) 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 (f) 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.

(j) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer's receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget which shall be equal to 90% of the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2009. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2009 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues 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 expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(k) During the fiscal year ending June 30, 2009, 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, 2009, from the state general fund for the department of administration to another item of appropriation for fiscal year 2009 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, 2009, the following:

SIBF — state building insurance ..... \$80,000  
*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, 2009, the following:

EBF — state building insurance ..... \$475,000  
*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, 2009, the following:

CIBF — state building insurance ..... \$75,000  
*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, 2008, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2009, 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 2009 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, 2008, 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, 2008, 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, 2008, 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 2009.

(3) (A) (i) Prior to August 15, 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 a specific expenditure limitation prescribed for fiscal year 2009 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 2009.

(ii) On or before June 30, 2009, 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 2009, 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, 2008, 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 2009 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, 2008, 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 2008 and which were not reappropriated for fiscal year 2009, 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 2008 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 2008 regular session of the legislature.

(D) Prior to August 15, 2008, 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, 2007, that were released during fiscal year 2008, and that were not specifically reappropriated by an appropriation act of the 2008 regular session of the legislature.

(4) On August 15, 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), the expenditure limitation established for fiscal year 2009 for each special revenue fund account under the Kansas savings incentive program that is appropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 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, 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)(i), the appropriation for fiscal year 2009 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 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, 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)(B), the appropriation for fiscal year 2009 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, 2009, by this or other appropriation act of the 2008 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, 2009, 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 2009 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 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, 2008, 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, 2008, 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 2009 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, 2009, by this or other appropriation act of the 2008 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 2009.

(9) (A) On or before September 1, 2008, 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, 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.

(C) On September 1, 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 2009.

(D) On or before June 30, 2009, 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, 2009, 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, 2009, 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 2009.

(G) On June 30, 2009, 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, 2008, 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, 2009, 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 2009 by this or other appropriation act of the 2008 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 2009, 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. 2007 Supp. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 2007 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, 2009, 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 2009 as authorized by this or other appropriation act of the 2008 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 2009, 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) On July 1, 2008, the director of accounts and reports shall transfer \$5,500,000 from the state highway fund to the financial management system development fund for the purpose of developing a financial management system to assist the department of transportation.

(t) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state property tax relief reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state property tax relief reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state property tax relief reserve fund, or to increase any expenditure limitation on the state property tax relief reserve fund: *And provided further*, That no expenditures shall be authorized or made from the state property tax relief reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature: *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject



to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state property tax relief reserve fund to the fund or funds specified in such approval.

(u) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state infrastructure reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state infrastructure reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure or transfer of moneys from the state infrastructure reserve fund, or to increase any expenditure limitation on the state infrastructure reserve fund: *And provided further*, That no expenditures or transfers shall be authorized or made from the state infrastructure reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(v) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state debt reduction reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state debt reduction reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure or transfer of moneys from the state debt reduction reserve fund, or to increase any expenditure limitation on the state debt reduction reserve fund: *And provided further*, That no expenditures or transfers shall be authorized or made from the state debt reduction reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature.

(w) 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 property tax relief reserve fund	
For the fiscal year ending June 30, 2008 .....	\$0
For the fiscal year ending June 30, 2009 .....	\$0
State infrastructure reserve fund	
For the fiscal year ending June 30, 2008 .....	\$0
For the fiscal year ending June 30, 2009 .....	\$0
State debt reduction reserve fund	
For the fiscal year ending June 30, 2008 .....	\$0
For the fiscal year ending June 30, 2009 .....	\$0;

Sec. 86.

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, 2009, the following:

Operating expenditures .....	\$1,608,780
------------------------------	-------------

*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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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

Sec. 87.

DEPARTMENT OF REVENUE

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

Operating expenditures ..... \$20,547,871

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: 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Sand royalty fund ..... No limit

Division of vehicles operating fund ..... \$44,427,439

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, 2009: And provided further, That, notwithstanding the provisions of K.S.A. 68-416, and amendments thereto, or of any other statute, expenditures may be made from this fund for the administration and operation 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

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  
*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

*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.

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

*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 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
---------------------	----------

*Provided*, 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, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$10,690,422.75 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, 2008, 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, 2008, the director of accounts and reports shall transfer \$20,400 from the social welfare fund and \$39,600 from the federal child support enforcement 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.

(f) (1) During the fiscal year ending June 30, 2009, notwithstanding the provisions of K.S.A. 2007 Supp. 79-34,156, and amendments thereto, the director of accounts and reports shall not transfer any amount from either the state economic development initiatives fund or the state general fund to the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2009.

(2) On July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$500,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund: *Provided*, That, if sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 2008, October 1, 2008, January 1, 2009, or April 1, 2009, then the director of accounts and reports shall transfer on such date, the amount of moneys available in the state economic initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund.

Sec. 88.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Lottery prize payment fund .....	No limit
Lottery operating fund.....	No limit
<i>Provided</i> , That expenditures from the lottery operating fund for official hospitality shall not exceed \$5,000.	
Expanded lottery receipts fund.....	No limit
Lottery gaming facility manager fund.....	No limit
Expanded lottery act revenues fund .....	\$0

(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, 2008, and on or before the 15th of each month thereafter through July 15, 2009: *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, 2009: *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 2009 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, 2009, 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 2009 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 2009 is equal to or more than \$73,040,000: *And provided further*, That the aggregate of all amounts transferred from the lottery operating fund to the state gaming revenues fund for fiscal year 2009 pursuant to this subsection shall be equal to or more than \$73,040,000: *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 2009.

(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, 2009, 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. 2007 Supp. 74-8724, and amendments thereto, during fiscal year 2009: *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, 2009, 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. 2007 Supp. 74-8724, and amendments thereto, during fiscal year 2009: *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.

(d) In addition to the purposes for which expenditures of moneys in the lottery operating fund may be made, as authorized by provisions of K.S.A. 2007 Supp. 74-8711, and amendments thereto, moneys in the lottery operating fund may be used for payment of all costs incurred in the operation and administration of the Kansas lottery, the Kansas lottery act, and the Kansas expanded lottery act.

Sec. 89.

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, 2009, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State racing fund ..... \$2,008,823  
*Provided*, 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

*Provided*, That notwithstanding K.S.A. 74-8831, and amendments thereto, all moneys transferred into this fund pursuant to subsection (b) of K.S.A. 2007 Supp. 74-8767, and amendments thereto, shall be deposited to a separate account established for the purpose described herein and moneys in this account shall be expended only to supplement special stake races and to enhance the amount per point paid to owners of Kansas-whelped greyhounds which win live races at Kansas greyhound tracks and pursuant to rules and regulations adopted by the Kansas racing and gaming commission: *Provided further*, That transfers from this account to the live greyhound racing purse supplement fund may be made in accordance with subsection (b) of K.S.A. 2007 Supp. 74-8767, and amendments thereto.

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, 2009, for official hospitality shall not exceed \$1,500.

Expanded lottery act regulation fund ..... No limit  
*Provided*, That expenditures from the expanded lottery act regulation fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$2,500.

Live horse racing purse supplement fund ..... No limit  
Live greyhound racing purse supplement fund..... No limit  
Greyhound promotion and development fund ..... No limit

(b) On July 1, 2008, 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, 2009, 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 2009 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 2009 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, 2009, 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 2009 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, 2009.

(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 2009 for the Kansas racing and gaming commission by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made from the tribal gaming fund for fiscal year 2009 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, background investigations of applicants and vendors 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, 2009, by subsection (b)(1) of K.S.A. 74-8831, and amendments thereto, and (2) shall transfer on or before June 30, 2009, the amount equal to 15% of all moneys credited to the Kansas greyhound breeding development fund during the fiscal year ending June 30, 2009, from the Kansas greyhound breeding development fund to the greyhound promotion and development fund of the Kansas racing and gaming commission.

(g) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, the Kansas racing and gaming commission is hereby authorized to fix, charge and collect additional fees to recover all or part of the direct and indirect costs or operating expenses incurred by the Kansas racing and gaming commission for the regulation of racing activities that are not otherwise recovered from the parimutuel facility licensee under authority of any other statute: *Provided*, That such fees shall be in addition to all taxes and other fees authorized by law: *Provided further*, That such costs or operating expenses shall include all or part of any auditing, drug testing, accounting, security and law enforcement, licensing of any office or other facility for use by a parimutuel facility licensee, projects to update and upgrade information technology software or facilities of the commission and shall specifically include any general operating expenses that are associated with regulatory activities attributable to the entity upon which any such fee is imposed and all expenses related to reopening any race track or other racing facility: *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 racing fund.

(h) During the fiscal year ending June 30, 2009, upon request of the executive director of the Kansas racing and gaming commission, the pooled money investment board is authorized and directed to loan to the Kansas racing and gaming commission an amount or amounts of moneys during fiscal year 2009 as needed for the operating expenses of the Kansas racing and gaming commission for the expanded lottery operations under chapter 110 of the 2007 Session Laws of Kansas at such time or times as requested by the executive director of the Kansas racing and gaming commission: *Provided*, That such loan shall not be made unless the terms thereof have been approved by the director of the budget: *Provided, however*, That the aggregate of all such loan amounts provided to the Kansas racing and gaming commission by the pooled money investment board during both fiscal year 2008 and fiscal year 2009 shall not exceed \$3,000,000: *Provided further*, That each such loan amount shall be credited to the expanded lottery act regulation fund: *And provided further*, That, upon such approval, the director of the budget shall deliver a copy of the terms of such loan to the director of the legislative research department: *And provided further*, That 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: *And provided further*, That such loan shall be repaid on or before June 30, 2009, with interest at a rate equal to the total of the net earnings rate for the pooled money investment portfolio at the time of the entering into the loan agreement, plus 3%: *And provided further*, That 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.

Sec. 90.

#### DEPARTMENT OF COMMERCE

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

Senior community service employment program..... \$4,377  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the senior community service employment program account is hereby reappropriated for fiscal year 2009.

Kansas commission on disability concerns ..... \$233,078  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the Kansas commission on disability concerns account is hereby reappropriated for fiscal year 2009.

Strong military bases program..... \$375,000  
 (b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

Older Kansans employment program ..... \$330,676  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the older Kansans employment program account is hereby reappropriated for fiscal year 2009.

Rural opportunity program ..... \$2,106,471  
*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the rural opportunity program account is hereby reappropriated for fiscal year 2009.

Operating grant (including official hospitality) ..... \$15,745,418  
*Provided*, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 2009, all expenditures made by the department of commerce from moneys appropriated in the state treasury for the department, including moneys appropriated in 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 2009
Jobs created or retained by projects utilizing KDOC assistance .....	32,000
Payroll generated by projects utilizing KDOC assistance .....	\$100,000,000
Capital investment in Kansas resulting from projects utilizing KDOC assistance .....	\$500,000,000
Funds leveraged through match in projects utilizing KDOC assistance .....	\$75,000,000
Individuals trained through workforce development programs .....	10,000
Sales generated by projects utilizing KDOC assistance .....	\$175,000,000
Increase in visitation resulting from KDOC tourism promotion efforts .....	275,000
Kansans served with counseling, technical assistance or business services .....	125,000
Number of communities receiving community assistance services .....	125



Number of grants provided to Kansas businesses, communities, and families .....	590
Number of businesses impacted by funding from KDOC .....	700

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

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
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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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 2009, other than moneys appropriated by this or other appropriation act of the 2008 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.

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: *And provided further*, That expenditures shall be made from the market development fund for the custom wheat harvest program.

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.

Athletic fee fund .....	No limit
WIA — federal fund .....	No limit
Trade adjustment assistance — federal fund .....	No limit
Veterans assistance programs — federal fund .....	No limit
Wagner Peyser — federal fund .....	No limit
Senior community service employment program — federal fund .....	No limit
Indirect cost — federal fund .....	No limit
Kansas commission on disability concerns fee fund .....	No limit
Kansas commission on disability concerns — gifts, grants and donations fund .....	No limit
State affordable airfare fund .....	\$5,000,000
Southeast Kansas flood — NEG — federal fund .....	No limit
Greensburg — NEG — federal fund .....	No limit
Workforce development — WIRED — federal fund .....	No limit
Disability Program Navigator — federal fund .....	No limit
Small employer cafeteria plan development fund .....	No limit
Association assistance plan fund .....	No limit
Enterprise facilitation fund .....	No limit

(d) The secretary of commerce is hereby authorized to fix, charge and collect fees during the fiscal year ending June 30, 2009, 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 2009, in accordance with the provisions of this or other appropriation act of the 2008 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 2009 for the department of commerce as authorized by this or other appropriation act of the 2008 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 2009 for official hospitality.

(f) On August 15, 2008, and December 15, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,250,000 from the state economic development initiatives fund to the Kansas economic opportunity initiatives fund of the department of commerce.

(g) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$150,000 from the state economic development initiatives fund to the small employer cafeteria plan development program fund of the department of commerce.

(h) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$500,000 from the state economic development initiatives fund to the association assistance plan fund of the department of commerce.

(i) On July 1, 2008, the Kansas commission on disability concerns operating fund of the department of commerce is hereby redesignated as the Kansas commission on disability concerns fee fund of the department of commerce.

(j) On July 1, 2008, the Kansas commission on disability concerns — donations fund of the department of commerce is hereby redesignated as the Kansas commission on disability concerns — gifts, grants and donations fund of the department of commerce.

Sec. 91.

KANSAS, INC.

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

Operations (including official hospitality)..... \$409,976

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

Kansas, Inc., private operations fund ..... No limit  
Conversion of materials and equipment fund ..... No limit

Sec. 92.

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, 2009, the following:

Operations, assistance and grants (including official hospitality) ..... \$12,506,811

*Provided*, That any unencumbered balance in the operations, assistance and grants (including official hospitality) account as of June 30, 2008, is hereby reappropriated for fiscal year 2009; *Provided further*, That expenditures from the operations, assistance and grants (including official hospitality) account for the fiscal year 2009 for salary and wages shall not exceed \$1,362,789.

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

MAMTC federal fund ..... No limit  
KTEC special revenue fund ..... No limit

(c) No moneys appropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 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. 07-25, which was filed with the secretary of state and was effective on June 17, 2007.

(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 2009 for the Kansas technology enterprise corporation as authorized by this or other appropriation act of the 2008 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 2009, 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 2009, that are equivalent to the provisions of the governor’s executive order no. 07-25, or a succeeding executive order of the governor for fiscal year 2009, 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 2009.  
 Sec. 93.

DEPARTMENT OF LABOR

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

Operating expenditures .....	\$569,266
------------------------------	-----------

*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: *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, 2009, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Workmen’s compensation fee fund .....	\$12,874,695
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 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 .....	\$203,195
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 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2009 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 2009 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 \$2,638,001.

(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 2009, expenditures may be made by the above agency from the special employment security fund for fiscal year 2009 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 2009 for such capital improvement purposes shall not exceed \$86,830: *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 2009.

Sec. 94.

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, 2009, the following:

Operating expenditures (including official hospitality) .....	\$4,387,916
<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, 2008, is hereby reappropriated for fiscal year 2009.	
Operating expenditures (including official hospitality) — health .....	\$4,588,103
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) - health account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Vaccine purchases .....	\$869,598
<i>Provided</i> , That any unencumbered balance in the vaccine purchases account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009: <i>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 .....	\$4,520,840
<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, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009: <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
<i>Provided</i> , That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: <i>Provided further</i> , 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
<i>Provided</i> , That any unencumbered balance in the prescription support for community based primary care clinics account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: <i>Provided further</i> , 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, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009.

Pregnancy maintenance initiative ..... \$400,000

*Provided*, That any unencumbered balance in the pregnancy maintenance initiative account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Youth mentoring program ..... \$350,000

*Provided*, That any unencumbered balance in the youth mentoring program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Cerebral palsy posture seating ..... \$110,000

*Provided*, That any unencumbered balance in the cerebral palsy posture seating account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Advanced education general dentistry residency program; pandemic flu treatment products; SIDS network grant, newborn hearing aid loaner program.

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

Primary care safety net clinic loan guarantee fund..... No limit

Title XIX fund..... No limit

Breast and cervical cancer program and detection — federal 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 2009, expenditures may be made by the department of health and environment from the health and environment training fee fund — health for fiscal year 2009 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , That, on July 1, 2008, and on the first day of each month thereafter, the director of accounts and reports shall transfer from the food inspection fee fund to the food service inspection reimbursement fund an amount equal to 80% of all fees credited to the food inspection fee fund where food service inspection services are provided by a local agency under contract with the secretary to inspect food service establishments located in a municipality.	
Insurance statistical plan fund.....	No limit
Health and environment publication fee fund — health.....	No limit
<i>Provided</i> , 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
Cancer registry — federal 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 — federal fund.....	No limit
<i>Provided</i> , That transfers of moneys from the medicare fund — federal to the state fire marshal may be made during fiscal year 2009 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.	
Migrant health program — federal fund.....	No limit
Venereal disease control project — federal fund.....	No limit
Disease prevention and health promotion grants — federal 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.	
Women, infants and children health program — federal fund.....	No limit
Occupational health and safety statistics program — federal 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 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: <i>Provided, however</i> , That, upon application to and authorization by the governor, the division of health may make expenditures for the division of health 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 — federal fund.....	No limit

Maternal and child health services block grant — federal fund .....	No limit
National center for health statistics — federal fund .....	No limit
Title X family planning — federal fund .....	No limit
Early childhood developmental services — federal fund .....	No limit
Commodity supplemental food program — federal 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 expenditures may be made by the department of health and environment for fiscal year 2009 from the trauma fund of the department of health and environment for the stroke prevention project: <i>Provided further</i> , That expenditures from the trauma fund for official hospitality shall not exceed \$2,000.	
Homeland security — federal fund .....	No limit
AIDS project — education and risk reduction — federal fund .....	No limit
Medical student loan repayment — federal fund .....	No limit
HRSA grant — federal 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 — federal 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, 2009, 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, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009.	
PKU/hemophilia .....	\$208,000
<i>Provided</i> , That any unencumbered balance in the PKU/hemophilia account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009 .	
Newborn hearing aid loaner program .....	\$50,000
SIDS network grant .....	\$75,000
Newborn screening .....	\$321,654

(d) On July 1, 2008, and on other occasions during fiscal year 2009 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, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, 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, 2009, 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 2009 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2008 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 2009 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 2009 made by this or other appropriation act of the 2008 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, 2009, 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, 2009, 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, 2009, 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 2009 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 2009, as authorized by this or other appropriation act of the 2008 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 2009 pursuant to K.S.A. 22a-242, and amendments thereto.

(k) On July 1, 2008, 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, 2008, the breast and cervical cancer program and detection fund of the department of health and environment — division of health is hereby redesignated as the breast and cervical cancer program and detection — federal fund of the department of health and environment — division of health.

(m) On July 1, 2008, the federal cancer registry fund of the department of health and environment — division of health is hereby redesignated as the cancer registry — federal fund of the department of health and environment — division of health.

(n) On July 1, 2008, the Medicare fund of the department of health and environment — division of health is hereby redesignated as the Medicare — federal fund of the department of health and environment — division of health.

(o) On July 1, 2008, the federal migrant health program fund of the department of health and environment — division of health is hereby redesignated as the migrant health program — federal fund of the department of health and environment — division of health.

(p) On July 1, 2008, the venereal disease control project fund — federal of the department of health and environment — division of health is hereby redesignated as the venereal disease control project — federal fund of the department of health and environment — division of health.

(q) On July 1, 2008, the disease prevention and health promotion federal grants fund of the department of health and environment — division of health is hereby redesignated as the disease prevention and health promotion grants — federal fund of the department of health and environment — division of health.

(r) On July 1, 2008, the federal women, infants and children health program fund of the department of health and environment — division of health is hereby redesignated as the federal women, infants and children health program — federal fund of the department of health and environment — division of health.

(s) On July 1, 2008, the federal occupational health and safety statistics program fund of the department of health and environment — division of health is hereby redesignated as the occupational health and safety statistics program — federal fund of the department of health and environment — division of health.

(t) On July 1, 2008, the preventive health and health services block grant fund of the department of health and environment — division of health is hereby redesignated as the preventive health and health services block grant — federal fund of the department of health and environment — division of health.

(u) On July 1, 2008, the maternal and child health services block grant fund of the department of health and environment — division of health is hereby redesignated as the maternal and child health services block grant — federal fund of the department of health and environment — division of health.

(v) On July 1, 2008, the national center for health statistics fund — federal of the department of health and environment — division of health is hereby redesignated as the national center for health statistics — federal fund of the department of health and environment — division of health.

(w) On July 1, 2008, the federal title X family planning fund of the department of health and environment — division of health is hereby redesignated as the title X family planning — federal fund of the department of health and environment — division of health.

(x) On July 1, 2008, the commodity supplemental food program fund of the department of health and environment — division of health is hereby redesignated as the commodity supplemental food program — federal fund of the department of health and environment — division of health.

(y) On July 1, 2008, the federal homeland security fund of the department of health and environment — division of health is hereby redesignated as the homeland security — federal fund of the department of health and environment — division of health.

(z) On July 1, 2008, the AIDS project — education and risk reduction fund — federal of the department of health and environment — division of health is hereby redesignated as the AIDS project — education and risk reduction — federal fund of the department of health and environment — division of health.

(aa) On July 1, 2008, the medical student loan repayment fund of the department of health and environment — division of health is hereby redesignated as the medical student loan repayment — federal fund of the department of health and environment — division of health.

(bb) On July 1, 2008, the HRSA federal grant fund of the department of health and environment — division of health is hereby redesignated as the HRSA federal grant — federal fund of the department of health and environment — division of health.

(cc) On July 1, 2008, the tobacco use prevention and control program fund of the department of health and environment — division of health is hereby redesignated as the tobacco use prevention and control program — federal fund of the department of health and environment — division of health.

(dd) In addition to the other purposes for which expenditures may be made by the department of health and environment — division of health from the moneys appropriated from the state general fund or from any special revenue fund for the department of health and environment — division of health for fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of health and environment — division of health from moneys appropriated from the state general fund or from any special revenue fund for the department of health and environment — division of health for fiscal year 2009 to review and inspect all hospitals as defined by K.S.A. 65-425, and amendments thereto, and adult care homes and assisted living facilities as defined by K.S.A. 39-923, and amendments thereto, and identify any buildings that need to make adjustments or improvements for tornado safety.

Sec. 95.

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, 2009, the following:

Operating expenditures (including official hospitality) ..... \$4,924,193

*Provided*, 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, 2008, is hereby reappropriated for fiscal year 2009.

Operating expenditures (including official hospitality) — laboratories .... \$3,962,899

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) — laboratories account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Use attainability analyses ..... \$274,827

*Provided*, That any unencumbered balance in the use attainability analyses account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Treece buyout; newborn screening.

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

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, 2009, 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 2009, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2009 for agency operations for the division of environment.

Driving under the influence equipment fund ..... No limit  
*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  
*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 — federal fund ..... No limit

EPA voluntary cleanup federal fund..... No limit  
*Provided*, That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2009 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 — federal fund..... No limit

Other federal grants fund — environment ..... No limit  
*Provided*, 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, 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: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Air quality program — federal 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 — federal 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 grants — federal 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 — federal fund .....	No limit
Subsurface hydrocarbon storage fund .....	No limit
Clean air leadership — federal fund .....	No limit
Natural resources damages trust fund .....	No limit
Hazardous waste management fund .....	No limit
Brownfields revolving loan program — federal fund .....	No limit
Mined—land reclamation fund .....	No limit
104 (6) (1) outreach operator training program — federal fund .....	No limit
Underground storage tank — federal fund .....	No limit
EPA underground injection control — federal 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 program — environment — federal fund .....	No limit
EPA 106 water pollution control — federal fund .....	No limit
Salt solution 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, 2009, for the state water plan project or projects specified as follows:

Contamination remediation ..... \$976,151

*Provided*, That any unencumbered balance in the contamination remediation account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

TMDL initiatives and use attainability analysis..... \$299,880

*Provided*, That any unencumbered balance in the TMDL initiatives and use attainability analysis account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Watershed restoration and protection plan..... \$800,000

*Provided*, That any unencumbered balance in the watershed restoration and protection plan in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Local environmental protection program..... \$1,502,735

*Provided*, That any unencumbered balance in the local environmental protection program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Nonpoint source program ..... \$291,708

*Provided*, That any unencumbered balance in the nonpoint source program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(d) During the fiscal year ending June 30, 2009, 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 2009 from the state water plan fund for the department of health and environment — division of environment to another item of appropriation for fiscal year 2009 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, 2009, notwithstanding the provisions of K.S.A. 65-3024, and amendments thereto, 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, 2008, and on other occasions during fiscal year 2009 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, 2009, 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, 2009, 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, 2009, 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 2009 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, 2009, 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) On July 1, 2008, the water supply fund — federal of the department of health and environment — division of environment is hereby redesignated as the water supply — federal fund of the department of health and environment — division of environment.

(k) On July 1, 2008, the EPA — core support fund — federal of the department of health and environment — division of environment is hereby redesignated as the EPA — core support — federal fund of the department of health and environment — division of environment.

(l) On July 1, 2008, the federal air quality program fund of the department of health and environment — division of environment is hereby redesignated as the air quality program — federal fund of the department of health and environment — division of environment.

(m) On July 1, 2008, the abandoned mined-land fund of the department of health and environment — division of environment is hereby redesignated as the abandoned mined-land — federal fund of the department of health and environment — division of environment.

(n) On July 1, 2008, the EPA water related federal grants fund of the department of health and environment — division of environment is hereby redesignated as the EPA water related grants — federal fund of the department of health and environment — division of environment.

(o) On July 1, 2008, the chemical control fund — federal of the department of health and environment — division of environment is hereby redesignated as the chemical control — federal fund of the department of health and environment — division of environment.

(p) On July 1, 2008, the clean air leadership fund — federal of the department of health and environment — division of environment is hereby redesignated as the clean air leadership — federal fund of the department of health and environment — division of environment.

(q) On July 1, 2008, the Brownfields revolving loan federal fund of the department of health and environment — division of environment is hereby redesignated as the Brownfields revolving loan program — federal fund of the department of health and environment — division of environment.

(r) On July 1, 2008, the underground storage tank fund — federal of the department of health and environment — division of environment is hereby redesignated as the underground storage tank — federal fund of the department of health and environment — division of environment.

(s) On July 1, 2008, the federal EPA underground injection control fund of the department of health and environment — division of environment is hereby redesignated as the EPA underground injection control — federal fund of the department of health and environment — division of environment.

(t) On July 1, 2008, the Medicare fund — federal — environment fund of the department of health and environment — division of environment is hereby redesignated as the Medicare program — environment — federal fund of the department of health and environment — division of environment.

(u) On July 1, 2008, the federal EPA 106 water pollution control fund of the department of health and environment — division of environment is hereby redesignated as the EPA 106 water pollution control — federal fund of the department of health and environment — division of environment.

(v) On July 1, 2008, the salt mining well plugging fund of the department of health and environment — division of environment is hereby redesignated as the salt solution mining well plugging fund of the department of health and environment — division of environment.

(w) There is appropriated for the above agency from the children’s initiative fund for the fiscal year ending June 30, 2009, the following:

Newborn screening ..... \$1,899,902  
Sec. 96.

DEPARTMENT ON AGING

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

Administration ..... \$946,781  
*Provided*, That any unencumbered balance in the administration account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from this account for official hospitality by the secretary of aging shall not exceed \$550: *Provided further*, That expenditures from this account may be made for printing the agency’s newsletter: *And provided further*, That printing the agency’s newsletter shall not be subject to K.S.A. 75-1005, and amendments thereto.

Administration — assessments ..... \$148,204  
*Provided*, That any unencumbered balance in the administration — assessments account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Administration — assessments — Level II care ..... \$36,000  
*Provided*, That any unencumbered balance in the administration — assessments — Level II care account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Administration — assessments — Level I care..... \$287,870  
*Provided*, That any unencumbered balance in the administration — assessments — Level I care account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Administration — medicaid ..... \$1,643,427  
*Provided*, That any unencumbered balance in the administration — medicaid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Administration — older Americans act match..... \$185,799  
*Provided*, That any unencumbered balance in the administration — older Americans act match account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Senior care act ..... \$3,410,000  
*Provided*, That any unencumbered balance in the senior care act account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 2008 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 2008: *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 2009 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 2008: *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 ..... \$3,569,403  
*Provided*, That any unencumbered balance in the program grants — nutrition — state match account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 2008 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 2008: *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 2009 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 2008: *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 ..... \$2,612,627

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — TCM/FE account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$28,450,640

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — HCBS/FE account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$146,292,000

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — NF account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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..... \$2,818,146

*Provided*, That any unencumbered balance in the LTC — medicaid assistance — PACE account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, 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 ..... \$1,931,200

*Provided*, That any unencumbered balance in the nursing facilities regulation account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Nursing facilities regulation — title XIX..... \$1,035,440

*Provided*, That any unencumbered balance in the nursing facilities regulation — title XIX account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: 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, 2009, 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 2009 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 2008 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 2008: *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 2009 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 2008: *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.

State licensure fee fund..... \$933,521  
 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  
 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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.

Health facilities review fund..... No limit  
Medicare fund — federal..... No limit

(c) During the fiscal year ending June 30, 2009, 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, 2009, from the state general fund for the department on aging to another item of appropriation for fiscal year 2009 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 2009 as authorized by this or other appropriation act of the 2008 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 2009 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 2009 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 2009 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 2009 for the department of health and environment — division of health, as authorized by this or other appropriation act of the 2008 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 2009 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 2009: *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 2009 for the department on aging, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the secretary of aging for fiscal year 2009 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. 97.

KANSAS HEALTH POLICY AUTHORITY

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

Operating expenditures ..... \$22,814,018  
*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.

Office of the inspector general ..... \$75,803  
*Provided*, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Generic drug program ..... \$400,000  
 Other medical assistance ..... \$457,479,000

*Provided*, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children’s health insurance program ..... \$18,551,261  
*Provided*, That any unencumbered balance in the children’s health insurance program 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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, 2009, for salaries and wages and other operating expenditures shall not exceed \$2,244,540.

State workers compensation self-insurance fund ..... No limit  
*Provided*, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$3,788,047.

Dependent care assistance program fund ..... No limit  
*Provided*, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$56,773.

Non-state employer group benefit fund ..... No limit  
*Provided*, That expenditures from the non-state employer group benefit fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$186,130.

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, 2009, 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

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, 2009, the following:

Immunization outreach ..... \$500,000

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Immunization outreach.

Other medical assistance ..... \$3,000,000

HealthWave ..... \$2,000,000

(d) During the fiscal year ending June 30, 2009, 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, 2009, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2009 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.

Sec. 98.

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, 2009, the following:

State operations ..... \$120,453,082

*Provided*, That any unencumbered balance in the state operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$5,553,627

*Provided*, That any unencumbered balance in the alcohol and drug abuse services grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009. Mental health and retardation services aid and assistance ..... \$169,771,500  
*Provided*, That any unencumbered balance in the mental health and retardation services aid and assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Community mental health centers supplemental funding ..... \$7,000,000

*Provided*, That all moneys in the community mental health centers supplemental funding account shall be used only for additional funding for community mental health centers and shall not be subject to transfer to any other account under this section or any other statute during fiscal year 2009, except pursuant to specific authorization or direction to transfer from this account by act of the legislature: *Provided further*, That all moneys in this account shall be distributed by the secretary of social and rehabilitation services to community mental health centers, after consultation with the association of community mental health centers, specifically targeting community mental health centers which are providing additional services for an increasing number of uninsured Kansans: *And provided further*, That the secretary of social and rehabilitation services shall report on all expenditures from this account to the committee on appropriations of the house of representatives and the committee on ways and means of the senate during the 2009 regular session of the legislature, including amounts paid to each community mental health center from the community mental health centers supplemental funding account.

Kansas neurological institute — operating expenditures ..... \$10,129,678

*Provided*, That any unencumbered balance in the Kansas neurological institute — operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 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 ..... \$28,783,932

*Provided*, That any unencumbered balance in the Larned state hospital — operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$11,222,860  
*Provided*, That any unencumbered balance in the Larned state hospital — sexual predator treatment program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Osawatomie state hospital — operating expenditures ..... \$16,629,385  
*Provided*, That any unencumbered balance in the Osawatomie state hospital — operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from the Osawatomie state hospital — operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

Parsons state hospital and training center — operating expenditures ..... \$9,428,269  
*Provided*, That any unencumbered balance in the Parsons state hospital and training center — operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$5,107,986  
*Provided*, That any unencumbered balance in the Rainbow mental health facility — operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from the Rainbow mental health facility — operating expenditures account for official hospitality by the superintendent shall not exceed \$150.

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, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$133,501,215  
*Provided*, That any unencumbered balance in the youth services aid and assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Vocational rehabilitation aid and assistance ..... \$6,597,256  
*Provided*, That any unencumbered balance in the vocational rehabilitation aid and assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$68,326,730  
*Provided*, That any unencumbered balance in the cash assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Community based services .....	\$56,173,190
<i>Provided</i> , That any unencumbered balance in the community based services account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Other medical assistance .....	\$98,839,321
<i>Provided</i> , That any unencumbered balance in the other medical assistance 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 ending June 30, 2009, 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.....	\$45,196,237
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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 .....	\$1,142,179
Kansas neurological institute — foster grandparents program — federal fund.....	No limit
Kansas neurological institute — FGP gifts, grants, donations special.....	No limit
Kansas neurological institute — FGP gifts, grants, donations fund .....	No limit
Kansas neurological institute — patient benefit fund.....	No limit
Kansas neurological institute — work therapy patient benefit fund.....	No limit
Kansas neurological institute — conferences fees fund.....	No limit
<i>Provided</i> , That all moneys received as fees for conference activities by Kansas neurological institute 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 neurological institute — conferences fees fund: <i>Provided further</i> , That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: <i>And provided further</i> , That expenditures may be made from this fund to defray the costs of such conference activities.	
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
Larned state hospital work therapy patient benefit fund .....	No limit
Larned state hospital — canteen fund.....	No limit
Larned state hospital — patient benefit fund .....	No limit
Osawatomie state hospital fee fund .....	\$4,842,397
<i>Provided</i> , 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: <i>Provided further</i> , 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 — canteen fund .....	No limit
Osawatomie state hospital — patient benefit fund.....	No limit
Osawatomie state hospital — work therapy patient benefit fund.....	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 — canteen fund.....	No limit
Parsons state hospital and training center — patient benefit fund.....	No limit
Parsons state hospital and training center — work therapy patient benefit fund.....	No limit
Parsons state hospital and training center fee fund .....	\$1,434,990

*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 .....	\$999,708
Rainbow mental health facility — patient benefit fund.....	No limit
Rainbow mental health facility — work therapy patient benefit fund....	No limit
Social services clearing fund.....	No limit
Social welfare fund.....	\$19,697,016
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
Problem gambling and addictions grant 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, 2009, the following:

Children's cabinet accountability fund ..... \$541,802

*Provided*, That any unencumbered balance in the children's cabinet accountability fund account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children's mental health waiver..... \$3,800,000

*Provided*, That any unencumbered balance in the children's mental health waiver account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Family centered system of care ..... \$5,000,000

*Provided*, That any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Child care ..... \$1,400,000

*Provided*, That any unencumbered balance in the child care account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Community services for child welfare ..... \$3,208,938

*Provided*, That any unencumbered balance in the community services for child welfare account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children's cabinet early childhood discretionary grant program ..... \$8,443,279

*Provided*, That any unencumbered balance in the children's cabinet early childhood discretionary grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Family preservation ..... \$3,241,062

*Provided*, That any unencumbered balance in the family preservation account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Early headstart ..... \$1,600,000

*Provided*, That any unencumbered balance in the early headstart account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Quality initiative infants & toddlers..... \$500,000

(d) There is appropriated for the above agency from the Kansas endowment for youth fund for the fiscal year ending June 30, 2009, the following:

Children's cabinet administration ..... \$259,533

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

Larned state hospital — city of Larned wastewater treatment ..... \$124,827

*Provided*, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the Larned state hospital — city of Larned wastewater treatment account of the state institutions building fund for payment of Larned state hospital's portion of the city of Larned's wastewater treatment system.

(f) During the fiscal year ending June 30, 2009, 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, 2009, 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 2009 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.

(g) During the fiscal year ending June 30, 2009, 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.

(h) On July 1, 2008, 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.

(i) On July 1, 2008, 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.

(j) On July 1, 2008, 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.

(k) (1) On July 1, 2008, 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, 2008, 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.

(l) During the fiscal year ending June 30, 2009, 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.

(m) During the fiscal year ending June 30, 2009, 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, 2009, 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 2009, as authorized by this or other appropriation act of the 2008 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 2009 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 2009.

(n) During the fiscal year ending June 30, 2009, 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.

(o) During the fiscal year ending June 30, 2009, 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 2009 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2009 to fix, charge and collect fees from parents for services provided to their children by an institution or program of the department of social and rehabilitation services: *Provided*, That in accordance with the provisions of federal law, the secretary of social and rehabilitation services shall not deny services to children under the home and community based services programs based on the failure of any parent to pay such fees: *Provided further*, That such fees shall be fixed by adoption of a sliding fee scale established by the secretary of social and rehabilitation services and such fees shall recover all or part of the expenses incurred in providing such services: *And provided further*, That such fees shall be reduced or waived in cases of demonstrable hardship and for families who are at or below 200% of the federal poverty level and who are receiving home and community based services: *And provided further*, That all moneys received by the department of social and rehabilitation services 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 social welfare fund.

(p) During the fiscal year ending June 30, 2009, 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 2009 for the department of social and rehabilitation services as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the secretary of social and rehabilitation services for fiscal year 2009 to conduct a study to consider the feasibility of transferring the sexual predator treatment program from the Larned state hospital and relocating such program at a new location within the state or expanding the sexual predator treatment program at the Larned state hospital to an additional location within the state.

Sec. 99.

KANSAS GUARDIANSHIP PROGRAM

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

Kansas guardianship program .....	\$1,297,557
-----------------------------------	-------------

*Provided*, That any unencumbered balance in the Kansas guardianship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Sec. 100.

DEPARTMENT OF EDUCATION

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

Operating expenditures (including official hospitality) .....	\$11,238,741
---	--------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from this account for fiscal year 2009 for establishing and maintaining a Kansas training model that meets the requirement for the parents as teachers program shall not exceed \$27,500.

Governor's teaching excellence scholarships and awards .....	\$226,504
--	-----------

*Provided*, That any unencumbered balance in the governor's teaching excellence scholarships and awards account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That all expenditures from the governor's teaching excellence scholarships and awards account for teaching excellence scholarships shall be made in accordance with K.S.A. 72- 1398, and amendments thereto: *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 ..... \$1,650,000  
 Special education services aid ..... \$54,500,455  
*Provided*, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, 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 ..... \$39,768,000  
*Provided*, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.  
 Kansas foundation for agriculture project grant ..... \$35,000  
*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 2009, 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 2009 shall not exceed \$25,000.  
 School food assistance ..... \$2,510,486  
 School safety hotline ..... \$10,000  
 KPERS — employer contributions ..... \$249,430,859  
*Provided*, That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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.  
 Declining enrollment state aid ..... \$50,000  
 Educable deaf-blind and severely handicapped children’s programs aid ..... \$110,000  
 School district juvenile detention facilities and Flint Hills job corps center grants ..... \$7,934,825  
*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, 2008, is hereby reappropriated for fiscal year 2009: *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, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law 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
<i>Provided</i> , 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
Drug abuse fund — department of education — federal.....	No limit
Drug abuse funds — federal — state operations fund.....	No limit
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 education 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.

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 made in accordance with K.S.A. 72-1398, and amendments thereto: <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
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, 2009, the following:

Grant to the Kansas optometric association for vision study .....	\$200,000
<i>Provided</i> , That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Pre-K Pilot .....	\$5,000,000
General state aid .....	\$100,000
Parent education program .....	\$7,539,500

*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.

(d) Any unencumbered balance in the pre-k pilot account of the children's initiatives fund in the department of social and rehabilitation services in excess of \$100 as of June 30, 2008, is hereby reappropriated to the pre-k pilot account of the children's initiatives fund in the department of education for fiscal year 2009.

(e) On July 1, 2008, 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.

(f) On July 1, 2008, and quarterly thereafter, the director of accounts and reports shall transfer \$68,451 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(g) On July 1, 2008, 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.

(h) On June 30, 2009, 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 \$1,700,000 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.

(i) In addition to the other purposes for which expenditures may be made by the department of education from the moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of education from moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009 to require that local school boards review and inspect all school buildings and identify any school buildings that need to make adjustments or improvements for tornado safety.

Sec. 101.

STATE LIBRARY

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

Operating expenditures ..... \$1,974,827

*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: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Grants to libraries and library systems ..... \$3,485,883

*Provided*, That any unencumbered balance in the grants to libraries and library systems account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, 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 \$467,651 shall be paid according to contracts with the sub-regional 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State library fund ..... No limit

Federal library services and technology act — fund ..... No limit

Grants and gifts fund ..... No limit

Sec. 102.

KANSAS ARTS COMMISSION

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

Operating expenditures ..... \$354,601

*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: *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, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Arts programming grants and challenge grants..... \$1,399,196

*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, local grant moneys, or local in-kind contributions, or any combination thereof, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas arts commission gifts, grants and bequests — federal fund .....	No limit
Kansas arts commission fee 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, local grant moneys, or local in-kind contributions, or any combination thereof, for arts programming projects.

Sec. 103.

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, 2009, the following:

Operating expenditures..... \$5,658,707

*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: *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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
Nine month payroll clearing 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 education act — federal fund .....	No limit
Supported employment initiative — federal fund .....	No limit

(c) On July 1, 2008, the elementary and secondary — federal fund of the Kansas state school for the blind is hereby redesignated as the elementary and secondary education act — federal fund.

Sec. 104.

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, 2009, the following:

Operating expenditures .....	\$9,112,020
------------------------------	-------------

*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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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.

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
Nine month payroll clearing fund .....	No limit

Sec. 105.

STATE HISTORICAL SOCIETY

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

Operating expenditures .....	\$6,027,353
------------------------------	-------------

*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: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.

Kansas humanities council .....	\$81,830
---------------------------------	----------

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

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

*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 \$94,548.

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, 2009, 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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. 106.

FORT HAYS STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$35,720,190  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Master's-level nursing capacity ..... \$150,000  
 Kansas wetlands education center at Cheyenne bottoms ..... \$309,430  
*Provided*, That any unencumbered balance in the Kansas wetlands education center at Cheyenne bottoms 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 ending June 30, 2009, 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

*Provided*, 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  
*Provided*, 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, 2008, 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. 107.

KANSAS STATE UNIVERSITY

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

Operating expenditures (including official hospitality).....	\$113,487,252
--	---------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 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 ending June 30, 2009, 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; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of tech-

nology 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 operation 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
<i>Provided</i> , 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
<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.	
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, 2008, 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. 108.

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, 2009, the following:

Operating expenditures (including official hospitality).....	\$696,754
--	-----------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Cooperative extension service (including official hospitality).....	\$20,514,007
---	--------------

*Provided*, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Agricultural experiment stations (including official hospitality).....	\$32,727,735
--	--------------

*Provided*, That any unencumbered balance in the agricultural experiment stations (including official hospitality) 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 ending June 30, 2009, 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 2009.

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, 2009, the following:

Agricultural experiment stations.....	\$300,000
---------------------------------------	-----------

(d) During the fiscal years ending June 30, 2008, and June 30, 2009, 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. 109.

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, 2009, the following:

Operating expenditures (including official hospitality).....	\$10,927,680
--	--------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Veterinary training program for rural Kansas.....	\$300,000
---	-----------

*Provided*, That any unencumbered balance in the veterinary training program for rural Kansas 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 ending June 30, 2009, 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.

Veterinary medicine teaching hospital 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; professorship; embryo transfer unit; swine serology; rapid focal fluorescent inhibition test; animal resource center; storerooms; departmental receipts for all sales refunds 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, 2008, 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.

(d) On July 1, 2008, the hospital and diagnostic laboratory revenue fund of Kansas state university veterinary medical center is hereby redesignated as the veterinary medicine teaching hospital revenue fund of Kansas state university veterinary medical center.

Sec. 110.

EMPORIA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) .....	\$33,865,048
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2009, 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

*Provided*, 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: *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.

Service clearing fund ..... No limit

*Provided*, 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

*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.

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, 2008, 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.

Sec. 111.

PITTSBURG STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$37,197,366  
*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) 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 ending June 30, 2009, 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, 2009, 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. 112.

UNIVERSITY OF KANSAS

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

Operating expenditures (including official hospitality).....	\$142,852,221
--	---------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Geological survey.....	\$6,571,267
------------------------	-------------

*Provided*, That any unencumbered balance in the geological survey account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 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 ending June 30, 2009, 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
--------------------------------------	----------

*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

*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

*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

*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

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.

(c) On July 1, 2008, 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, 2009, 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, 2008, in the geological survey account is hereby reappropriated for fiscal year 2009.

(e) During the fiscal year ending June 30, 2009, 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. 113.

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, 2009, the following:

Operating expenditures (including official hospitality) .....	\$111,465,815
---	---------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009; *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
Wichita center for graduate medical education .....	\$1,000,000

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

Faculty of distinction matching fund.....	No limit
Restricted fees fund.....	No limit

*Provided*, 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
Kansas breast cancer research fund.....	No limit
Sponsored research overhead fund .....	No limit
Parking fund — Wichita campus.....	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

*Provided,* 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  
Graduate medical education support fund..... No limit

(c) On July 1, 2008, 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, 2009, and 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, 2009, 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) Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts of the children’s initiatives fund is hereby reappropriated for fiscal year 2009: Telekid health care link.

(g) On July 1, 2008, the parking fees fund of the university of Kansas medical center is hereby redesignated as the parking fund—Wichita campus.

Sec. 114.

WICHITA STATE UNIVERSITY

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

Operating expenditures (including official hospitality) ..... \$71,758,241

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Aviation infrastructure ..... \$2,500,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
<i>Provided</i> , 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 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, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$26,350 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, 2009, the following:

Aviation research.....	\$5,000,000
<i>Provided</i> , That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Aviation infrastructure .....	\$2,500,000

Sec. 115.

STATE BOARD OF REGENTS

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

Operating expenditures (including official hospitality).....	\$3,385,455
--	-------------

*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, further*, That, during the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2009 by the state board of regents as authorized by this or other appropriation act of the 2008 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2009 for attendance at an in-state meeting by members



of the state board of regents for participation in matters of educational interest to the state of Kansas, upon approval of such attendance and participation by the state board of regents: *And provided further*, That each member of the state board of regents attending an in-state meeting so authorized 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: *And provided further*, That, during the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute and in addition to the other purposes for which expenditures may be made from the operating expenditures (including official hospitality) account for fiscal year 2009 by the state board of regents as authorized by this or other appropriation act of the 2008 regular session of the legislature, the state board of regents is hereby authorized to make expenditures from the operating expenditures (including official hospitality) account for fiscal year 2009 for attendance at an out-of-state meeting by members of the state board of regents whenever under any provision of law such members of the state board of regents are authorized to attend the out-of-state meeting or whenever the state board of regents authorizes such members to attend the out-of-state meeting for participation in matters of educational interest to the state of Kansas: *And provided further*, That each member of the state board of regents attending an out-of-state meeting so authorized 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.

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, 2008, is hereby reappropriated for fiscal year 2009: *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, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009: *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 service scholarships ..... \$186,401

*Provided*, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Military service scholarships ..... \$500,000

*Provided*, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Teachers scholarship program ..... \$1,962,859

*Provided*, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009.

Vocational scholarships ..... \$121,275  
*Provided*, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009.

Optometry education program ..... \$113,850  
*Provided*, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Municipal university operating grant ..... \$12,126,216

Postsecondary aid for vocational education ..... \$34,010,397  
*Provided*, That no technical college shall receive less state aid in the fiscal year ending June 30, 2009, than it received in the previous fiscal year.

Adult basic education ..... \$1,548,998

Community college operating grant ..... \$106,265,068

Technology equipment at community colleges and Washburn university ..... \$441,040  
*Provided*, 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.

Payment to KPERS ..... \$1,756,004

Southwest Kansas access project ..... \$200,000  
*Provided*, That any unencumbered balance in the southwest Kansas access project account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Tuition waivers ..... \$90,000

Nurse educator grant program ..... \$200,000  
*Provided*, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That the state board of regents is hereby authorized to make grants to qualified individuals from the nurse educator grant program account: *And provided further*, 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: *And provided further*, 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: *And provided further*, 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 ..... \$1,900,000  
*Provided*, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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: *And provided further*, That not less than \$100,000 in such grants shall be made to accredited private post secondary educational institutions in Kansas.

Midwest higher education commission .....	\$90,000
KAN-ED operating expenditures .....	\$2,000,000
Postsecondary technical education authority .....	\$779,687

*Provided*, That expenditures shall be made from the postsecondary technical education authority account to develop a new credit-hour funding formula for postsecondary technical training programs based on rates established by the postsecondary technical education authority; *Provided further*, That the formula should be tiered to recognize and support cost differentials in providing high-demand, high-tech training; *And provided further*, That the formula should target industries that are critical to the Kansas economy; *And provided further*, That the formula should be responsive to program growth opportunities.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
<i>Provided</i> , That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.	
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 expense reimbursement fee fund .....	No limit
Substance abuse education fund — federal .....	No limit
Nursing service scholarship program 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: *Provided further*, 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: *And provided further*, 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: *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 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

*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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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 fiscal year 2009, other than moneys appropriated by this or other appropriation act of the 2008 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, 2009, 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, 2009, to another item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2009. 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 2009 for such state educational institution as authorized by this or other appropriation act of the 2008 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 2009 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 2009: *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 2009 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 2009 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 2009 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.

(f) (1) The state board of regents is authorized to expend moneys appropriated by this section in the military service scholarships account of the state general fund for the payment of tuition and fees for persons described in paragraph (2) at Kansas educational institutions as defined by K.S.A. 75-4364, and amendments thereto: *Provided*, That the state board of regents is authorized to determine the terms and conditions relating to such educational assistance.

(2) The educational assistance provided by this subsection shall be for any person: (A) who graduated from high school in Kansas or who, as a resident of Kansas for at least two years, has received a general educational development (G.E.D.) credential; and (B) who either (i) has served in military service in Iraq or Afghanistan at least 90 days after September 11, 2001, or served less than such 90 days because of injuries received in Iraq or Afghanistan or (ii) has served in military service in international waters or on foreign soil in support of military operations in Iraq or Afghanistan for at least 90 days after September 11, 2001, or has service less than 90 days because of injuries received during such service; and (C) the person has received an honorable discharge from military service active duty orders that

indicate the person has served after September 11, 2001, in one or more of the following military operations: (i) Enduring Freedom; (ii) Nobel Eagle; or (iii) Iraqi Freedom.

(g) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

SEDIF — vocational education capital outlay aid ..... \$2,565,000

*Provided*, That expenditures from the vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college awarded such grant in an amount which is equal to 50% of the grant: *Provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the vocational education capital outlay aid account is hereby reappropriated for fiscal year 2009.

SEDIF — technology innovation and internship program ..... \$180,500

*Provided*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the technical innovation and internship program account is hereby reappropriated for fiscal year 2009.

(h) On July 1, 2008, the ROTC scholarship reimbursement account of the state general fund of the state board of regents is hereby redesignated as the ROTC service scholarships account of the state general fund of the state board of regents.

Sec. 116.

DEPARTMENT OF CORRECTIONS

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

Operating expenditures ..... \$19,069,339

*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, 2008, is hereby reappropriated to the operating expenditures account for fiscal year 2009: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Community corrections ..... \$19,548,912

*Provided*, That any unencumbered balance in the community corrections account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, 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 2009 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 ..... \$7,531,429

*Provided*, That any unencumbered balance in the day reporting centers and reentry programs account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 camps ..... \$3,371,324

*Provided*, That any unencumbered balance in the community correctional conservation camp account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the community correctional camps account for fiscal year 2009.

Treatment and programs ..... \$54,717,573

DUI treatment services ..... \$538,000

*Provided*, That any unencumbered balance in the DUI treatment services account in excess of \$100 as of June 30, 2008, is hereby reappropriated for the fiscal year 2009: *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 ..... \$11,914,660

*Provided*, That any unencumbered balance in the Topeka correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Topeka correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Hutchinson correctional facility — facilities operations..... \$27,173,586

*Provided*, That any unencumbered balance in the Hutchinson correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Hutchinson correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Lansing correctional facility — facilities operations..... \$35,891,511

*Provided*, That any unencumbered balance in the Lansing correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Lansing correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Ellsworth correctional facility — facilities operations..... \$11,780,748

*Provided*, That any unencumbered balance in the Ellsworth correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Ellsworth correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Winfield correctional facility — facilities operations..... \$11,593,884

*Provided*, That any unencumbered balance in the Winfield correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Winfield correctional facility — facilities operations account for official hospitality shall not exceed \$500.

Norton correctional facility — facilities operations ..... \$13,657,362

*Provided*, That any unencumbered balance in the Norton correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Norton correctional facility — facilities operations account for official hospitality shall not exceed \$500.

El Dorado correctional facility — facilities operations..... \$23,410,329

*Provided*, That any unencumbered balance in the El Dorado correctional facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, 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 ..... \$9,147,711

*Provided*, That any unencumbered balance in the Larned correctional mental health facility — facilities operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the Larned correctional mental health facility — facilities operations account for official hospitality shall not exceed \$500.

Facilities operations..... \$13,913,121

*Provided*, That any unencumbered balance in the facilities operations 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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
---------------------------------	----------

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
--	----------

Larned correctional mental health facility — general fees fund.....	No limit
---	----------

(c) During the fiscal year ending June 30, 2009, 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, 2009, 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 2009 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 to be paid from the local jail payments account of the state general fund during fiscal year 2009 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) 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 director of Kansas correctional industries any duly authorized claim to be paid from the correctional industries fund during fiscal year 2009 for operating or manufacturing costs 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. The director of Kansas correctional industries shall provide to the director of the budget on or before September 15, 2008, a detailed accounting of all such payments made from the correctional industries fund during fiscal year 2009.

(f) On July 1, 2008, and on October 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$467,500 from the correctional industries fund to the department of corrections — general fees fund.

(g) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the conservation camp for female offenders fund to the community correctional conservation camp fund. On July 1, 2008, all liabilities of the conservation camp for female offenders fund are hereby transferred to and imposed on the community correctional conservation camp fund and the conservation camp for female offenders fund is hereby abolished.

(h) On July 1, 2008, the community correctional conservation camp account of the state general fund of the department of corrections is hereby redesignated as the correctional conservation camps account of the state general fund of the department of corrections.

(i) On July 1, 2008, the central administration operations and parole and postrelease supervision operations account of the state general fund of the department of corrections is hereby redesignated as the operating expenditures account of the state general fund of the department of corrections.

Sec. 117.

JUVENILE JUSTICE AUTHORITY

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

Operating expenditures ..... \$20,188,218  
*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: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,000.

Management information systems..... \$1,142,128  
*Provided*, That any unencumbered balance in the management information systems account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Kansas juvenile correctional complex facility operations..... \$14,999,886  
*Provided*, That any unencumbered balance in the Kansas juvenile correctional complex facility operations account in excess of \$100 as of June 30, 2008, are hereby reappropriated to the Kansas juvenile correctional complex facility operations account for fiscal year 2009: *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..... \$5,603,011  
*Provided*, That any unencumbered balance in the Atchison juvenile correctional facility operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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..... \$4,003,018  
*Provided*, That any unencumbered balance in the Beloit juvenile correctional facility op-

erations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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 ..... \$8,315,291

*Provided*, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *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.

Intervention and graduated sanctions community grants ..... \$16,721,809

Incentive funding ..... \$1,000,000

*Provided*, That all expenditures from the incentive funding account shall be made to provide matching funds for cash contributions by units of local government to juvenile prevention, intervention and graduated sanctions programs within their judicial district: *Provided further*, That, if the above agency does not receive notification and verification of funds from local governments being expended for this purpose during fiscal year 2009, then, the commissioner of juvenile justice shall certify to the director of accounts and reports the amount of unencumbered moneys in the incentive funding account to be lapsed on June 30, 2009: *And provided further*, That the commissioner of juvenile justice shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2009, 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, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That all expenditures by the above agency from the prevention program grant account for fiscal year 2009 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 2009 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2007 and fiscal year 2008: *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, 2008, is hereby reappropriated for fiscal year 2009.

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

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.....	\$3,995,690
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
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 — elementary and secondary education fund — federal . . . . .	No limit
Kansas juvenile correctional complex — gifts, grants, and donations fund . . . . .	No limit

(d) During the fiscal year ending June 30, 2009, 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, 2009, 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 2009 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 2009, 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 2009 for purchase of services.

Sec. 118.

ADJUTANT GENERAL

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

Operating expenditures . . . . .	\$5,191,668
<i>Provided</i> , 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: <i>Provided, however</i> , That expenditures from this account for official hospitality shall not exceed \$1,250.	
Disaster relief . . . . .	\$38,974,435
<i>Provided</i> , That any unencumbered balance in the disaster relief account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Incident management team . . . . .	\$18,000
<i>Provided</i> , That any unencumbered balance in the incident management team account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Civil air patrol — operating expenditures . . . . .	\$31,165
Military activation payments . . . . .	\$25,000
<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 pay-	

ments account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

NG life insurance premium reimbursement..... \$37,296

Provided, That any unencumbered balance in the NG life insurance premium reimbursement account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Provided, however, That expenditures for fiscal year 2009 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

Provided, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Conversion of materials and equipment fund — military division ..... No limit

Adjutant general expense fund ..... 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

Provided, 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 2009 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

Provided, 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

State emergency fund — weather disasters .....	No limit
State emergency fund — assistance 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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 provisions 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 2009 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2008 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 2009, 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 2009 made by this or other appropriation act of the 2008 regular session of the legislature.

(d) 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 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 to change the job title of each of the regional homeland security coordinators to emergency management coordinators.

(e) No moneys shall be appropriated from the state general fund or from any special revenue fund to replace homeland security federal funds in future years.

Sec. 119.

#### 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, 2009, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law, purchases of nationally recognized adopted codes for resale and federally reimbursed overtime, shall not exceed the following:

Fire marshal fee fund..... \$3,692,839

*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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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 ..... \$379,959

Intragovernmental service fund ..... No limit

State fire marshal liquefied petroleum gas fee fund ..... \$158,711

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 2009 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 2009 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, 2008, and January 1, 2009, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$189,979.50 from the fire marshal fee fund to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal 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. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2009, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2009, 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 2009, 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 2009 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2009 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 2009 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

Sec. 120.

KANSAS PAROLE BOARD

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

Parole from adult correctional institutions..... \$494,582

Provided, That any unencumbered balance in the parole from adult correctional institutions account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Sec. 121.

KANSAS HIGHWAY PATROL

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

Operating expenditures..... \$36,301,567

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: 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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.

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

Provided, That expenditures from the gifts and donations fund for official hospitality shall not exceed \$1,000.

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

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
Special services 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 .....	\$19,061,033
---	--------------

*Provided*, 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: *Provided further*, 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

*Provided*, 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: *Provided further*, That the superintendent of the highway patrol is hereby authorized to fix, charge and collect fees for such aircraft services to other state agencies: *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 credited to the executive aircraft fund.

1122 program clearing fund .....	No limit
----------------------------------	----------

(c) On or before the 10th of each month during the fiscal year ending June 30, 2009, 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, 2008, and January 1, 2009, 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 \$650,000 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, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$4,732,496.50 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 2009 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 2009 for support and maintenance of the Kansas highway patrol.



(f) On July 1, 2008, the director of accounts and reports shall transfer \$260,000 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, 2008, the director of accounts and reports shall transfer \$250,000 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 July 1, 2008, and January 1, 2009, 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 \$200,000 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, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$7,825,391.75 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 2009 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 2009 for the support and maintenance of the Kansas highway patrol.

Sec. 122.

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, 2009, the following:

Operating expenditures ..... \$16,335,662

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the operating expenditures account for fiscal year 2009: *Provided, however*, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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 2009 or any ensuing fiscal year, other than moneys appropriated by this or other appropriation act of the 2008 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 2008 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.

Intergovernmental service fund .....	No limit
Agency motor pool fund .....	No limit

Sec. 123.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Rural health options grant fund .....	No limit
Rural access to emergency devices grant — federal fund .....	No limit
Emergency medical services operating fund .....	\$1,436,093

*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 \$2,000.

Education incentive grant payment fund .....	No limit
--	----------

*Provided*, That priority for these grants shall be given to rural areas.

EMS revolving fund .....	No limit
--------------------------	----------

*Provided*, That, if an organization agrees to receive money from the EMS revolving fund, the organization shall enter into a grant agreement requiring such organization to submit a written report to the emergency medical services board detailing and accounting for all expenditures and receipts related to the use of the moneys received from the EMS revolving fund: *Provided further*, That the emergency medical services board shall prepare a written report specifying and accounting for all moneys allocated to and expended from the EMS revolving fund: *And provided further*, That such report shall be submitted to the house of representatives committee on appropriations and the senate committee on ways and means on or before February 1, 2009.

(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 2009 by this or other appropriation act of the 2008 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 2009 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 2009, as authorized by this or any other appropriation act of the 2008 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 2009 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.

(d) On July 1, 2008, and January 1, 2009, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$150,000 from the emergency medical services operating fund to the educational incentive grant payment fund.

(e) During the fiscal year ending June 30, 2009, 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 emergency medical services operating fund during fiscal year 2009, 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 emergency medical services operating fund during fiscal year 2009 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2009 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding 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 education incentive grant payment fund to the emergency medical services operating 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 emergency medical services operating fund for the remainder of fiscal year 2009 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

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

Sec. 124.

KANSAS SENTENCING COMMISSION

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

Operating expenditures .....	\$718,511
<i>Provided</i> , 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.	
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, 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

General fees fund .....	No limit
Statistical analysis — federal fund .....	No limit

Drug abuse fund — federal ..... No limit  
 Sec. 125.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas commission on peace officers' standards and training fund ..... \$715,516

*Provided*, That expenditures from the Kansas commission on peace officers' standards and training fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$500.

Sec. 126.

KANSAS DEPARTMENT OF AGRICULTURE

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

Operating expenditures ..... \$11,454,531

*Provided*, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the operating expenditures account for fiscal year 2009: *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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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.....	\$99,112
Soil amendment fee fund.....	No limit
Agricultural liming materials fee fund.....	No limit
Weights and measures fee fund.....	No limit
Water appropriation certification fund.....	\$756,288
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. 2007 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

*Provided*, That the secretary of agriculture is hereby authorized to enter into a cooperative gauge agreement with the United States geological survey: *Provided further*, 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: *And provided further*, 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 .....	\$168,399
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

*Provided*, 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: *Provided further*, 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: *And provided further*, 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: *And provided further*, 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: *And provided further*, 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.

Agriculture preparedness — homeland security 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 \$500,000 in the aggregate, and (2) does not require the matching expenditure of any moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 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 fiscal year 2009, other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided further*, 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
---------------------------------	----------

*Provided*, 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 civil litigation fee 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, 2009, for the water plan project or projects specified, the following:

Basin management .....	\$739,996
Water use .....	\$60,000
Interstate water issues .....	\$576,577

(d) During the fiscal year ending June 30, 2009, 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 2009 from the state water plan fund for the Kansas department of agriculture to another item of appropriation for fiscal year 2009 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, 2008, the director of accounts and reports shall transfer \$98,289 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, 2008, the director of accounts and reports shall transfer all moneys in the grain warehouse inspection fee fund of the Kansas department of agriculture to the state general fund. On July 1, 2008, all liabilities of the grain warehouse fee fund of the Kansas department of agriculture are hereby transferred to and imposed on the state general fund and the grain warehouse fee fund of the Kansas department of agriculture is hereby abolished.

(g) On July 1, 2008, the subbasin water resources management account of the Kansas department of agriculture is hereby redesignated as the basin management account of the state water plan fund of the Kansas department of agriculture.

Sec. 127.

KANSAS ANIMAL HEALTH DEPARTMENT

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

Operating expenditures ..... \$911,876

*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: *Provided, however*, That expenditures from such reappropriated balance shall be made only upon approval by the state finance council.

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

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 as authorized by K.S.A. 2007 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

Animal health protection fund ..... No limit

Sec. 128.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures, other than refunds authorized by law and remittances of sales tax to the department of revenue, shall not exceed the following:



State fair fee fund.....	No limit
<i>Provided</i> , 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, 2009, the following:

State fair debt service.....	\$1,540,821
------------------------------	-------------

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

Ticket marketing.....	\$50,000
Premiums competitive exhibitors.....	\$20,000

Sec. 129.

STATE CONSERVATION COMMISSION

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

Operating expenditures.....	\$887,594
-----------------------------	-----------

*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: *Provided further*, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

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
Water resources management buffer — 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, 2009, for the following water plan project or projects specified, the following:

Water resources cost share.....	\$3,414,907
---------------------------------	-------------

*Provided*, That any unencumbered balance in the water resources cost share account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the water resources cost share account for fiscal year 2009: *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 2009 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 2009 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 2009 for the water resources cost share account.

Nonpoint source pollution assistance ..... \$3,623,754  
*Provided*, That any unencumbered balance in the nonpoint source pollution assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Conservation district aid ..... \$2,255,919  
*Provided*, That any unencumbered balance in the conservation district aid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009: *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.

Lake restoration ..... \$998,466  
*Provided*, That any unencumbered balance in the lake restoration account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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, 2008, is hereby reappropriated for fiscal year 2009: *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 2009 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 2009 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, 2008, is hereby reappropriated for fiscal year 2009.

Multipurpose small lakes program ..... \$1,123,176  
*Provided*, That expenditures shall be made from the multipurpose small lakes program account for the construction of horsethief reservoir.

Water transition assistance program ..... \$998,000  
*Provided*, That any unencumbered balance in the water transition assistance program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(d) During the fiscal year ending June 30, 2009, 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 2009 from the state water plan fund for the state conservation commission to another item of appropriation for fiscal year 2009 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, 2008, or as soon thereafter as moneys are available, 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.

Sec. 130.

KANSAS WATER OFFICE

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

Water resources operating expenditures ..... \$2,302,856  
*Provided*, That any unencumbered balance in the water resources operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009:

*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, 2009, 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 or federal funds, or both for water projects.

Water supply storage assurance fund .....	No limit
---	----------

*Provided,* That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 2009, 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 .....	No limit
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
--	-------------

*Provided,* That the Kansas water office shall make expenditures from the water conservation projects fund for the following water conservation projects: Alternate delivery system for Lake McKinney; capacity storage and control structures at Lake McKinney; lining of the southside ditch; alternate delivery system for the farmers ditch; recharge projects; check dam and structures as determined feasible by studies and recommended by the director of the Kansas water office in consultation with the chief engineer of the division of water resources of the Kansas department of agriculture: *Provided further,* That all expenditures from this fund for all such water conservation projects shall be within any expenditure limitation imposed on the water conservation projects fund for fiscal year 2009.

Motor pool vehicle replacement fund .....	No limit
---	----------

(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2009, for the state water plan project or projects specified, the following:

Assessment and evaluation .....	\$860,000
---------------------------------	-----------

*Provided,* That any unencumbered balance in the assessment and evaluation account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

GIS data base development .....	\$250,000
---------------------------------	-----------

*Provided,* That any unencumbered balance in the GIS data base development account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

MOU — storage operations and maintenance .....	\$301,418
--	-----------

*Provided,* That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Technical assistance to water users .....	\$624,919
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009.	
Wichita aquifer storage and recovery project.....	\$1,000,000
<i>Provided</i> , That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the Wichita aquifer storage and recovery project account for fiscal year 2009.	
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, 2008, is hereby reappropriated for fiscal year 2009.	
Weather stations .....	\$100,000
<i>Provided</i> , That any unencumbered balance in the weather stations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Neosho river basin issues .....	\$500,000
<i>Provided</i> , That any unencumbered balance in the Neosho river basin issues account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	

(d) During the fiscal year ending June 30, 2009, 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 2009 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2009 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, 2009, 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 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, 2009, 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, 2009, 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, 2009, 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.

(h) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$525,729 from the water litigation proceeds suspense fund of the Kansas water office to the state water plan fund.

(i) On July 1, 2008, all liabilities of the water litigation proceeds suspense fund are hereby transferred to and imposed on the state water plan fund and the water litigation proceeds suspense fund is hereby abolished.

(j) 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 shall not exceed the following:

Western water conservation projects fund

For the fiscal year ending June 30, 2008,..... No limit  
*Provided*, That, during the fiscal year ending June 30, 2008, or June 30, 2009, the above agency shall pay \$9,964,857 in one payment from the western water conservation projects fund as a grant pursuant to a grant agreement entered into by the Kansas water office and groundwater management district 3, which grant agreement is hereby authorized to be entered into by such entities: *Provided further*, That, in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the following water management, conservation, administration and delivery projects, and similar types of projects, in those areas of the state lying in the upper Arkansas river basin and directly impacted by the provisions of the Arkansas river compact between this state and the state of Colorado: (1) Efficiency improvements to canals or laterals owned by a ditch company or projects to improve the operational efficiency or management of such canals or laterals, (2) water use efficiency devices, tailwater systems or irrigation system efficiency upgrades, (3) water measurement flumes, meters, gauges, data collection platforms or related monitoring equipment, (4) artificial recharge or purchase of water rights for stream recovery or aquifer restoration, (5) maintenance of the Arkansas river channel, or (6) monitoring and enforcement of Colorado's compliance with the Arkansas river compact: *And provided further*, That, in accordance with the grant agreement, all expenditures of such moneys shall be approved by groundwater management district 3 in consultation with an advisory body composed of one representative designated by each of the following entities: (1) Garden City ditch company, (2) Kearney county farmers irrigation association, (3) Finney county water users association, (4) great eastern irrigation association, (5) south side ditch association, and (6) frontier ditch company: *And provided further*, That, in reviewing and recommending proposed projects, such advisory body shall give priority, first, to projects that achieve the greatest water conservation efficiency for the general good; and, second, to projects that have been required by the division of water resources of the Kansas department of agriculture: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by groundwater management district 3 and any interest earned on such moneys shall be used for the purposes prescribed by this subsection:

And provided further, That in accordance with the grant agreement, all expenditures and the status of new projects approved by groundwater management district 3 shall be reported every three months to the Kansas water office: And provided further, That, the grant agreement shall require groundwater management district 3 to report annually to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of each regular session of the legislature, commencing with the regular session in 2009, on all expenditures of such moneys and the projects approved by groundwater management district 3, in consultation with the advisory body.

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

(k) (1) On the effective date of this act, the director of accounts and reports shall transfer \$9,224,893 from the water conservation projects fund to the western water conservation projects fund.

(2) On the effective date of this act, the director of accounts and reports shall transfer \$739,964 from the state water plan fund to the western water conservation projects fund.

Sec. 131.

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, 2009, the following:

Operating expenditures ..... \$3,813,709

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: Provided, however, That expenditures from this account for official hospitality shall not exceed \$1,000.

State parks operating expenditures..... \$2,165,896

Provided, That any unencumbered balance in the state parks operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Prairie spirit trail operating expenditures..... \$107,111

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 2009 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, 2008, is hereby reappropriated for fiscal year 2009.

Reimbursement for annual park permits issued to national guard members..... \$103,000

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 2009 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, 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 ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Wildlife fee fund .....	\$19,526,062
<i>Provided</i> , That additional expenditures may be made from the wildlife fee fund for fiscal year 2009 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: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: <i>And provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$1,000.	
Parks fee fund .....	\$4,828,437
<i>Provided</i> , That additional expenditures may be made from the parks fee fund for fiscal year 2009 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: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.	
Boating fee fund .....	\$1,142,854
<i>Provided</i> , That additional expenditures may be made from the boating fee fund for fiscal year 2009 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: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: <i>And provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$1,000.	
Central aircraft fund .....	No limit
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: <i>And provided further</i> , That all fees received for such services shall be credited to the central aircraft fund.	
Wildlife and parks nonrestricted fund .....	No limit
<i>Provided</i> , 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: <i>Provided further</i> , 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 2009 other than moneys appropriated by this or other appropriation act of the 2008 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
Boating fund — federal.....	No limit
Wildlife fund — federal.....	No limit
Wildlife conservation 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, 2009, the following:

Stream monitoring.....	\$40,000
Sec. 132.	

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, 2009, 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
<i>Provided</i> , 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, 2009, 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
Traffic records enhancement 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.

Parsons ammunition facility road fund .....	\$750,000
---	-----------

(b) On July 1, 2008, or as soon thereafter as sufficient moneys are available, the director of accounts and reports shall transfer \$750,000 from the state highway fund to the Parsons ammunition facility road fund, for the purpose of assisting in the reconstruction of the local entrance road to the facility.

(c) Expenditures may be made by the above agency for the fiscal year ending June 30, 2009, from the state highway fund for the following specified purposes: *Provided*, That expenditures from the state highway fund for fiscal year 2009 other than refunds authorized by law for the following specified purposes shall not exceed the limitations prescribed therefor as follows:

Agency operations .....	\$269,078,434
-------------------------	---------------

*Provided*, That expenditures from the agency operations account of the state highway fund for official hospitality by the secretary of transportation shall not exceed \$5,000: *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
----------------------------------	----------

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, 2008, 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 2009.

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.

(d) (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 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the state highway fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Buildings — rehabilitation and repair .....	\$3,258,622
---	-------------

Buildings — reroofing .....	\$457,587
-----------------------------	-----------

Buildings — equipment storage sheds .....	\$524,361
Buildings — other construction, renovation and repair .....	\$2,785,417

(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 2009, expenditures may be made by the above agency from the state highway fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, 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 2009 shall not exceed the amount of the unencumbered balance in such project account on June 30, 2008, 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 2009.

(e) During the fiscal year ending June 30, 2009, 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 2009 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 2009 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.

(f) On April 1, 2009, 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.

(g) During the fiscal year ending June 30, 2009, 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.

(h) Any payment for services during the fiscal year ending June 30, 2009, 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, 2009.

(i) For the fiscal year ending June 30, 2009, 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.

(j) *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, 2009, 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. 2007 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 2009 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 2009 shall be in addition to any expenditure limitation imposed on the agency operations account of the state highway fund for fiscal year 2009: *Provided, however*, That the total amount of such expenditures from the agency operations account of the state highway fund for fiscal year 2009 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 2009 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 2009 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 2009 pursuant to subsection (g)(1)(A) of K.S.A. 2007 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, 2008, in any account of any special revenue fund of the department of transportation, which was appropriated by subsection (i) of section 156 of chapter 167 of the 2007 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, for the 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, 2009.

(3) No salary bonus payment paid pursuant to this subsection (i) during 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.

(k) On and after the effective date of this act, during the fiscal year ending June 30, 2009, 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 2009 by this or other appropriation act of the 2008 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 2009 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. 133. *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, 2009, made in this or other appropriation act of the 2008 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 2009 for the department of insurance.	
Department of Commerce .....	418.74
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 .....	760.55
State Board of Tax Appeals .....	26.00
Department of Revenue .....	1,096.00
Kansas Lottery .....	99.00
Kansas Racing and Gaming Commission — state racing operations and expanded lottery act regulation division .....	95.50
Kansas Racing and Gaming Commission — state gaming agency.....	24.00
Department of Labor .....	552.00
Department of Health and Environment — Division of Health .....	374.90
Department of Health and Environment — Division of Environment ...	475.60
Department on Aging.....	209.00
Department of Social and Rehabilitation Services .....	3,669.63
Kansas Neurological Institute .....	570.20
Larned State Hospital .....	976.20
Osawatomie State Hospital .....	478.40
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 .....	63.50
Department of Corrections.....	3,112.70
Juvenile Justice Authority.....	627.50
Adjutant General.....	219.00
State Fire Marshal .....	53.00
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 Commission on Peace Officers' Standards and Training .....	7.00
Kansas Department of Agriculture.....	316.49
Kansas Animal Health Department.....	33.00
State Fair Board .....	24.00
State Conservation Commission.....	14.00
Kansas Water Office.....	23.50
Department of Wildlife and Parks .....	414.50
Department of Transportation .....	3,150.50

(b) During the fiscal year ending June 30, 2009, 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, 2009, 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 2009 made

in this or other appropriation act of the 2008 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 2009 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. 134. *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, 2009, 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. 2007 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 2009 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 2009 shall not exceed the amount equal to 50% of the amount of the unencumbered balance as of June 30, 2008, in such account of the state general fund that is reappropriated for fiscal year 2009 and that is in excess of the amount authorized to be expended for fiscal year 2009 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 2009 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. 2007 Supp. 75-37,105 and amendments thereto during fiscal year 2009 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 2009 shall be in addition to any expenditure limitation imposed on expenditures from the reappropriated balance in any such account for fiscal year 2009.

(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, 2009, 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. 2007 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 2009 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 2009 shall be in addition to any expenditure limitation imposed on such fund or any account thereof for fiscal year 2009: *Provided, however,* That the total amount of such expenditures from such fund for fiscal year 2009 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 2008 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 2009 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. 2007 Supp. 75-37,105 and amendments thereto during fiscal year 2009 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, 2008, 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 158 of chapter 167 of the 2007 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2008 regular session of the legislature, is hereby reappropriated for the fiscal year ending June 30, 2009, and may be expended for the purposes authorized in subsection (a).

(2) Any unencumbered balance in excess of \$100 as of June 30, 2008, 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 158 of chapter 167 of the 2007 Session Laws of Kansas and which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, 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 2009.

(d) No salary bonus payment paid pursuant to this section during fiscal year 2009 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 88 of chapter 167 of the 2007 Session Laws of Kansas or to the department of transportation.

Sec. 135. (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 2008 regular session of the legislature from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 as authorized by this or other appropriation act of the 2008 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 2009 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. 136.

DEPARTMENT OF ADMINISTRATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Rehabilitation and repair for state facilities.....	\$200,000
<i>Provided,</i> That any unencumbered balance in the rehabilitation and repair for state facilities account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Energy conservation improvements — debt service .....	\$407,813
Judicial center rehabilitation and repair .....	\$100,000
<i>Provided,</i> That any unencumbered balance in the judicial center rehabilitation and repair account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Replace Docking chillers .....	\$494,829
Kansas department of transportation — CTP — debt service.....	\$16,148,175
Statehouse improvements — debt service.....	\$10,052,858
Capitol complex repair and rehabilitation .....	\$3,000,000
Judicial center improvements — debt service.....	\$101,170

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

or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
Landon state office building repair expense fund .....	No limit
MacVicar avenue assessment expense 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 2009, 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 2009 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 2009, expenditures may be made by the above agency from the building and ground fund for fiscal year 2009 from any unencumbered balance as of June 30, 2008, 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 2009 from the unencumbered balance of any such account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the building and ground fund for the fiscal year 2009 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 2009.

(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 2009, 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 2009 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 .....	\$400,000

*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 2009.

(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 2009, expenditures may be made by the above agency from the state buildings depreciation fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, 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, 2008: *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 2009.

(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 2009, 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 2009 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 2009, 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 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Printing plant — debt service ..... No limit

(i) In addition to the other purposes for which expenditures may be made from the intragovernmental printing service depreciation reserve fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the intragovernmental printing service depreciation reserve fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$75,000

(j) 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 2009 by this or other appropriation act of the 2008 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 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, 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 \$38,800,000, 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. 137.

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 2009, 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 ..... \$133,070

(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 2009, 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 2009, for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$100,000



Sec. 138.

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, 2009, 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. 139.

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, 2009, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$7,190,500

Provided, That the secretary of social and rehabilitation services is hereby authorized to transfer moneys during fiscal year 2009 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 2009 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 ..... \$3,907,100

Debt service — state hospitals rehabilitation and repair..... \$2,585,000

(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 2009, expenditures may be made by the above agency from the other state fees fund for fiscal year 2009 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 2009.

Sec. 140.

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 2009, expenditures may be made by the above agency from the employment security administration fund for fiscal year 2009 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 2009 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 2009 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 \$1,635,417 plus the amounts of unencumbered balances as of June 30, 2008, for capital improvement projects approved for fiscal years prior to fiscal year 2009: 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 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

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 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the department of labor for fiscal year 2009 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 2009 by this or other appropriation act of the 2008 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 2009, expenditures may be made by the above agency from the special employment security fund for fiscal year 2009 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 2009 for such capital improvement purposes shall not exceed \$278,358: *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 2009.

Sec. 141.

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, 2009, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$284,832

Sec. 142.

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, 2009, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects..... \$357,000

Sec. 143.

STATE HISTORICAL SOCIETY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, 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, 2008, is hereby reappropriated for fiscal year 2009.

(b) There is hereby appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Other federal grants fund..... No limit  
 Sec. 144.

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, 2009, 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  
 Deferred maintenance support fund..... No limit  
 Infrastructure maintenance fund..... No limit

(b) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(c) On July 1, 2008, 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 of the Kansas educational building fund of Emporia state university is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Emporia state university.

(d) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Emporia state university to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Emporia state university. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Emporia state university are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Emporia state university and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Emporia state university is hereby abolished.

Sec. 145.

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, 2009, 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  
 Deferred maintenance support fund..... No limit  
 Infrastructure maintenance fund..... No limit

(b) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational build-

ing fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(c) On July 1, 2008, 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 of the Kansas educational building fund of Fort Hays state university is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Fort Hays state university.

(d) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Fort Hays state university to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Fort Hays state university. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Fort Hays state university are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Fort Hays state university and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Fort Hays state university is hereby abolished.

(e) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze wing “A” of Wiest hall.

(f) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze residential property at 610 Park Street, Hays, Kansas.

(g) In addition to the other purposes for which expenditures may be made by Fort Hays state university from the moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by Fort Hays state university from moneys appropriated from the state general fund or from any special revenue fund or funds for Fort Hays state university for fiscal year 2009 to raze residential property at 507 W. 6th Street, Hays, Kansas.

Sec. 146.

KANSAS STATE UNIVERSITY

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified as follows:

Lease payment — Salina aeronautical center (including aeronautical laboratory center) ..... \$189,446

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
Deferred maintenance support fund.....	No limit
Infrastructure maintenance 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, 2009, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2009 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 2009, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2009 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) 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 2009 as authorized by this or other appropriation act of the 2008 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 2009 (1) to raze portions of building no. 025 (Seaton hall); and (2) to raze Salina campus building no. 701.

(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 for fiscal year 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010, to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to 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.

(g) 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 2009 or fiscal year 2010 as authorized by this or other 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 2009 or fiscal year 2010, or both fiscal years, 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.

(h) In addition to the other purposes for which expenditures may be made by Kansas state university for the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 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 2009 or for fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Bramlage coliseum and Bill Snyder family stadium: *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 \$45,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from special revenue funds or any other appropriate fund.

(i) In addition to the other purposes for which expenditures may be made by Kansas state university for the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 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 2009 or for fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to expand and renovate the Peters student recreation center: *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 \$24,000,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the restricted fees fund or any other appropriate fund.

(j) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(k) On July 1, 2008, 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 of the Kansas educational building fund of Kansas state university is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university.

(l) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university is hereby abolished.

(m) During the fiscal year ending June 30, 2009, the director of accounts and reports shall transfer an amount or amounts specified by the president of Kansas state university from the deferred maintenance support fund of Kansas state university veterinary medical center or the deferred maintenance support fund of Kansas state university extension systems and agriculture research programs to the deferred maintenance support fund of Kansas state university. The president of Kansas state university shall certify each such transfer to the director of accounts and reports.

Sec. 147.

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, 2009, expenditures may be made by the above agency from the appropriate account or accounts of the restricted fees fund during fiscal year 2009 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 2009, expenditures may be made by the above agency from the sponsored research overhead fund for the fiscal year 2009 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, 2009, 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
Deferred maintenance support fund.....	No limit
Infrastructure maintenance 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 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project 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 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project 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.

Sec. 148.

KANSAS STATE UNIVERSITY VETERINARY 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit

(b) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(c) On July 1, 2008, 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 of the Kansas educational building fund of Kansas state university veterinary medical center is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university veterinary medical center.

(d) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university veterinary medical center to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university veterinary medical center. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university veterinary medical center are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Kansas state university veterinary medical center and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Kansas state university veterinary medical center is hereby abolished.

Sec. 149.

PITTSBURG STATE UNIVERSITY

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

Armory/classroom/recreation center debt service .....	\$326,999
---	-----------

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
Deferred maintenance support fund.....	No limit
Infrastructure maintenance fund.....	No limit
Student health center — private gifts fund.....	No limit

(c) 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 2009 and fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act

of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project 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.

(d) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(e) On July 1, 2008, 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 of the Kansas educational building fund of Pittsburg state university is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Pittsburg state university.

(f) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Pittsburg state university to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Pittsburg state university. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Pittsburg state university are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Pittsburg state university and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Pittsburg state university is hereby abolished.

(g) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university 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 a capital improvement project for parking improvements: *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 \$4,000,000, 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 any appropriate special revenue fund or funds.

(h) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university 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 a capital improvement project for student housing improvements and construction: *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 \$22,000,000, 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 any appropriate special revenue fund or funds.

(i) In addition to the other purposes for which expenditures may be made by Pittsburg state university from the moneys appropriated from any special revenue fund for Pittsburg state university for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by Pittsburg state university from moneys appropriated from any special revenue fund for Pittsburg state university 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 a capital improvement project for student health center construction: *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 \$3,750,000, 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 any appropriate special revenue fund or funds: *And provided further*, That no bonds shall be approved by the Kansas development finance authority until the conditions of K.S.A. 76-142, and amendments thereto, have been met.

Sec. 150.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified as follows:

School of pharmacy expansion planning .....	\$1,000,000
School of pharmacy expansion project .....	\$5,000,000

*Provided*, That no expenditures shall be made from the school of pharmacy expansion project account for fiscal year 2009 until the Kansas university endowment association has certified to the chancellor of the university and the chancellor of the university has certified to the director of accounts and reports that the same amount of matching funds are available from non-state funds for the school of pharmacy expansion project.

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

School of pharmacy expansion project fund	
For the fiscal year ending June 30, 2010.....	\$22,500,000

*Provided*, That no expenditures shall be made from the school of pharmacy expansion project fund for fiscal year 2010 until the Kansas university endowment association has certified to the chancellor of the university and the chancellor of the university has certified to the director of accounts and reports that the same amount of matching funds are available from non-state funds for the school of pharmacy expansion project.

For the fiscal year ending June 30, 2011.....	\$22,500,000
---	--------------

*Provided*, That no expenditures shall be made from the school of pharmacy expansion project fund for fiscal year 2011 until the Kansas university endowment association has certified to the chancellor of the university and the chancellor of the university has certified to the director of accounts and reports that the same amount of matching funds are available from non-state funds for the school of pharmacy expansion project.

(c) 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 2009 for the legislature, as authorized by this or other appropriation act of the 2008 regular session of the legislature, the university of Kansas shall make expenditures to prepare a memorandum of understanding indicating that any funding above the \$50,000,000 from state funds and the \$50,000,000 provided from non-state matching funds necessary for completion of the school of pharmacy expansion project shall be provided by the university of Kansas through donations or other non-state means for the completion of the project.

(d) (1) On July 1, 2008, or as soon the as moneys are available therefor, the director of accounts and reports shall transfer \$5,000,000 from the state infrastructure reserve fund to the state general fund.

(2) On July 1, 2009, or as soon the as moneys are available therefor, the director of accounts and reports shall transfer \$22,500,000 from the state infrastructure reserve fund to the school of pharmacy expansion project fund.

(3) On July 1, 2010, or as soon the as moneys are available therefor, the director of accounts and reports shall transfer \$22,500,000 from the state infrastructure reserve fund to the school of pharmacy expansion project fund.

(e) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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 — K DFA D bonds, 1990.....	No limit
Parking facilities surplus fund — K DFA G bonds, 1993 .....	No limit

*Provided*, That the university of Kansas may make expenditures from the parking facilities

surplus fund — K DFA G bonds, 1993 for capital improvements to parking lots in addition to the expenditure of other moneys appropriated therefor.

Deferred maintenance support fund ..... No limit  
 Infrastructure maintenance fund ..... No limit  
 Multicultural resource center — construction fund ..... No limit

*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 2009 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

Child care facility operations account fund ..... No limit

Child care facility student fee account fund ..... No limit

Continuing education revenue fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the continuing education revenue fund to the appropriate account of the restricted fees fund after redemption of K DFA series H 1998 bonds.

Dole institute gift or grant fund ..... No limit

Student recreation & fitness center revenue fund ..... No limit

Child care facility addition fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys from the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: *Provided further*, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or the restricted fees fund.

Wescoc hall infill construction fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the general fees fund to the Wescoc hall infill construction fund for the capital improvement project to infill Wescoc hall: *Provided further*, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the Wescoc hall infill construction fund to the general fees fund.

Continuing education surplus fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the continuing education surplus fund to the appropriate account of the restricted fees fund after the redemption of K DFA series H 1998 bonds.

West campus architecture classroom/shop fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the restricted fees fund and general fees fund to the West campus architecture classroom/shop fund for the renovation project for the West campus architecture classroom/shop: *Provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the West campus architecture classroom/shop fund to the restricted fees fund: *And provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the West campus architecture classroom/shop fund to the general fees fund.

Smisshman hall renovation fund ..... No limit

*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the restricted fees fund and general fees fund to the Smisshman hall renovation fund for the renovation project for Smisshman hall: *Provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the restricted fees fund in the Smisshman hall renovation fund to the restricted fees fund: *And provided further*, That upon completion of the renovation project, the university of Kansas may transfer unused moneys received from the general fees fund in the Smisshman hall renovation fund to the general fees fund.

(f) 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 2009 as authorized by this or other appropriation act of the 2008 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 2009 to raze portions of building no. 341 (at sunflower research farm in Johnson county).

(g) In addition to the other purposes for which expenditures may be made by the university of Kansas for the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 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 2009 or for fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct and remodel jayhawk towers — phase 1: *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 \$8,100,000, plus all amounts required for costs of bond issuance, costs of interest on the bonds issued for such capital improvement project during the construction of such project and any required reserves for payment of principal and interest on the bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That debt service for any such bonds for such capital improvement projects shall be financed by appropriations from the state general fund, any special revenue funds.

(h) On July 1, 2008, the continuing education program building acquisition — special revenue fund of the university of Kansas is hereby redesignated as the continuing education revenue fund of the university of Kansas.

(i) On July 1, 2008, the construct education program building acquisition — special revenue fund of the university of Kansas is hereby redesignated as the student recreation and fitness center revenue fund.

(j) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(k) On July 1, 2008, 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 of the Kansas educational building fund of the university of Kansas is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the university of Kansas.

(l) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the university of Kansas. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account

of the Kansas educational building fund of the university of Kansas and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas is hereby abolished.

(m) In addition to the other purposes for which expenditures may be made by the university of Kansas from the moneys appropriated from any special revenue fund for the university of Kansas for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the university of Kansas from moneys appropriated from any special revenue fund for the university of Kansas 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 a capital improvement project for the renovation of Gertrude Sellards Pearson hall: *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 \$13,075,000, 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 any appropriate special revenue fund or funds.

(n) 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 2009, as authorized by this or other appropriation act of the 2008 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 2009 to raze portions of building no. 47 (the old multicultural resource center).

(o) 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 2009 as authorized by this or other appropriation act of the 2008 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 2009 (1) to raze the garage at the sunflower research farm in Johnson county; and (2) to raze building no. 342.

Sec. 151.

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, 2009, for the capital improvement project or projects specified as follows:

Energy conservation debt service ..... \$908,000

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fund — K.C. campus ..... 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  
Deferred maintenance support fund..... No limit  
Infrastructure maintenance fund..... No limit  
Construct parking facility #3 fund..... No limit

*Provided*, That the university of Kansas medical center may transfer moneys during fiscal

year 2009 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

*Provided*, That the university of Kansas medical center may transfer moneys during fiscal year 2009 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

(c) During the fiscal year ending June 30, 2009, 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.

(d) 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 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct 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 \$8,550,000, 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.

(e) (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 2009 as authorized by this or other 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 2009 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 2009 as authorized by this or other appropriation act of the 2008 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 2009 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 asso-



ciation 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.

(f) 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 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for a capital improvement project to construct 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 \$66,000,000, 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 the university of Kansas medical center.

(g) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(h) On July 1, 2008, 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 of the Kansas educational building fund of the university of Kansas medical center is hereby redesignated as the

rehabilitation and repair projects — EBF account of the Kansas educational building fund of the university of Kansas medical center.

(i) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas medical center to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the university of Kansas medical center. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas medical center are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the university of Kansas medical center and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of the university of Kansas medical center is hereby abolished.

(j) On July 1, 2008, the fund of the parking facility revenue fund of the university of Kansas medical center is hereby redesignated as the parking fund — K.C. campus of the university of Kansas medical center.

Sec. 152.

WICHITA STATE UNIVERSITY

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

Aviation research debt service..... \$1,644,208

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures 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
Deferred maintenance support fund..... No limit
Infrastructure maintenance fund..... No limit

(c) During the fiscal year ending June 30, 2009, the above agency may make expenditures from the rehabilitation and repair projects — EBF account of the Kansas educational building fund of the above agency of moneys transferred to such account by the state board of regents pursuant to section 181(a) of chapter 167 of the 2007 Session Laws of Kansas or to any provision of this or other appropriation act of the 2008 regular session of the legislature: *Provided*, That this subsection shall not apply to the unencumbered balance in any account of the Kansas educational building fund of the above agency that was first appropriated for any fiscal year commencing prior to July 1, 2007.

(d) On July 1, 2008, 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 of the Kansas educational building fund of Wichita state university is hereby redesignated as the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Wichita state university.

(e) On July 1, 2008, the director of accounts and reports shall transfer all moneys in the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Wichita state university to the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Wichita state university. On July 1, 2008, all liabilities of the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Wichita state university are hereby transferred to and imposed on the rehabilitation and repair projects — EBF account of the Kansas educational building fund of Wichita state university and the rehabilitation and repair projects for institutions of higher education account of the Kansas educational building fund of Wichita state university is hereby abolished.

Sec. 153.

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, 2009, 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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Research bond debt service fund .....	No limit
---------------------------------------	----------

(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 2009 or fiscal year 2010 as authorized by this or other appropriation act of the 2008 regular session of the legislature or by any appropriation act of the 2009 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 2009 or fiscal year 2010 to provide for the issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 2007 Supp. 76-783, and amendments thereto, to finance scientific research and development facilities, as defined by K.S.A. 2007 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. 2007 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. 2007 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. 154.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Debt service payment for the revenue refunding bond issues.....	\$569,303
Debt service payment for the infrastructure projects bond issue .....	\$1,549,000
Debt service payment for the reception and diagnostic unit relocation bond issue .....	\$1,401,000
Debt service payment for the Labette correctional conservation camp bond issue .....	\$160,000

(b) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2009, 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 2009 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 2009 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, 2009, 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
--	----------

*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 2009 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 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 as authorized by this or other appropriation act of the 2008 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 or funds to provide for issuance of bonds by the Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for capital improvement projects to expand prison capacity as authorized by state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas: *Provided*, That on and after the effective date of this act and prior to issuance of any bonds by the

Kansas development finance authority in accordance with K.S.A. 74-8905, and amendments thereto, for capital improvement projects to expand prison capacity as authorized by state finance council resolution no. 07-572 pursuant to subsection (d) of section 185 of chapter 167 of the 2007 Session Laws of Kansas, the secretary of corrections shall notify the members of the legislative coordinating council of the reason such capital improvement projects to expand capacity are, in the secretary's judgment, needed and appropriate.

Sec. 155.

JUVENILE JUSTICE AUTHORITY

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Capital improvements — rehabilitation and repair of juvenile correctional facilities .....	\$738,146
<i>Provided</i> , 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 2009 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 .....	\$3,997,763
Raze Atchison juvenile correctional facility maintenance building .....	\$87,682
Raze Kansas juvenile correctional complex living units .....	\$420,004
Renovate Kansas juvenile correctional complex administration building .....	\$2,793,099

(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 institutions building fund or from any other special revenue fund or funds for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys appropriated from the state institutions building fund or from any other special revenue fund or funds for fiscal year 2009 to raze the maintenance building no. 15, at the Atchison juvenile correctional facility.

(c) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the moneys appropriated from the state institutions building fund or from any other special revenue fund or funds for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the juvenile justice authority from moneys appropriated from the state institutions building fund or from any other special revenue fund or funds for fiscal year 2009 to raze the Arapaho/Cheyenne living unit building no. 2 and the Chippewa/Jayhawk living unit building no. 3, at the Kansas juvenile correctional complex.

(d) In addition to the other purposes for which expenditures may be made by the Beloit juvenile correctional facility from the moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the Beloit juvenile correctional facility from moneys appropriated from the state general fund or from any special revenue fund or funds for fiscal year 2009 to raze the guest house building no. 15, at the Beloit juvenile correctional facility.

Sec. 156.

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, 2009, for the capital improvement project or projects specified, the following:

Rehabilitation and repair projects .....	\$100,000
Debt service — headquarters building .....	\$311,850
KBI complex — site master plan .....	\$50,000

*Provided*, That all expenditures for fiscal year 2009 from the KBI complex — site master plan account shall be made for the acquisition of the real property by the above agency for

the remainder of the land, and any improvements thereon, on the city blocks in Topeka, Kansas on which the Kansas bureau of investigation headquarters currently is located and which is not currently owned by the state.

(b) Any unencumbered balance in excess of \$100 as of June 30, 2008, in the following account of the state general fund is hereby reappropriated for fiscal year 2009: Land acquisition.

Sec. 157.

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 2009, expenditures may be made by the above agency from the highway patrol training center fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Roof and boiler replacement — training center — Salina.....	\$845,199
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 2009.

(b) In addition to the other purposes for which expenditures may be made from the vehicle identification number fee fund for fiscal year 2009, expenditures may be made by the above agency from the vehicle identification number fee fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — vehicle inspection facility — Olathe.....	\$58,406
--	----------

*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 2009.

(c) In addition to the other purposes for which expenditures may be made from the Kansas highway patrol operations fund for fiscal year 2009, expenditures may be made by the above agency from the Kansas highway patrol operations fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitation prescribed therefor:

Debt service — Topeka fleet service.....	\$372,325
Scale replacement and rehabilitation and repair of buildings.....	\$212,000

*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 2009.

(d) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$584,325 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 2009 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 2009 for support and maintenance of the Kansas highway patrol.

Sec. 158.

ADJUTANT GENERAL

(a) There is hereby appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Debt service — training center.....	\$677,189
Debt service — armory/classroom/recreation center at PSU.....	\$115,188
Debt service — rehabilitation and repair of the statewide armories.....	\$2,226,807
Regional training center spoke 1 planning.....	\$100,000
Rehabilitation and repair projects.....	\$477,097

*Provided*, That any unencumbered balance in the rehabilitation and repair projects account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Sec. 159.

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, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

State fair capital improvements fund ..... No limit

(b) On or before the 10th of each month during the fiscal year ending June 30, 2009, 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. 160.

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, 2009, for the capital improvement project or projects specified, the following:

Parks ongoing rehabilitation ..... \$1,500,000

Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following capital improvement accounts of the state general fund is hereby reappropriated for fiscal year 2009: 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, 2009, 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 2009 shall be for projects at the state parks.

Bridge maintenance fund..... No limit

(c) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$1,592,000 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, 2008, 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 parks fee fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the parks fee fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair projects..... \$500,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2009.

(f) In addition to the other purposes for which expenditures may be made by the above agency from the parks fee fund for fiscal year 2009, expenditures may be made by the above agency from the parks fee fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the parks fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the parks fee fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the parks fee fund for fiscal year 2009.

(g) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2009, expenditures may be made by the

above agency from the following capital improvement account or accounts of the boating fee fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast Guard boating projects ..... \$100,000

*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 2009.

(h) In addition to the other purposes for which expenditures may be made by the above agency from the boating fee fund for fiscal year 2009, expenditures may be made by the above agency from the boating fee fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the boating fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fee fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fee fund for fiscal year 2009.

(i) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund — federal for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the boating fund — federal for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Coast Guard boating projects ..... \$50,000

*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 2009.

(j) In addition to the other purposes for which expenditures may be made by the above agency from the boating fund — federal for fiscal year 2009, expenditures may be made by the above agency from the boating fund - federal for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the boating fund — federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the boating fund — federal for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the boating fund — federal for fiscal year 2009.

(k) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Federally mandated boating access ..... \$180,000

Land acquisition ..... \$300,000

*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 2009.

(l) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009, expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife fee fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fee fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fee fund for fiscal year 2009.

(m) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2009, expenditures may be made



by the above agency from the following capital improvement account or accounts of the wildlife conservation fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Land acquisition .....	\$500,000
Capital improvements .....	\$150,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2009.

(n) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2009, expenditures may be made by the above agency from the wildlife conservation fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund for fiscal year 2009.

(o) 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 2009, 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 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair .....	\$923,500
---------------------------------	-----------

*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 2009.

(p) 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 2009, expenditures may be made by the above agency from the wildlife conservation fund — federal for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife conservation fund — federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund — federal for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund — federal for fiscal year 2009.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund — federal for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Boating access projects .....	\$200,000
-------------------------------	-----------

*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 2009.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009, expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife fund - federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure

limitation imposed on the wildlife fund — federal for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fund — federal for fiscal year 2009.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition ..... \$150,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2009.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2009, expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2009.

(u) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$400,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2009.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009, expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the land and water conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund for fiscal year 2009.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Rehabilitation and repair ..... \$34,000

*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2009.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009, expenditures may be made by the above agency from the department of wildlife and

parks gifts and donations fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2009.

(y) In addition to the other purposes for which expenditures may be made by the above agency from the department road access fund for fiscal year 2009, expenditures shall be made by the above agency from the following capital improvement account or accounts of the department road access fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Low water crossing at Crawford state park ..... \$255,000

(z) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Bison herd compound fencing in southeast Kansas ..... \$47,000

Sec. 161. (a) Notwithstanding the provisions of K.S.A. 2007 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. 2007 Supp. 75-2319, 75-2319a or 75-2319b and amendments thereto during the fiscal years ending June 30, 2009, and June 30, 2010, shall be considered to be demand transfers from the state general fund.

(b) Notwithstanding the provisions of K.S.A. 2007 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. 2007 Supp. 76- 775 and amendments thereto during the fiscal years ending June 30, 2009, and June 30, 2010, shall be considered to be demand transfers from the state general fund.

Sec. 162. (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)(4) of chapter 3 of the 2003 Session Laws of Kansas, which were directed to be made on or before June 30, 2009, 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)(4) 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)(5) of chapter 3 of the 2003 Session Laws of Kansas, which were directed to be made on or before June 30, 2010, 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)(5) 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. 163. On July 1, 2008, K.S.A. 2007 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, ~~2008~~ 2009, and June 30, ~~2009~~ 2010, shall be considered to be revenue transfers from the state general fund.

Sec. 164. On July 1, 2008, K.S.A. 2007 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 ~~2008~~ 2009; 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 ~~2008~~ 2009 shall not exceed \$400,000.

Sec. 165. On July 1, 2008, K.S.A. 2007 Supp. 75-6702 is hereby amended to read as follows: 75-6702. (a) The last appropriation bill passed in any regular session of the legislature shall be the omnibus reconciliation spending limit bill. Each bill which is passed during a regular session of the legislature and which appropriates or transfers money from the state general fund for the ensuing fiscal year shall contain a provision that such bill shall take effect and be in force from and after the effective date of the omnibus reconciliation spending limit bill for that regular session of the legislature or from and after such effective date and a subsequent date or an event occurring after such effective date.

(b) Except as provided in subsection (c), the maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the 2004 regular session of the legislature and each regular session of the legislature thereafter, is hereby fixed so that there will be an ending balance in the state general fund for the ensuing fiscal year that is equal to 7.5% or more of the total amount authorized to be expended or transferred by demand transfer from the state general fund in such fiscal year.

(c) The provisions of subsection (b) are hereby suspended for the fiscal year ending June 30, ~~2008~~ 2009, and shall not prescribe a maximum amount of expenditures and demand transfers from the state general fund that may be authorized by act of the legislature during the ~~2007~~ 2008 regular session of the legislature.

Sec. 166. On July 1, 2008, K.S.A. 2007 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 2008 and 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, *except that all such transfers during fiscal year 2010 shall be considered to be revenue 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. 167. On July 1, 2008, K.S.A. 2007 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 ~~2008~~ 2009 and ~~2009~~ 2010. 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. 168. On July 1, 2008, K.S.A. 2007 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 ~~2008~~ 2009 and ~~2009~~ 2010 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, ~~2008~~ 2009, and June 30, ~~2009~~ 2010, shall be considered to be revenue transfers from the state general fund.

Sec. 169. On July 1, 2008, K.S.A. 2007 Supp. 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~~ 2009 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, ~~2007~~ 2009, and shall be recorded and accounted for as receipts to the state general fund for fiscal year ~~2007~~ 2009; and (b) all amounts credited to the state gaming revenues fund in fiscal year ~~2008~~ 2010 which are in excess of \$50,000,000 shall be transferred and credited to the state general fund on July 15, ~~2008~~ 2010, and shall be recorded and accounted for as receipts to the state general fund for fiscal year ~~2008~~ 2010.

Sec. 170. On July 1, 2008, K.S.A. 2007 Supp. 2-223, 55-193, 75-6702, 79-2964, 79-2959, 79-3425i and 79-4801 are hereby repealed.

Sec. 171. *Severability.* If any provision or clause of this act or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

Sec. 172. *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 year ending June 30, 2008, made in chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or in this act or in any other appropriation act of the 2008 regular session of the legislature may be exceeded upon approval of the state finance council.

(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 chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or in this act or in any other appropriation act of the 2008 regular session of the legislature may be exceeded upon approval of the state finance council.

Sec. 173. *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 expanded lottery act revenues fund, 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. 174. *Savings.* (a) Any unencumbered balance as of June 30, 2008, in any special revenue fund, or account thereof, of any state agency named in this act which is not otherwise specifically appropriated or limited by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, for the same use and purpose as the same was heretofore appropriated.

(b) Any unencumbered balance as of June 30, 2008, in any special revenue fund, or account thereof, of any state agency named in section 88 of chapter 167 of the 2007 Session Laws of Kansas which is not otherwise specifically appropriated or limited for fiscal year 2009 by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for fiscal year 2009 for the same use and purpose as the same was heretofore appropriated.

(c) This section shall not apply to the expanded lottery act revenues fund, 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. 175. During the fiscal year ending June 30, 2009, all moneys which are lawfully credited to and available in any bond special revenue fund, which are not otherwise specifically appropriated or limited by this or other appropriation act of the 2008 regular session of the legislature, are hereby appropriated for the fiscal year ending June 30, 2009, for the state agency for which the bond special revenue fund was established for the purposes authorized by law for expenditures from such bond special revenue fund. As used in this section, "bond special revenue fund" means any special revenue fund or account thereof established in the state treasury prior to or on or after the effective date of this act for the

deposit of the proceeds of bonds issued by the Kansas development finance authority, for the payment of debt service for bonds issued by the Kansas development finance authority, or for any related purpose in accordance with applicable bond covenants.

Sec. 176. *Federal grants.* (a) During the fiscal year ending June 30, 2009, each federal grant or other federal receipt which is received by a state agency named in this act and which is not otherwise appropriated to that state agency by this or other appropriation act of the 2008 regular session of the legislature, is hereby appropriated for the fiscal year ending June 30, 2009, for that state agency for the purpose set forth in such federal grant or receipt, except that no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

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

(c) In addition to the other purposes for which expenditures may be made by any state agency which is named in 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 2009 by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or other appropriation act of the 2008 regular session of the legislature to apply for and receive federal grants during fiscal year 2009, which federal grants are hereby authorized to be applied for and received by such state agencies: *Provided*, That no expenditure shall be made from and no obligation shall be incurred against any such federal grant or other federal receipt, which has not been previously appropriated or reappropriated or approved for expenditure by the governor, until the governor has authorized the state agency to make expenditures therefrom.

Sec. 177. (a) Any correctional institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2008 regular session of the legislature, and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same uses and purposes as originally appropriated unless specific provision is made for lapsing such appropriation.

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

Sec. 178. (a) Any Kansas educational building fund appropriation heretofore appropriated to any institution named in this or other appropriation act of the 2008 regular session of the legislature and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

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

Sec. 179. (a) Any state institutions building fund appropriation heretofore appropriated to any state agency named in this or other appropriation act of the 2008 regular session of the legislature and having an unencumbered balance as of June 30, 2008, in excess of \$100 is hereby reappropriated for the fiscal year ending June 30, 2009, for the same use and purpose as originally appropriated, unless specific provision is made for lapsing such appropriation.

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

Sec. 180. Any transfers of money during the fiscal year ending June 30, 2009, from any special revenue fund of any state agency named in this act to the audit services fund of the division of post audit under K.S.A. 46-1121, and amendments thereto, shall be in addition to any expenditure limitation imposed on any such fund for the fiscal year ending June 30, 2009.

Sec. 181. This act shall take effect and be in force from and after its publication in the Kansas register.”;

On page 1, in the title, by striking all in lines 14 through 19 and inserting the following material to read as follows:

“AN ACT making and concerning appropriations for the fiscal years ending 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. 2007 Supp. 2-223, 55-193, 75-6702, 79-2959, 79-2964, 79-3425i and 79-4801 and repealing the existing sections.”;

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

SHARON SCHWARTZ  
LEE TAFANELLI  
BILL FEUERBORN  
*Conferees on part of House*

DWAYNE UMBARGER  
JAY SCOTT EMLER  
LAURA KELLY  
*Conferees on part of Senate*

On motion of Rep. Schwartz to adopt the conference committee report on **SB 534**, the motion did not prevail.

On roll call, the vote was: Yeas 8; Nays 114; Present but not voting: 0; Absent or not voting: 3.

Yeas: Bethell, Hodge, Knox, Neufeld, Otto, Proehl, Schwartz, Tafanelli.

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

Present but not voting: None.

Absent or not voting: Crow, Masterson, Spalding.

#### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, Rep. Wilk moved that the House reconsider its adverse action in not adopting the conference committee report on **SB 534**. The motion prevailed.

The question reverted back to the motion of Rep. Schwartz to adopt the conference committee report on **SB 534** and Rep. Wilk 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. Schwartz, Tafanelli and Feuerborn as second conferees on the part of the House.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6028—

By Representatives Faust-Goudeau and Ballard, Flaharty, Garcia, Goyle, Henderson, McCray-Miller and Winn

A RESOLUTION commemorating the spirit and legacy of Dr. Martin Luther King, Jr. on the 40th anniversary of his assassination.

WHEREAS, King was assassinated on April 4, 1968, in Memphis, Tennessee, while preparing for a march on behalf of striking sanitation workers seeking economic equality and social justice. The 39 year-old leader was gunned down at the Lorraine Motel just minutes before he was to leave for dinner at a colleague's home; and

WHEREAS, One of the most visible advocates of nonviolence and direct action as methods of social change, Martin Luther King, Jr. was born in Atlanta on January 15, 1929; and

WHEREAS, After attending Morehouse College in Atlanta, King went on to study at Crozer Theological Seminary in Pennsylvania and Boston University, where he deepened his understanding of theological scholarship and explored Mahatma Gandhi's nonviolent strategy for social change; and

WHEREAS, On December 5, 1955, after civil rights activist Rosa Parks refused to comply with Montgomery's segregation policy on buses, black residents launched a bus boycott and elected King president of the newly-formed Montgomery Improvement Association. The boycott continued throughout 1956 and King gained national prominence for his role in the campaign. In December 1956 the United States Supreme Court declared Alabama's segregation laws unconstitutional and Montgomery buses were desegregated; and

WHEREAS, Seeking to build upon the success in Montgomery, King and other southern black ministers founded the Southern Christian Leadership Conference (SCLC) in 1957. In the spring of 1963, King and SCLC lead mass demonstrations in Birmingham, Alabama, where local white police officials were known for their violent opposition to integration. Clashes between unarmed black demonstrators and police armed with dogs and fire hoses generated newspaper headlines throughout the world. President Kennedy responded to the Birmingham protests by submitting broad civil rights legislation to Congress, which led to the passage of the Civil Rights Act of 1964; and

WHEREAS, Subsequent mass demonstrations culminated in the March on Washington for Jobs and Freedom on August 28, 1963, in which more than 250,000 protesters gathered in Washington, D. C. It was on the steps of the Lincoln Memorial that King delivered his famous "I Have a Dream" speech; and

WHEREAS, King's renown continued to grow as he became Time magazine's Man of the Year in 1963 and the recipient of the Nobel Peace Prize in 1964; and

WHEREAS, In late 1967, King initiated a Poor People's Campaign designed to confront economic problems that had not been addressed by earlier civil rights reforms. The following year, while supporting striking sanitation workers in Memphis, he delivered his final address "I've Been to the Mountaintop." The next day, April 4, 1968, King was assassinated; and

WHEREAS, To this day, King remains an exemplary symbol of the African American civil rights struggle, revered by many for his martyrdom on behalf of nonviolence: Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we commemorate the spirit and legacy of Dr. Martin Luther King, Jr. on the 40th anniversary of his assassination.

#### REPORT ON ENGROSSED BILLS

**HB 2692** reported correctly engrossed April 2, 2008.

**HB 2657** reported correctly re-engrossed April 2, 2008.

Also, **Sub. HB 2601**; **HB 2660**; **Sub. HB 2694** reported correctly engrossed April 3, 2008.

**HB 2897** reported correctly re-engrossed April 3, 2008.

**REPORT ON ENGROSSED RESOLUTIONS**

**HR 6021** reported correctly engrossed April 2, 2008.

Also, **HCR 5033** reported correctly engrossed on April 3, 2008.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6026** reported correctly enrolled and properly signed on April 3, 2008.

On motion of Rep. Merrick, the House adjourned until 9:00 a.m., Friday, April 4, 2008.

CHARLENE SWANSON, *Journal Clerk*.

JANET E. JONES, *Chief Clerk*.

