

# Journal of the House

FIFTY-EIGHTH DAY

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HALL OF THE HOUSE OF REPRESENTATIVES,  
TOPEKA, KS, Friday, April 4, 2008, 9:00 a.m.

The House met pursuant to recess with Speaker pro tem Dahl in the chair.  
The roll was called with 124 members present.  
Rep. Spalding was excused on excused absence by the Speaker.

Prayer by guest chaplain, Father Gabriel Acheampong, Mother Teresa Catholic Church,  
Topeka, guest of Rep. Carlson:

Almighty God, you guide and govern everything with order and love. Look upon the State Legislators here and fill them with the spirit of wisdom, love and compassion.

May they always act in accordance with your will and may their decisions bring peace and well-being of all.

May they legislate laws to rescue those who are unjustly deprived of liberty and restore them to the freedom you wish for all your sons and daughters.

Bless them, their families and friends today with your peace. And bless all of us gathered here today. We ask this through our Lord Jesus Christ, your Son, who lives and reigns with you and the Holy Spirit, one God, forever and ever.

The Pledge of Allegiance was led by Rep. Palmer.

## COMMUNICATIONS FROM STATE OFFICERS

From Kent E. Olson, Director, Division of Accounts and Reports, Kansas Department of Administration, revised report on a CD containing the 54th Annual Financial Report of the State of Kansas for fiscal year ended June 30, 2007.

The complete report is kept on file and open for inspection in the office of the Chief Clerk.

## MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY

On motion of Rep. Faust-Goudeau, **HR 6028**, A resolution commemorating the spirit and legacy of Dr. Martin Luther King, Jr. on the 40th anniversary of his assassination, was adopted.

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

Today, April 4, 2008 marks the 40th anniversary of the assassination of Dr. Martin Luther King, Jr. in 1968. For the first time in 40 years commemorative events are occurring across the United States and around the world. We stand here today to acknowledge the fact that we have all benefitted from the struggle. We now have a moral obligation to seek out economic, political, social and racial injustice and to overcome it. Let us not forget that our job is not complete. We are challenged to rise above partisanship to recommit to the struggle of the 40-year journey and move forward to bring about freedom and justice to this country. Our job and our journey are not complete.

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

Thank you for the opportunity to allow us once again to remember Dr. Martin Luther King, Jr. in the chamber of the Kansas House of Representatives to honor the legacy he left for all of us especially on this day April 4, 2008. Would the body please join us in a moment of silence?

Thank you, Mr. Speaker.

#### FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

**HCR 5033**, A concurrent resolution urging the United States to withdraw from the Security and Prosperity Partnership of North America and the North American Free Trade Agreement (NAFTA), was considered on final action.

On roll call, the vote was: Yeas 93; Nays 28; Present but not voting: 0; Absent or not voting: 4.

Yeas: Ballard, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlin, Carlson, Crum, Dahl, Davis, Donohoe, Faber, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hawk, Hayzlett, Henderson, Henry, Hodge, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Kelley, Kelsey, King, Kinzer, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Menghini, Merrick, Jim Morrison, Judy Morrison, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Palmer, Patton, Pauls, Peck, Peterson, Powell, Powers, Proehl, Rardin, Rhoades, Roth, Ruff, Schroeder, Shultz, Siegfried, Storm, Swenson, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, Worley.

Nays: Bethell, Colloton, Craft, Dillmore, Garcia, Goyle, Hill, Huntington, Johnson, Kiegerl, Light, Metsker, Moxley, Owens, Phelps, Pottorff, Quigley, Ruiz, Sawyer, Schwartz, Sloan, Svaty, Swanson, Tafanelli, Whitham, Wilk, K. Wolf, Yoder.

Present but not voting: None.

Absent or not voting: Aurand, Colyer, Crow, Spalding.

The resolution was adopted, as amended.

**H. Sub. for SB 148**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections, was considered on final action.

Call of the House was demanded.

On roll call, the vote was: Yeas 83; Nays 41; Present but not voting: 0; Absent or not voting: 1.

Yeas: Aurand, Beamer, Bethell, Bowers, Brown, Brunk, Burgess, Carlson, Colyer, Craft, Crum, Dahl, Donohoe, Faber, Feuerborn, Fund, Gatewood, George, Goico, Gordon, Grange, Grant, Hayzlett, Henry, Hill, Hodge, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Johnson, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Landwehr, Light, Lukert, Mast, Masterson, McKinney, McLeland, Merrick, Jim Morrison, Judy Morrison, Moxley, Myers, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Rhoades, Roth, Ruff, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Wetta, Whitham, Wilk, Williams, B. Wolf, Yoder.

Nays: Ballard, Burroughs, Carlin, Colloton, Crow, Davis, Dillmore, Faust-Goudeau, Flaharty, Flora, Frownfelter, Garcia, Goyle, Hawk, Henderson, Holland, Huntington, Kuether, Lane, Loganbill, Long, Mah, McCray-Miller, McLachlan, Menghini, Metsker, Neighbor, Quigley, Rardin, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Winn, K. Wolf, Worley.

Present but not voting: None.

Absent or not voting: Spalding.

The substitute bill passed, as amended.

#### EXPLANATIONS OF VOTE

MR. SPEAKER: The politically motivated actions that have denied our State's cleanest coal-fired plant to expand responsibly have demonstrated the need for a comprehensive and strong energy policy.

By requiring the use of renewable resources, reducing carbon dioxide emissions, reducing mercury emissions, and enhancing energy efficiency standards the Legislature has provided a common-sense solution that stabilizes our regulatory climate and sends a message that Kansas is still open for business. For the 3.6 billion dollar Sunflower project, the hundreds of jobs it will create, the economic impact, and the future of our business climate and best interest of our state, I vote yes on **H. Sub. for SB 148**.—RAY MERRICK, PEGGY MAST

MR. SPEAKER: The financial investment in any new base-power source is great and the risk is even greater if the regulatory atmosphere in the state is uncertain.

The Kansas-based utilities are frustrated by the present condition of arbitrary regulations that exist in our state today.

Reliable and affordable energy is extremely important in keeping our economy vibrant. Legislators, it is time that we avoid playing politics with our energy future, and it is time that we seek both sides of the energy issue and make educated votes for our great state. Mr. Speaker, I vote yes on **H. Sub. for SB 148**.—DON MYERS

MR. SPEAKER: This issue is not strictly about coal, it is about transitioning from fossil fuels to renewable fuels. The integrated energy complex at Holcomb will be a step towards energy independence with ethanol, biodiesel, natural gas and the infrastructure to make wind farms in the area possible. This is a time when we should be holding Sunflower Electric up as an example for the utilities of the nation to emulate, instead we have a single bureaucrat slapping down the efforts to transition to renewable fuels. Mr. Speaker, I vote yes to transitioning to renewable energy. I vote yes on **H. Sub. for SB 148**.—MITCH HOLMES

MR. SPEAKER: The issue is about who makes law. The secretary when questioned about day care regulations said “it was his job to make and enforce regulations.” I said, “Mr. Secretary it is your job to see the children of Kansas have good affordable day care.” This issue is not about clean air but about pure power of KDHE, thus Mr. Speaker, I vote yes on **H. Sub. for SB 148**.—BILL OTTO

MR. SPEAKER: Once elected to office it became apparent that I could no longer concern myself with only my own community or even my own district. As a state representative I had a responsibility to represent the best interest of our state as a whole. For Kansas to prosper we must have a strong economy which creates jobs for all of our residents. Mr. Speaker, I vote yes on **H. Sub. for SB 148**.—DAVID CRUM

MR. SPEAKER: During the 2008 session this body approved millions of taxpayer dollars for economic development in Johnson County, Wichita, Manhattan and southeast Kansas. A yes vote for **H. Sub. for SB 148** doesn't require taxpayer-backed funding but brings a \$3.6 billion dollar investment to western Kansas. The Sunflower project represents not only a reestablishment of regulatory certainty and the beginning of a balanced energy policy in our state but also a revitalization of the economy in western Kansas. If this expansion isn't allowed to move forward, the rest of the state will be forced to carry more of the financial burden. I vote yes on **H. Sub. for SB 148**.— LARRY POWELL, JEFF WHITHAM, RICHARD CARLSON, GARY K. HAYZLETT, DEENA HORST

MR. SPEAKER: **H. Sub. for SB 148** represents a lot of firsts for our great state. The legislation moves Kansas toward a balanced energy policy with regulatory certainty including all fuel sources. It requires net metering for solar in statute and requires a renewable portfolio standard for renewable energy production from wind. The legislation also will require energy conservation by state government and “best available control technology” for CO<sub>2</sub> reduction in coal fired power plants. It establishes the Kansas Electric Generation Science and Technology Commission. This legislation calls for responsible and cost-effective solutions for future energy requirements. For these reasons, I vote yes on **H. Sub. for SB 148**.—JOHN C. GRANGE, OWEN DONOHUE, DON HILL, VIRGIL PECK, JR., ROCKY FUND, MARIO GOICO, DICK KELSEY, BILL OTTO, RICHARD PROEHL, BRENDA LANDWEHR, ARLEN SIEGFREID

**H. Sub. for SB 180**, An act concerning the Kansas investments in major products and comprehensive training act (IMPACT); amending K.S.A. 2007 Supp. 74-50,103, 74-50,104, 74-50,107 and 74-50,108 and repealing the existing sections, was considered on final action.

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

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

The substitute bill passed.

#### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Gatewood, **HR 6024**, A resolution proclaiming and celebrating the sesquicentennial of the community of Baxter Springs, Kansas, was adopted.

Rep. Gatewood introduced the Mayor of Baxter Springs, Huey York, and his wife, First Lady Judy York. He presented them with a copy of the resolution.

#### **CHANGE OF CONFEREES**

Speaker pro tem Dahl announced the appointment of Reps. Wilk, Carlson and Holland as members of the conference committee on **S. Sub. for HB 2541** to replace Reps. Schwartz, Tafanelli and Feuerborn.

#### **MOTIONS AND RESOLUTIONS OFFERED ON A PREVIOUS DAY**

On motion of Rep. Merrick, **HCR 5040**, A concurrent resolution concerning endorsement of the participation of Taiwan in the World Health Organization, was adopted.

#### **CONFERENCE COMMITTEE REPORT**

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 387**, 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 3, in line 18, after "a" by inserting "depository";

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, the conference committee report on **H. Sub. for SB 387** was adopted.

On roll call, the vote was: Yeas 120; Nays 2; Present but not voting: 0; Absent or not voting: 3.

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

Nays: Landwehr, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Neufeld, Spalding.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 21**, 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. 21, as follows:

On page 1, by striking all in lines 20 through 40;

By striking all on pages 2 through 17;

On page 18, by striking all in lines 1 through 40; following line 40, by inserting:

“New Section 1. (a) As used in this section:

(1) “Office” means any state office or board, commission, council, committee, authority or other governmental body the members of which are required by law to be appointed by an appointing authority, and which appointment is subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto.

(2) “Appointing authority” means a person, other than the governor, who is required by law to make an appointment to an office.

(3) “Chairperson” means the chairperson of the confirmation oversight committee.

(4) “Committee” means the confirmation oversight committee established by K.S.A. 46-2601, and amendments thereto.

(5) “Director” means the director of the Kansas legislative research department or the director’s designee.

(b) No person may be appointed to an office unless such person has completed and submitted a nomination form as required by the rules of the committee. No person may be appointed to an office unless such person has filed a statement of substantial interest as required by K.S.A. 46-247, and amendments thereto. A copy of the nomination form and the statement of substantial interest shall be kept on file in the office of the director and shall be subject to disclosure under the Kansas open records act.

(c) No person may be appointed to an office unless such person has consented to a background investigation conducted by the Kansas bureau of investigation. No person may be appointed to an office unless such person consents to the release of tax information by the Kansas department of revenue and the federal internal revenue service to determine if such person is current in the payment of taxes.

(d) Any appointing authority who desires to appoint a person to an office shall forward to the chairperson a completed copy of the nomination form, the statement of substantial interest, the consent to the release of tax information and a written request that a background investigation be conducted on the person nominated for appointment to an office. Upon receipt of such information, the chairperson shall forward such information and a written

direction to the director to request the Kansas bureau of investigation to conduct a background investigation of such nominee and to request the Kansas department of revenue to release tax information which is necessary to determine if such person is current in the payment of taxes. Upon written request of the director and the appointing authority who nominated the person for appointment to an office, it shall be the duty of the Kansas bureau of investigation to conduct a background investigation of any person nominated for appointment to an office. Any person nominated for appointment to an office shall submit such person's fingerprints to the Kansas bureau of investigation for the purposes of verifying the identity of such person and obtaining records of criminal arrests and convictions. Upon written request of the director, it shall be the duty of the Kansas department of revenue to release to the director tax information requested pursuant to this section.

(e) The director may receive from the Kansas bureau of investigation or other criminal justice agencies, including, but not limited to, the federal bureau of investigation and the federal internal revenue service, such criminal history record information (including arrest and nonconviction data), criminal intelligence information and information relating to criminal and background investigations as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office. Upon the written request of the director, the director may receive from the district courts such information relating to juvenile proceedings as necessary for the purpose of determining qualifications of a person nominated to be appointed to an office.

(f) Any information received by the director pursuant to this section shall be kept on file in the office of the director or in a secure location under the control of the director within the Kansas legislative research department. After receipt of information, the director shall notify the appointing authority who nominated the person for appointment to an office and the nominee that the information is available for review in the office of the director. Upon the written request of such appointing authority or the nominee, the director shall allow such appointing authority or nominee to review the information. Such information shall not be removed from the office of the director and shall not be duplicated or copied in any manner. If the appointing authority chooses to proceed with the nomination of the person for appointment to an office, the director shall notify the chairperson and the ranking minority member of the committee that such information is available for review by either legislator, or both, upon the written request of either legislator, or both.

(g) Any information, other than conviction data received by the director pursuant to subsection (e), shall be confidential. Except as provided by section 22 of article 2 of the Kansas constitution and subsection (f), such confidential information shall not be disclosed to any other person. Any other intentional disclosure of such confidential information is a class A nonperson misdemeanor. Any person who intentionally or unintentionally discloses confidential information in violation of this section may be removed from office or employment.

(h) Any information received by the director pursuant to this section which relates to a person whose nomination for appointment to an office is confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, may be disposed of in the manner provided by K.S.A. 75-3501 et seq., and amendments thereto. Any information received by the director pursuant to this section which relates to a person whose nomination is withdrawn or whose appointment is not confirmed by the senate as provided by K.S.A. 75-4315b, and amendments thereto, shall be destroyed by the director. The destruction of such records shall occur no sooner than one year, and no later than two years, following the withdrawal of the nomination of the appointment or the failure of the senate to confirm the appointment of such person.

Sec. 2. K.S.A. 17-2233 is hereby amended to read as follows: 17-2233. The credit union administrator shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as administrator shall exercise any power, duty or function as administrator until confirmed by the senate.* Any person appointed as the administrator shall have at least three years' actual, practical experience in the operation and management of a credit union. The administrator shall not be a member of the council. The governor shall fix the compensation of the administrator. In addition,

the administrator shall be entitled to receive the actual and necessary expenses incurred in the performance of the administrator's duties. The administrator shall be in the unclassified service under the Kansas civil service act. The term of office of the administrator holding office on the effective date of this act shall expire on December 31, 2009. Thereafter, the administrator shall be appointed for a term of four years and until a successor is appointed and confirmed. If a vacancy occurs, the governor shall appoint a successor to fill the vacancy for the unexpired term. The administrator shall attend the meetings of the council and shall have the general charge of the work of the council and the general supervision of credit unions. The administrator shall keep a permanent record of all meetings and proceedings of the council at the office of the administrator.

Sec. 3. K.S.A. 2007 Supp. 32-801 is hereby amended to read as follows: 32-801. (a) In order to reorganize the administration, planning and regulation of the state's parks, wildlife and other natural resources, there is hereby established within the executive branch of government the Kansas department of wildlife and parks, which shall be administered under the direction and supervision of a secretary of wildlife and parks who shall be appointed by the governor, with the consent of the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.*

(b) The secretary shall be fully qualified by education, training and experience in wildlife, parks or natural resources, or a related field, and shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor.

(c) The provisions of the Kansas governmental operations accountability law apply to the Kansas department of wildlife and parks, and the department is subject to audit, review and evaluation under such law.

Sec. 4. K.S.A. 2007 Supp. 45-221 is hereby amended to read as follows: 45-221. (a) Except to the extent disclosure is otherwise required by law, a public agency shall not be required to disclose:

(1) Records the disclosure of which is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court *or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to section 1, and amendments thereto*, or the disclosure of which is prohibited or restricted pursuant to specific authorization of federal law, state statute or rule of the Kansas supreme court *or rule of the senate committee on confirmation oversight relating to information submitted to the committee pursuant to section 1, and amendments thereto*, to restrict or prohibit disclosure.

(2) Records which are privileged under the rules of evidence, unless the holder of the privilege consents to the disclosure.

(3) Medical, psychiatric, psychological or alcoholism or drug dependency treatment records which pertain to identifiable patients.

(4) Personnel records, performance ratings or individually identifiable records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries or actual compensation employment contracts or employment-related contracts or agreements and lengths of service of officers and employees of public agencies once they are employed as such.

(5) Information which would reveal the identity of any undercover agent or any informant reporting a specific violation of law.

(6) Letters of reference or recommendation pertaining to the character or qualifications of an identifiable individual, except documents relating to the appointment of persons to fill a vacancy in an elected office.

(7) Library, archive and museum materials contributed by private persons, to the extent of any limitations imposed as conditions of the contribution.

(8) Information which would reveal the identity of an individual who lawfully makes a donation to a public agency, if anonymity of the donor is a condition of the donation, except

if the donation is intended for or restricted to providing remuneration or personal tangible benefit to a named public officer or employee.

(9) Testing and examination materials, before the test or examination is given or if it is to be given again, or records of individual test or examination scores, other than records which show only passage or failure and not specific scores.

(10) Criminal investigation records, except as provided herein. The district court, in an action brought pursuant to K.S.A. 45-222, and amendments thereto, may order disclosure of such records, subject to such conditions as the court may impose, if the court finds that disclosure:

(A) Is in the public interest;

(B) would not interfere with any prospective law enforcement action, criminal investigation or prosecution;

(C) would not reveal the identity of any confidential source or undercover agent;

(D) would not reveal confidential investigative techniques or procedures not known to the general public;

(E) would not endanger the life or physical safety of any person; and

(F) would not reveal the name, address, phone number or any other information which specifically and individually identifies the victim of any sexual offense in article 35 of chapter 21 of the Kansas Statutes Annotated, and amendments thereto.

If a public record is discretionarily closed by a public agency pursuant to this subsection, the record custodian, upon request, shall provide a written citation to the specific provisions of paragraphs (A) through (F) that necessitate closure of that public record.

(11) Records of agencies involved in administrative adjudication or civil litigation, compiled in the process of detecting or investigating violations of civil law or administrative rules and regulations, if disclosure would interfere with a prospective administrative adjudication or civil litigation or reveal the identity of a confidential source or undercover agent.

(12) Records of emergency or security information or procedures of a public agency, or plans, drawings, specifications or related information for any building or facility which is used for purposes requiring security measures in or around the building or facility or which is used for the generation or transmission of power, water, fuels or communications, if disclosure would jeopardize security of the public agency, building or facility.

(13) The contents of appraisals or engineering or feasibility estimates or evaluations made by or for a public agency relative to the acquisition of property, prior to the award of formal contracts therefor.

(14) Correspondence between a public agency and a private individual, other than correspondence which is intended to give notice of an action, policy or determination relating to any regulatory, supervisory or enforcement responsibility of the public agency or which is widely distributed to the public by a public agency and is not specifically in response to communications from such a private individual.

(15) Records pertaining to employer-employee negotiations, if disclosure would reveal information discussed in a lawful executive session under K.S.A. 75-4319, and amendments thereto.

(16) Software programs for electronic data processing and documentation thereof, but each public agency shall maintain a register, open to the public, that describes:

(A) The information which the agency maintains on computer facilities; and

(B) the form in which the information can be made available using existing computer programs.

(17) Applications, financial statements and other information submitted in connection with applications for student financial assistance where financial need is a consideration for the award.

(18) Plans, designs, drawings or specifications which are prepared by a person other than an employee of a public agency or records which are the property of a private person.

(19) Well samples, logs or surveys which the state corporation commission requires to be filed by persons who have drilled or caused to be drilled, or are drilling or causing to be drilled, holes for the purpose of discovery or production of oil or gas, to the extent that disclosure is limited by rules and regulations of the state corporation commission.



(20) Notes, preliminary drafts, research data in the process of analysis, unfunded grant proposals, memoranda, recommendations or other records in which opinions are expressed or policies or actions are proposed, except that this exemption shall not apply when such records are publicly cited or identified in an open meeting or in an agenda of an open meeting.

(21) Records of a public agency having legislative powers, which records pertain to proposed legislation or amendments to proposed legislation, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(22) Records of a public agency having legislative powers, which records pertain to research prepared for one or more members of such agency, except that this exemption shall not apply when such records are:

(A) Publicly cited or identified in an open meeting or in an agenda of an open meeting;

or

(B) distributed to a majority of a quorum of any body which has authority to take action or make recommendations to the public agency with regard to the matters to which such records pertain.

(23) Library patron and circulation records which pertain to identifiable individuals.

(24) Records which are compiled for census or research purposes and which pertain to identifiable individuals.

(25) Records which represent and constitute the work product of an attorney.

(26) Records of a utility or other public service pertaining to individually identifiable residential customers of the utility or service, except that information concerning billings for specific individual customers named by the requester shall be subject to disclosure as provided by this act.

(27) Specifications for competitive bidding, until the specifications are officially approved by the public agency.

(28) Sealed bids and related documents, until a bid is accepted or all bids rejected.

(29) Correctional records pertaining to an identifiable inmate or release, except that:

(A) The name; photograph and other identifying information; sentence data; parole eligibility date; custody or supervision level; disciplinary record; supervision violations; conditions of supervision, excluding requirements pertaining to mental health or substance abuse counseling; location of facility where incarcerated or location of parole office maintaining supervision and address of a releasee whose crime was committed after the effective date of this act shall be subject to disclosure to any person other than another inmate or releasee, except that the disclosure of the location of an inmate transferred to another state pursuant to the interstate corrections compact shall be at the discretion of the secretary of corrections;

(B) the ombudsman of corrections, the attorney general, law enforcement agencies, counsel for the inmate to whom the record pertains and any county or district attorney shall have access to correctional records to the extent otherwise permitted by law;

(C) the information provided to the law enforcement agency pursuant to the sex offender registration act, K.S.A. 22-4901, et seq., and amendments thereto, shall be subject to disclosure to any person, except that the name, address, telephone number or any other information which specifically and individually identifies the victim of any offender required to register as provided by the Kansas offender registration act, K.S.A. 22-4901 et seq. and amendments thereto, shall not be disclosed; and

(D) records of the department of corrections regarding the financial assets of an offender in the custody of the secretary of corrections shall be subject to disclosure to the victim, or such victim's family, of the crime for which the inmate is in custody as set forth in an order of restitution by the sentencing court.

(30) Public records containing information of a personal nature where the public disclosure thereof would constitute a clearly unwarranted invasion of personal privacy.

(31) Public records pertaining to prospective location of a business or industry where no previous public disclosure has been made of the business' or industry's interest in locating in, relocating within or expanding within the state. This exception shall not include those records pertaining to application of agencies for permits or licenses necessary to do business or to expand business operations within this state, except as otherwise provided by law.

(32) Engineering and architectural estimates made by or for any public agency relative to public improvements.

(33) Financial information submitted by contractors in qualification statements to any public agency.

(34) Records involved in the obtaining and processing of intellectual property rights that are expected to be, wholly or partially vested in or owned by a state educational institution, as defined in K.S.A. 76-711, and amendments thereto, or an assignee of the institution organized and existing for the benefit of the institution.

(35) Any report or record which is made pursuant to K.S.A. 65-4922, 65-4923 or 65-4924, and amendments thereto, and which is privileged pursuant to K.S.A. 65-4915 or 65-4925, and amendments thereto.

(36) Information which would reveal the precise location of an archeological site.

(37) Any financial data or traffic information from a railroad company, to a public agency, concerning the sale, lease or rehabilitation of the railroad's property in Kansas.

(38) Risk-based capital reports, risk-based capital plans and corrective orders including the working papers and the results of any analysis filed with the commissioner of insurance in accordance with K.S.A. 40-2c20 and 40-2d20 and amendments thereto.

(39) Memoranda and related materials required to be used to support the annual actuarial opinions submitted pursuant to subsection (b) of K.S.A. 40-409, and amendments thereto.

(40) Disclosure reports filed with the commissioner of insurance under subsection (a) of K.S.A. 40-2,156, and amendments thereto.

(41) All financial analysis ratios and examination synopses concerning insurance companies that are submitted to the commissioner by the national association of insurance commissioners' insurance regulatory information system.

(42) Any records the disclosure of which is restricted or prohibited by a tribal-state gaming compact.

(43) Market research, market plans, business plans and the terms and conditions of managed care or other third party contracts, developed or entered into by the university of Kansas medical center in the operation and management of the university hospital which the chancellor of the university of Kansas or the chancellor's designee determines would give an unfair advantage to competitors of the university of Kansas medical center.

(44) The amount of franchise tax paid to the secretary of revenue or the secretary of state by domestic corporations, foreign corporations, domestic limited liability companies, foreign limited liability companies, domestic limited partnership, foreign limited partnership, domestic limited liability partnerships and foreign limited liability partnerships.

(45) Records, other than criminal investigation records, the disclosure of which would pose a substantial likelihood of revealing security measures that protect: (A) Systems, facilities or equipment used in the production, transmission or distribution of energy, water or communications services; (B) transportation and sewer or wastewater treatment systems, facilities or equipment; or (C) private property or persons, if the records are submitted to the agency. For purposes of this paragraph, security means measures that protect against criminal acts intended to intimidate or coerce the civilian population, influence government policy by intimidation or coercion or to affect the operation of government by disruption of public services, mass destruction, assassination or kidnapping. Security measures include, but are not limited to, intelligence information, tactical plans, resource deployment and vulnerability assessments.

(46) Any information or material received by the register of deeds of a county from military discharge papers (DD Form 214). Such papers shall be disclosed: To the military dischargee; to such dischargee's immediate family members and lineal descendants; to such dischargee's heirs, agents or assigns; to the licensed funeral director who has custody of the body of the deceased dischargee; when required by a department or agency of the federal or state government or a political subdivision thereof; when the form is required to perfect

the claim of military service or honorable discharge or a claim of a dependent of the dischargee; and upon the written approval of the commissioner of veterans affairs, to a person conducting research.

(47) Information that would reveal the location of a shelter or a safehouse or similar place where persons are provided protection from abuse.

(b) Except to the extent disclosure is otherwise required by law or as appropriate during the course of an administrative proceeding or on appeal from agency action, a public agency or officer shall not disclose financial information of a taxpayer which may be required or requested by a county appraiser or the director of property valuation to assist in the determination of the value of the taxpayer's property for ad valorem taxation purposes; or any financial information of a personal nature required or requested by a public agency or officer, including a name, job description or title revealing the salary or other compensation of officers, employees or applicants for employment with a firm, corporation or agency, except a public agency. Nothing contained herein shall be construed to prohibit the publication of statistics, so classified as to prevent identification of particular reports or returns and the items thereof.

(c) As used in this section, the term "cited or identified" shall not include a request to an employee of a public agency that a document be prepared.

(d) If a public record contains material which is not subject to disclosure pursuant to this act, the public agency shall separate or delete such material and make available to the requester that material in the public record which is subject to disclosure pursuant to this act. If a public record is not subject to disclosure because it pertains to an identifiable individual, the public agency shall delete the identifying portions of the record and make available to the requester any remaining portions which are subject to disclosure pursuant to this act, unless the request is for a record pertaining to a specific individual or to such a limited group of individuals that the individuals' identities are reasonably ascertainable, the public agency shall not be required to disclose those portions of the record which pertain to such individual or individuals.

(e) The provisions of this section shall not be construed to exempt from public disclosure statistical information not descriptive of any identifiable person.

(f) Notwithstanding the provisions of subsection (a), any public record which has been in existence more than 70 years shall be open for inspection by any person unless disclosure of the record is specifically prohibited or restricted by federal law, state statute or rule of the Kansas supreme court or by a policy adopted pursuant to K.S.A. 72-6214, and amendments thereto.

(g) Any confidential records or information relating to security measures provided or received under the provisions of subsection (a)(45) shall not be subject to subpoena, discovery or other demand in any administrative, criminal or civil action.

Sec. 5. K.S.A. 2007 Supp. 46-2601 is hereby amended to read as follows: 46-2601. (a) There is hereby established the confirmation oversight committee which shall have six members. Except as provided by this subsection, members of the confirmation oversight committee shall be appointed in the manner provided by senate rule for the appointment of members of standing committees of the senate. The two major political parties shall have proportional representation on such committee. In the event application of the preceding sentence results in a fraction, the party having a fraction exceeding .5 shall receive representation as though such fraction were a whole number. One of the members of the committee shall be the majority leader, or the majority leader's designee, who shall be the chairperson. One of the members of the committee shall be the minority leader, or the minority leader's designee, who shall be the vice-chairperson. The committee shall meet on the call of the chairperson or any three members of the committee.

(b) If a vacancy occurs in *an office or in* the membership of a board, commission, council, committee, authority or other governmental body ~~or in the position of inspector general created under K.S.A. 2007 Supp. 75-7427, and amendments thereto;~~ and the appointment to fill such vacancy is subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, the confirmation oversight committee may authorize, by a majority vote thereof, the person appointed to fill such vacancy to exercise the powers, duties and functions of the office until such appointment is confirmed by the senate in the manner

provided by K.S.A. 75-4315b, and amendments thereto, at the next regular or special session of the legislature.

Prior to authorizing any person to exercise the powers, duties and functions of an office pursuant to this section, the confirmation oversight committee ~~may~~ *shall* require such person to appear before the committee *unless such person is being re-appointed to the same position.*

(c) (1) If the confirmation oversight committee authorizes a person appointed to fill a vacancy to exercise the powers, duties and functions of an office as provided by this section, such person shall not be subject to confirmation by the senate if at the time of such person's appointment there is less than six months in the unexpired term of such.

(2) The provisions of this subsection shall not apply to appointments to the state board of regents.

Sec. 6. K.S.A. 48-203 is hereby amended to read as follows: 48-203. The governor shall be commander in chief of the militia and shall have supreme command of the military forces of the state while in the service of the state or until they are ordered or accepted into the services of the United States. While the military forces are in the service of the state, the governor, subject to the provisions of federal law, may muster out any national guard organization of the state, discharge any enlisted person who is a member of the state national guard organization or cause any commissioned officer to be summoned and discharged if the officer persists in willfully neglecting the duties of the officer's office or fails to properly account for public property or money in the officer's possession as an officer. The resignation of officers of the national guard shall be accepted by the governor's order before they are discharged from military service of the state.

No armed military force from another state or territory shall be permitted to enter the state without the governor's permission unless the military force is part of the United States army or is acting under the authority of the United States. No independent military organization, except a corps of cadets at an educational institution, shall be permitted to bear arms without first securing permission from the commander in chief. The governor shall appoint, subject to confirmation by the senate as provided in K.S.A. 75-4315b, one adjutant general with the rank of major general, who shall be chief of staff. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as adjutant general shall exercise any power, duty or function as adjutant general until confirmed by the senate.* The person appointed shall have served at least five years as a commissioned officer in the Kansas national guard and shall have been an officer in the armed forces of the United States. The adjutant general shall receive an annual salary fixed by the governor. The governor may promote, subject to confirmation by the senate as provided in K.S.A. 75-4315b, any adjutant general who has served at least 15 consecutive years as adjutant general in Kansas to the rank of lieutenant general.

The governor may also detail 12 aides-de-camp from among the officers of the Kansas national guard or the Kansas state guard, or appoint such aides-de-camp from among Kansas ex-service personnel, or reserve personnel of the United States army, air force, navy or marine corps, each with the simulated rank of lieutenant colonel in the Kansas national guard. While serving as aides-de-camp, such personnel may wear either the uniform and insignia of any military service to which they are entitled or the uniform and insignia of lieutenant colonel of the Kansas national guard.

The term of office of officers appointed pursuant to this section shall be during the pleasure of the governor appointing them and until their successors are appointed and ~~qualified~~ *confirmed.*

Sec. 7. K.S.A. 48-208 is hereby amended to read as follows: 48-208. Officers shall be appointed and commissioned by the governor alone, except that appointment of general officers shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, *and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as a general officer shall exercise any power, duty or function as a general officer until confirmed by the senate.* The commissions of all officers shall be signed by the governor and secretary of state and attested by the adjutant general under the seal of state.

Sec. 8. K.S.A. 65-2878 is hereby amended to read as follows: 65-2878. (a) The board shall appoint an executive director, subject to confirmation by the senate as provided in K.S.A.

75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.* The executive director shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor. The executive director shall not be a member of the board. Under the supervision of the board, the executive director shall be the chief administrative officer of the board and shall perform such duties as may be specified by the board and as may be required by law. The executive director shall be the custodian of the common seal of the board, the books and records of the board and shall keep minutes of all board proceedings.

(b) The board may employ an administrative assistant. The administrative assistant shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor. Under the supervision of the executive director, the administrative assistant shall assist the executive director in the performance of the duties of the executive director.

(c) The board may employ such clerical and other employees, who shall be in the classified service under the Kansas civil service act, as it considers necessary in order to administer and execute, under the supervision of the executive director, the provisions of this act or other statutes delegating duties and responsibilities to the board, except that any attorney employed by the board shall be in the unclassified service under the Kansas civil service act and shall receive a salary fixed by the board and approved by the governor.

(d) As necessary, the board shall be represented by an attorney appointed by the attorney general as provided by law, whose compensation shall be determined and paid by the board with the approval of the governor.

Sec. 9. K.S.A. 65-34a02 is hereby amended to read as follows: 65-34a02. (a) The member of the central interstate low-level radioactive waste commission representing the state of Kansas and the alternate to such member shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as a member or alternate member shall exercise any power, duty or function as a member or alternate member until confirmed by the senate.* The member and alternate shall serve at the pleasure of the governor.

(b) Subject to the limitations of appropriations, the Kansas commission member and alternate, if not state employees, shall receive compensation in amounts established by the governor. In addition, when attending meetings of the commission or a subcommittee of the commission approved by the commission, the member and alternate shall be paid subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(c) The department of health and environment and the attorney general shall provide clerical, technical and legal staff assistance as requested by the Kansas commission member or the member's alternate.

Sec. 10. K.S.A. 2007 Supp. 74-560 is hereby amended to read as follows: 74-560. (a) On and after the effective date of this act, in order to reorganize the administration, planning and regulation of the state's agriculture industry there is hereby established within the executive branch of government the Kansas department of agriculture, which shall be administered under the direction and supervision of a secretary of agriculture.

(b) The secretary shall be appointed by the governor. The secretary shall have a demonstrated executive and administrative ability to discharge the duties of the office of secretary. Every appointed secretary of agriculture shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The secretary shall be a member of the governor's cabinet. The secretary shall serve at the pleasure of the governor. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary to be fixed by the governor. ~~The acting secretary of agriculture who is serving as the secretary on the effective date of this act shall be the secretary of agriculture as established by this act, shall serve at the pleasure of the governor~~

~~and shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Any action of the senate taken prior to the effective date of this act which confirms an individual as the secretary of agriculture is hereby validated and shall constitute confirmation by the senate of such individual as secretary of agriculture under this section.~~

(c) The secretary shall organize an annual public informational meeting. The meeting shall take place in each congressional district on a rotating basis.

(d) The provisions of the Kansas governmental operations accountability law apply to the Kansas department of agriculture, and the department is subject to audit, review and evaluation under such law.

Sec. 11. K.S.A. 74-2113 is hereby amended to read as follows: 74-2113. (a) There is hereby created a Kansas highway patrol. The patrol shall consist of: (1) A superintendent, who shall have the rank of colonel and who shall have special training and qualifications for such position; (2) an assistant superintendent, who shall have the rank of lieutenant colonel; and (3) officers and troopers who are appointed in accordance with appropriation acts and as provided in this section. The superintendent and assistant superintendent shall be within the unclassified service under the Kansas civil service act. The assistant superintendent serving on the effective date of this act shall be appointed to such position by the superintendent. Thereafter, the assistant superintendent shall be appointed by the superintendent from among the members of the patrol, and shall serve at the pleasure of the superintendent. If a person appointed as superintendent or assistant superintendent is a member of the patrol when appointed, such person in each case, upon termination of the term as superintendent or assistant superintendent, respectively, shall be returned to a rank not lower than the rank such person held when appointed as superintendent or assistant superintendent. If such rank is filled at that time, a temporary additional position shall be created in such rank until a vacancy occurs in such rank. All other officers, troopers and employees shall be within the classified service under the Kansas civil service act.

(b) The superintendent of the patrol shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall receive an annual salary fixed by the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as superintendent shall exercise any power, duty or function as superintendent until confirmed by the senate.* The assistant superintendent shall receive an annual salary fixed by the superintendent and approved by the governor.

(c) All other members of the patrol shall be appointed by the superintendent in accordance with appropriation acts and with the Kansas civil service act. No person shall be appointed as an officer of the patrol, other than superintendent, unless the person has had at least five years of service in the patrol as an officer or trooper. No person shall be appointed as a trooper unless the person meets the following requirements:

- (1) Is a citizen of the United States;
- (2) is at least 21 years of age at the time of appointment;
- (3) has not been convicted by any state or the federal government of a crime which is a felony or its equivalent under the uniform code of military justice;
- (4) has been fingerprinted and a search of local, state and national fingerprint files has been made to determine whether the applicant has a criminal record;
- (5) is the holder of a high school diploma or furnishes evidence of successful completion of an examination indicating an equivalent achievement; and
- (6) is free of any physical or mental condition which might adversely affect the applicant's performance of duties as a trooper and whose physical health has been certified by an examining physician appointed by the superintendent.

(d) No member of the patrol shall hold any other elective or appointive commission or office, except in the Kansas national guard or in the organized reserve of the United States army, air force or navy. No member of the patrol shall accept any employment or compensation from any licensee of the director of alcoholic beverage control of the department of revenue or from any licensee of the Kansas racing commission or from any officer, director, member or employee of any such licensee, nor shall any member of the patrol accept any employment or compensation for services which require the use of any state-owned equipment provided by the Kansas highway patrol or the wearing of the patrol uniform. No

member of the patrol shall accept any reward or gift except with the written permission of the superintendent.

Sec. 12. K.S.A. 74-2613 is hereby amended to read as follows: 74-2613. (a) There is hereby established within the executive branch of government the Kansas water office, which shall be administered under the direction and supervision of the director of the Kansas water office. The director of the Kansas water office shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate.* Except as otherwise provided by this section, the director of the Kansas water office shall be in the unclassified service under the Kansas civil service act, shall serve at the pleasure of the governor and shall receive an annual salary fixed by the governor. ~~The provision of this act shall not affect the term of office of the director of the Kansas water office serving in such office on the day preceding the effective date of this act and such term of office shall expire on June 30, 1988, in accordance with the provisions of this section prior to amendment by this act.~~

(b) All budgeting, purchasing and related management functions of the Kansas water office shall be administered under the direction and supervision of the director of the Kansas water office.

(c) All vouchers for expenditures from appropriations to or for the Kansas water office shall be approved by the director of the Kansas water office or a person or persons designated by the director for such purpose.

(d) The provisions of the Kansas governmental operations accountability law apply to the Kansas water office, and the office is subject to audit, review and evaluation under such law.

Sec. 13. K.S.A. 74-5002a is hereby amended to read as follows: 74-5002a. (a) There is hereby created a department of commerce, the head of which shall be the secretary of commerce. The governor shall appoint the secretary of commerce, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The department of commerce shall be administered under the direction and supervision of the secretary of commerce. The secretary of commerce shall receive an annual salary fixed by the governor.

(b) The secretary shall employ division directors and such other professional staff and employees as may be deemed necessary to effectively administer this act. The secretary may appoint one public information officer, one chief attorney, one personal secretary and one special assistant who shall be in the unclassified service under the Kansas civil service act and shall receive compensation fixed by the secretary and approved by the governor.

(c) The offices of the department of commerce shall be located in Topeka.

(d) The provisions of the Kansas governmental operations accountability law apply to the department of commerce and the office of secretary of commerce, and the department and office are subject to audit, review and evaluation under such law.

Sec. 14. K.S.A. 74-8703 is hereby amended to read as follows: 74-8703. (a) There is hereby established an independent state agency to be called the Kansas lottery, the head of which shall be the executive director of the Kansas lottery. Under the supervision of the executive director, the Kansas lottery shall administer the state lottery as provided in this act. The overall management of the state lottery and control over the operation of its games shall rest solely with the Kansas lottery.

(b) The executive director shall be appointed by the governor, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.* The executive director shall be in the unclassified service and shall receive an annual salary fixed by the governor, subject to the limitations of appropriations therefor.

(c) The executive director shall appoint persons to the following positions to serve as full-time employees of the state in the unclassified service with compensation fixed by the

executive director and approved by the governor, subject to the limitations of appropriations therefor:

- (1) A deputy executive director;
- (2) a director of security;
- (3) a director of administration;
- (4) a director of sales and such professional sales related positions as may be necessary within the sales division;
- (5) a director of marketing and such professional marketing related positions as may be necessary within the marketing division; and
- (6) one personal secretary and one special assistant to the executive director.

(d) Until such time as the Kansas lottery begins the operation of its games, temporary staffing, budgeting, purchasing and related management functions shall be provided by the Kansas department of revenue and other state agencies as directed by the governor to achieve maximum coordination in the planning and implementation of the Kansas lottery.

(e) For a period of 18 months after the effective date of this act, the state director of purchases, upon request of the executive director, shall make emergency purchases, other than purchases of major procurements, on behalf of the Kansas lottery pursuant to subsection (a)(5) of K.S.A. 75-3739, and amendments thereto, when the timely implementation of the Kansas lottery requires the immediate delivery of supplies, materials or equipment or the immediate performance of services. The award of any contract for any such purchase shall be subject to the approval of the executive director.

Sec. 15. K.S.A. 74-8805 is hereby amended to read as follows: 74-8805. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto, an executive director of the commission, to serve at the pleasure of the governor and under the direction and supervision of the commission. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.* Before appointing any person as executive director, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the executive director's assigned duties; (C) receive such compensation as determined by the governor, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment by the commission; (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and (F) have familiarity with the horse and dog racing industries sufficient to fulfill the duties of the office of executive director.

(3) The executive director shall: (A) Recommend to the commission the number and qualifications of employees necessary to implement and enforce the provisions of this act; (B) employ persons for those positions approved by the commission, subject to the limitations of appropriations therefor; and (C) perform such other duties as directed by the commission.

(b) (1) The executive director shall appoint an inspector of parimutuels to serve at the pleasure of the executive director. Before appointing any person as inspector of parimutuels, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The inspector of parimutuels shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the inspector's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as inspector of parimutuels; (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and (F) be a certified public accountant with at least three years of auditing experience.

(3) The inspector of parimutuels shall: (A) Inspect and audit the conduct of parimutuel wagering by organization licensees, including the equipment and facilities used and proce-



dures followed; (B) train and supervise such personnel as employed by the executive director to assist with such duties; and (C) perform such other duties as directed by the executive director.

(c) (1) The executive director shall appoint a director of security to serve at the pleasure of the executive director. Before appointing any person as director of security, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The director of security shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the security director's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as director of security; (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and (F) be a professional law enforcement officer with a minimum of five years' experience in the field of law enforcement and at least a bachelor's degree in law enforcement administration, law, criminology or a related science or, in lieu thereof, a minimum of 10 years' experience in the field of law enforcement.

(3) The director of security shall: (A) Conduct investigations relating to compliance with the provisions of this act and rules and regulations of the commission; (B) recommend proper security measures to organization licensees; (C) train and supervise such personnel as employed by the executive director to assist with such duties; and (D) perform such other duties as directed by the executive director.

(d) (1) The executive director may appoint a director of racing operations to serve at the pleasure of the executive director. Before appointing any person as director of racing operations, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The director of racing operations shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the director's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as director of racing operations; (E) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission; and (F) have a minimum of five years' experience in racing operations.

(3) The director of racing operations shall: (A) Supervise racing operations, including stewards and racing judges; (B) be responsible for training and education of stewards and racing judges; (C) advise the commission on necessary or desirable changes in rules and regulations relating to conduct of races; (D) train and supervise such personnel as employed by the executive director to assist with such duties; and (E) perform such other duties as directed by the executive director.

(e) The commission may appoint an advisory committee of persons knowledgeable in the horse and greyhound breeding and racing industries to provide information and recommendations to the commission regarding the administration of this act. Members of such advisory committee shall serve without compensation or reimbursement of expenses.

(f) Except as otherwise provided by this act, all employees of the commission shall be in the classified service under the Kansas civil service act.

(g) No employee of the commission shall have been convicted of a felony under the laws of any state or of the United States prior to or during employment by the commission. Before employing any person, the commission shall cause a criminal history record check of the person to be conducted.

(h) The commission shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of a person before employing the person in any of the following positions:

- (1) Deputy director;
- (2) accountant;
- (3) computer systems analyst;
- (4) legal assistant;
- (5) auditor;

- (6) racing judge;
- (7) steward;
- (8) enforcement agent;
- (9) office supervisor;
- (10) human resource manager;
- (11) office specialist; or
- (12) any other sensitive position, as determined by the commission.

~~(i) On July 1, 1995, the commission shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of persons in the employment of the commission in the following positions on that date:~~

- ~~(1) Animal health officer;~~
- ~~(2) inspector of parimutuels;~~
- ~~(3) office supervisor;~~
- ~~(4) human resource manager; and~~
- ~~(5) office specialist.~~

Sec. 16. K.S.A. 74-9804 is hereby amended to read as follows: 74-9804. (a) (1) The governor shall appoint, subject to confirmation by the senate as provided by K.S.A. 75-4315b, and amendments thereto, an executive director of the state gaming agency, to serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.* Before appointing any person as executive director, the governor shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The executive director shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the executive director's assigned duties; (C) be a citizen of the United States and an actual resident of Kansas during employment as executive director; (D) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment; and (E) have familiarity with gaming industries sufficient to fulfill the duties of the office of executive director.

(3) The executive director shall: (A) Determine, subject to the approval of the Kansas racing and gaming commission, the number and qualifications of employees necessary to implement and enforce the provisions of tribal-state gaming compacts and the provisions of the tribal gaming oversight act; (B) employ persons for those positions; and (C) perform such other duties as required by tribal-state gaming compacts.

(b) (1) The executive director may appoint a director of enforcement and compliance to serve at the pleasure of the executive director. Before appointing any person as director of enforcement and compliance, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) The director of enforcement and compliance shall: (A) Be in the unclassified service under the Kansas civil service act; (B) devote full time to the director's assigned duties; (C) receive such compensation as determined by the executive director, subject to the limitations of appropriations therefor; (D) be a citizen of the United States and an actual resident of Kansas during employment as director of enforcement and compliance; (E) not have been convicted of a felony under the laws of any state or of the United States prior to and during employment as director of compliance; and (F) have been a professional law enforcement officer with a minimum of five years' experience in the field of law enforcement and at least a bachelor's degree in law enforcement administration, law, criminology or a related science or, in lieu thereof, a minimum of 10 years' experience in the field of law enforcement.

(3) The director of enforcement and compliance shall: (A) Be vested with law enforcement authority;

(B) conduct investigations relating to compliance with the provisions of tribal-state gaming compacts and the provisions of the tribal gaming oversight act;

(C) recommend proper compliance measures to tribal gaming commissions;

(D) train and supervise such personnel as employed by the executive director to assist with such duties; and

(E) perform such other duties as directed by the executive director.

(c) (1) The executive director may appoint enforcement agents. Before appointing any person as a enforcement agent, the executive director shall cause the Kansas bureau of investigation to conduct a criminal history record check and background investigation of the person.

(2) Each enforcement agent shall: (A) Be vested with law enforcement authority;

(B) be in the classified service under the Kansas civil service act;

(C) not have been convicted of a felony under the laws of any state or of the United States prior to or during employment as enforcement agent; and

(D) be a professional law enforcement officer with a minimum of two years' experience in the field of law enforcement or, in lieu thereof, a bachelor's degree from an accredited university or college.

(3) Enforcement agents shall: (A) Conduct investigations relating to compliance with the provisions of tribal-state gaming compacts or the provisions of the tribal gaming oversight act; and (B) perform such other duties as directed by the executive director or the director of enforcement and compliance.

Sec. 17. K.S.A. 2007 Supp. 75-711 is hereby amended to read as follows: 75-711. There is hereby established, under the jurisdiction of the attorney general, a division to be known as the Kansas bureau of investigation. The director of the bureau shall be appointed by the attorney general, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall have special training and qualifications for such position. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate.* In accordance with appropriation acts, the director shall appoint agents who shall be trained in the detection and apprehension of criminals. The director shall appoint an associate director, and any such assistant directors from within the agency as are necessary for the efficient operation of the bureau, who shall have the qualifications and employee benefits, including longevity, of an agent. The director also may appoint a deputy director and, in accordance with appropriation acts, such administrative employees as are necessary for the efficient operation of the bureau. No person shall be appointed to a position within the Kansas bureau of investigation if the person has been convicted of a felony.

The director, associate director, deputy director, assistant directors and any assistant attorneys general assigned to the bureau shall be within the unclassified service under the Kansas civil service act. All other agents and employees of the bureau shall be in the classified service under the Kansas civil service act and their compensation shall be determined as provided in the Kansas civil service act and shall receive actual and necessary expenses.

Any person who was a member of the bureau at the time of appointment as director, associate director or assistant director, upon the expiration of their appointment, shall be returned to an unclassified or regular classified position under the Kansas civil service act with compensation comparable to and not lower than compensation being received at the time of appointment to the unclassified service. If all such possible positions are filled at that time, a temporary additional position shall be created for the person until a vacancy exists in the position. While serving in the temporary additional position, the person shall continue to be a contributing member of the retirement system for the agents of the Kansas bureau of investigation.

Each agent of the bureau shall subscribe to an oath to faithfully discharge the duties of such agent's office, as is required of other public officials.

Sec. 18. K.S.A. 2007 Supp. 75-712 is hereby amended to read as follows: 75-712. (a) It is the duty of the members of the bureau to make full and complete investigations at the direction of the attorney general. Each member of the bureau shall possess all powers and privileges which are now or may be hereafter given to the sheriffs of Kansas.

(b) The bureau shall acquire, collect, classify and preserve criminal identification and other crime records, and may exchange such criminal identification records with the duly authorized officials of governmental agencies, of states, cities and penal institutions.

(c) For purposes of carrying out the powers and duties of the bureau, the director may request and accept grants or donations from any person, firm, association or corporation or from the federal government or any federal agency and may enter into contracts or other transactions with any federal agency in connection therewith.

(d) The bureau, at the direction of the governor, shall conduct background investigations of gubernatorial appointees who appointees to positions which are subject to confirmation by the senate of the state of Kansas and all judicial appointments. The bureau shall require the appointee to be fingerprinted. The fingerprints shall be submitted to the bureau and to the federal bureau of investigation for the identification of the appointee and to obtain criminal history record information, including arrest and nonconviction data. Background reports may include criminal intelligence information and information relating to criminal and background investigations. Information received pursuant to this subsection shall be confidential and shall not be disclosed except to the governor or members of the governor's appointing authority or members of the appointing authority's staff as necessary to determine the appointee's qualifications or as provided by section 1, and amendments thereto.

(e) Reports of all investigations made by the members of the bureau shall be made to the attorney general of Kansas.

Sec. 19. K.S.A. 2007 Supp. 75-1304 is hereby amended to read as follows: 75-1304. (a) The governor shall appoint, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, a state bank commissioner who shall serve at the pleasure of the governor. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as bank commissioner shall exercise any power, duty or function as bank commissioner until confirmed by the senate.

(b) No person shall be eligible for appointment as commissioner unless such person has at least five years actual experience as an executive officer in a state or national bank located in this state.

(c) The commissioner shall devote the commissioner's time and attention to the business and duties of the office on a full-time basis.

(d) While serving as bank commissioner, the commissioner shall not be an officer, voting director, employee or paid consultant of:

- (1) Any state or national bank or bank holding company;
- (2) any affiliate of a state or national bank or bank holding company; or
- (3) any other entity regulated by the commissioner.

Sec. 20. K.S.A. 75-1510 is hereby amended to read as follows: 75-1510. There is hereby established the office of state fire marshal. The state fire marshal shall be appointed by the governor and shall serve at the pleasure of the governor. Any person appointed state fire marshal on or after July 1, 1982, shall be appointed subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state fire marshal shall exercise any power, duty or function as state fire marshal until confirmed by the senate. Any person appointed as state fire marshal shall have a knowledge of building construction and, at the time of appointment, shall have had not less than five years' experience in fire safety inspection and investigation. The state fire marshal shall maintain an office in the city of Topeka.

Sec. 21. K.S.A. 75-2535 is hereby amended to read as follows: 75-2535. The state librarian shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state librarian shall exercise any power, duty or function as state librarian until confirmed by the senate. Any person appointed as the state librarian shall hold a graduate degree in library science and shall have not less than five years actual experience in library administration. The state librarian shall be in the unclassified service under the Kansas civil service act and shall hold office at the pleasure of the governor.

Sec. 22. K.S.A. 2007 Supp. 75-2701 is hereby amended to read as follows: 75-2701. (a) The state historical society, heretofore organized under the incorporation laws of the state, shall be the trustee of the state. As such, the society shall faithfully expend and apply all money received from the state to the uses and purposes directed by law, shall hold all the society's present and future collections of property for the state and shall not sell, mortgage, transfer or dispose of in any manner or remove from the building or buildings occupied for historical interests of the state, except for temporary purposes, any article of property without authority of law. This shall not prevent the sale, exchange, donation or other disposition

by the society of publications, duplicate property in collection holdings, property outside the scope of collection, hazardous property or property with insufficient research, educational or exhibit value, but:

(1) No such property shall be disposed of except by sale or exchange until the society adopts rules and regulations establishing procedures for disposition;

(2) no rules and regulations establishing procedures for disposition of such property shall be adopted until the society first advises and consults with the joint committee on administrative rules and regulations regarding the proposed rules and regulations;

(3) such rules and regulations shall provide, with respect to property which was donated by an individual, procedures reasonably calculated to notify and offer such property to such individual or such individual's immediate family prior to disposal, if the property is disposed of within 20 years after the donation; and

(4) such rules and regulations shall provide, with respect to property with research, educational or exhibit value, procedures for notifying local institutions that such property is being disposed of.

(b) There shall continue to be a board of directors of the Kansas state historical society, inc., and an executive committee of such board of directors, each to consist of as many members as the Kansas state historical society, inc., determines.

(c) The society may acquire property, real or personal, by gift, bequest or otherwise, in any amount, and upon such conditions as the society's executive committee deems best for the interests of the society. Any such property so acquired and any state-owned historic site, structure or other property which has been placed by law under the jurisdiction and supervision of the society shall be administered by the society in the public interest, and the society shall provide for the preservation of such property and shall adopt rules and regulations as necessary for the proper use and enjoyment of such property. For this purpose the society may fix, charge and collect fees for admittance to any state-owned historic site, structure or property which has been placed under the jurisdiction and supervision of the society and is further authorized to provide exemptions from such fees or to fix reduced fees for one or more categories of persons.

(d) The society shall remit all moneys received by the society under the provisions of subsection (c) to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the historic properties fee fund which is hereby created. All expenditures from such fund shall be made in accordance with appropriation acts upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the executive director of the state historical society or a person designated by the executive director.

(e) The state historical society is a state agency within the executive branch of state government for all purposes under the statutes and laws of Kansas. The Kansas state historical society, inc., is a not-for-profit corporation organized under the incorporation laws of Kansas. All real and personal property under the control and supervision of the state historical society that is not property owned and maintained by the Kansas state historical society, inc., as a not-for-profit corporation organized under the incorporation laws of Kansas, in order to accomplish the purposes of the corporation as stated in the articles of incorporation and bylaws, including but not limited to investments, office equipment, property and revenues of the museum stores and income from membership fees and assessments, belongs to the state of Kansas.

(f) (1) The governor shall appoint the executive director of the state historical society, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.* The governor may appoint the executive director of the state historical society from a list of three qualified persons nominated by the executive committee of the Kansas state historical society, inc. The governor may reject all nominees submitted on any such list and may request an additional list of three other qualified persons to consider for appointment to the office of executive director of the state historical society. The executive director of the state historical society shall be in the unclassified service under the

Kansas civil service act and shall be subject to evaluation in accordance with this section. The executive director of the state historical society shall receive an annual salary fixed by the governor.

(2) The executive director of the state historical society shall be qualified by education or training and experience in the field of history, historic preservation, education, museum administration or a related field and shall have demonstrated executive and administrative ability to discharge the duties of the office of executive director of the state historical society.

(3) An evaluation of the executive director of the state historical society shall be conducted annually by the executive committee of the Kansas state historical society, inc., and the results of such evaluation shall be submitted to the governor for review. The executive director shall be subject to removal by the governor.

(4) Whenever the office of the executive director of the state historical society becomes vacant, the executive committee of the Kansas state historical society, inc., shall be notified of such vacancy and shall prepare and submit a list of three qualified nominees to the governor for the appointment of a successor.

(g) On and after the effective date of this act, whenever the secretary of the state historical society or the executive director of the state historical society, or words of like effect, is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the executive director of the state historical society.

(h) On and after the effective date of this act, whenever the state historical society or words of like effect is referred to or designated by a statute, contract or other document, such reference or designation shall be deemed to apply to the state agency within the executive branch of state government and shall not be deemed to refer to the Kansas state historical society, inc., a not-for-profit corporation organized under the corporation laws of Kansas, unless the reference is specifically to that corporation or within the context of the reference clearly refers to that corporation.

Sec. 23. K.S.A. 2007 Supp. 75-3702a is hereby amended to read as follows: 75-3702a. (a) There is hereby created a department of administration, the head of which shall be the secretary of administration. The governor shall appoint the secretary of administration, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The secretary of administration shall serve at the pleasure of the governor. The department of administration shall be administered under the direction and supervision of the secretary of administration. The secretary of administration shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of administration, and the department is subject to audit, review and evaluation under such law.

Sec. 24. K.S.A. 2007 Supp. 75-5001 is hereby amended to read as follows: 75-5001. (a) In order to coordinate the planning, development and operation of the various modes and systems of transportation within this state, there is hereby established a department of transportation, which shall be administered under the direction and supervision of the secretary of transportation. The secretary of transportation shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The secretary shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of transportation, and the department is subject to audit, review and evaluation under such law.

Sec. 25. K.S.A. 2007 Supp. 75-5101 is hereby amended to read as follows: 75-5101. (a) There is hereby created a department of revenue, the head of which shall be the secretary of revenue. The governor shall appoint the secretary of revenue, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amend-*

*ments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The department of revenue created by this act shall be administered under the direction and supervision of the secretary of revenue. The secretary of revenue shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of revenue, and the department is subject to audit, review and evaluation under such law.

Sec. 26. K.S.A. 75-5105 is hereby amended to read as follows: 75-5105. There is hereby established, within and as a part of the department of revenue, a division of property valuation, the head of which shall be the director of property valuation. Under the supervision of the secretary of revenue, the director of property valuation shall administer the division of property valuation. The secretary of revenue shall appoint the director of property valuation, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate.* The director shall serve at the pleasure of the secretary of revenue. The director of property valuation shall be in the unclassified service and shall receive an annual salary fixed by the secretary of revenue and approved by the governor.

Sec. 27. K.S.A. 75-5117 is hereby amended to read as follows: 75-5117. There is hereby established, within and as a part of the department of revenue, a division of alcoholic beverage control, the head of which shall be the director of alcoholic beverage control. Under the supervision of the secretary of revenue, the director of alcoholic beverage control shall administer the division of alcoholic beverage control. The secretary of revenue shall appoint the director of alcoholic beverage control, subject to confirmation by the senate as provided in K.S.A. 75-4315b, *and amendments thereto,* and the director shall serve at the pleasure of the secretary of revenue. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as director shall exercise any power, duty or function as director until confirmed by the senate.* The director of alcoholic beverage control shall be in the unclassified service and shall receive an annual salary fixed by the secretary of revenue and approved by the governor.

Sec. 28. K.S.A. 2007 Supp. 75-5203 is hereby amended to read as follows: 75-5203. (a) There is hereby established the department of corrections, the chief executive officer of which shall be the secretary of corrections. The secretary shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* In case of a vacancy in the office of secretary, the governor shall appoint a successor in the manner that the original appointment was made. The secretary shall receive an annual salary fixed by the governor, which shall be payable in equal monthly installments. In addition, the secretary shall be entitled to receive actual and necessary traveling and subsistence expenses incurred in the performance of the secretary's official duties.

(b) Except as provided by subsection (c), no person shall be eligible for appointment to, or hold the position of, secretary of corrections unless such person:

(1) Has had at least five years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; or

(2) (A) has had at least three years' experience in the field of corrections or as an executive officer in the administration of federal or state penal or correctional institutions; and (B) has a degree from an accredited college or university, which degree is based on penology or a related field as a major of study; or

(3) (A) has had at least five years' experience as a federal, appellate or district judge or federal, district or county prosecutor, five years' experience in military administration or administration of a criminal justice agency or five years' administrative experience treating criminal offenders through programs involving penal custody, parole, probation and sentencing; (B) has a degree from an accredited college or university, which degree is in a social or behavioral science, penology, corrections, criminal justice, police science, crimi-

nology, public administration, local corrections programs or a related field; and (C) has demonstrated administrative ability and leadership.

(c) If the governor is unable to appoint a person as secretary who possesses the qualifications required by subsection (b), the governor may appoint a person without such qualifications as acting secretary, who shall be subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as acting secretary shall exercise any power, duty or function as acting secretary until confirmed by the senate.*

(d) Before entering upon the duties of the office, the secretary shall take and subscribe an oath to faithfully and honestly discharge the duties of the office to the best of the secretary's knowledge and ability.

(e) The provisions of the Kansas governmental operations accountability law apply to the department of corrections, and the department is subject to audit, review and evaluation under such law.

Sec. 29. K.S.A. 2007 Supp. 75-5301 is hereby amended to read as follows: 75-5301. (a) There is hereby created a department of social and rehabilitation services, the head of which shall be the secretary of social and rehabilitation services. The governor shall appoint the secretary of social and rehabilitation services, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The department of social and rehabilitation services created by this order shall be administered under the direction and supervision of the secretary of social and rehabilitation services. The secretary of social and rehabilitation services shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of social and rehabilitation services, and the department is subject to audit, review and evaluation under such law.

Sec. 30. K.S.A. 2007 Supp. 75-5601 is hereby amended to read as follows: 75-5601. (a) There is hereby created a department of health and environment, the head of which shall be the secretary of health and environment, which office is hereby created. The governor shall appoint the secretary of health and environment, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and the secretary shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The department of health and environment shall consist of the division of health and the division of environment. The secretary of health and environment shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of health and environment, and the department is subject to audit, review and evaluation under such law.

Sec. 31. K.S.A. 2007 Supp. 75-5701 is hereby amended to read as follows: 75-5701. (a) There is hereby established a department of labor. The department shall be administered under the direction and supervision of the secretary of labor who shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and who shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

(b) The provisions of the Kansas governmental operations accountability law apply to the department of labor, and the department is subject to audit, review and evaluation under such law.

Sec. 32. K.S.A. 2007 Supp. 75-5903 is hereby amended to read as follows: 75-5903. (a) There is hereby created a department on aging. The department on aging shall be administered under the direction and supervision of the secretary of aging. The secretary shall be



appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, and shall serve at the pleasure of the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as secretary shall exercise any power, duty or function as secretary until confirmed by the senate.* In appointing the secretary, the governor shall consider, but is not limited to, persons suggested by the council and persons with responsible administrative experience in the field of gerontology. The secretary shall be in the unclassified service under the Kansas civil service act and shall receive an annual salary fixed by the governor.

The department on aging shall be the single state agency for receiving and disbursing federal funds made available under the federal older Americans act (public law 89-73) and any amendments thereto or other federal programs for the aging.

(b) The provisions of the Kansas governmental operations accountability law apply to the department on aging, and the department is subject to audit, review and evaluation under such law.

Sec. 33. K.S.A. 2007 Supp. 75-6301 is hereby amended to read as follows: 75-6301. (a) There is hereby established the office of the securities commissioner of Kansas. The office shall be administered by the securities commissioner of Kansas who shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the governor. The securities commissioner shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto, shall have special training and qualifications for such position and shall receive such compensation as may be fixed by the governor. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as securities commissioner shall exercise any power, duty or function as securities commissioner until confirmed by the senate.*

(b) The securities commissioner may appoint directors within the office of the securities commissioner as determined necessary by the securities commissioner to effectively carry out the mission of the office. All directors appointed after the effective date of this act shall be in the unclassified service under the Kansas civil service act, shall have special training and qualifications for such positions, shall serve at the pleasure of the securities commissioner and shall receive compensation fixed by the securities commissioner and approved by the governor.

(c) Nothing in subsection (b) shall affect the classified status of any person employed in the office of the securities commissioner on the day immediately preceding the effective date of this act. The provisions of this subsection shall not be construed to limit the powers of the securities commissioner pursuant to K.S.A. 75-2948, and amendments thereto.

Sec. 34. K.S.A. 2007 Supp. 75-7304 is hereby amended to read as follows: 75-7304. (a) On the effective date of this act, the office of the state long-term care ombudsman in existence on the day preceding such effective date is hereby abolished and there is hereby established the office of the state long-term care ombudsman, the head of which shall be the state long-term care ombudsman. In performance of the powers, duties and functions prescribed by law, the office shall be an independent state agency. The state long-term care ombudsman shall be appointed by the governor, subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. The term of office of the first person appointed as the state long-term care ombudsman on or after the effective date of this act shall expire on January 15, 2000, and such state long-term care ombudsman shall serve until a successor is appointed and confirmed. Thereafter, each person appointed as the state long-term care ombudsman shall have a term of office of four years and shall serve until a successor is appointed and confirmed. *Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as state long-term care ombudsman shall exercise any power, duty or function as state long-term care ombudsman until confirmed by the senate.*

(b) The state long-term care ombudsman shall appoint each regional long-term care ombudsman and all officers and employees of the office of state long-term care ombudsman. Each regional long-term care ombudsman and all such officers and employees shall be within the classified service under the Kansas civil service act.

(c) In accordance with the provisions of this act, the state long-term care ombudsman shall administer the office of the state long-term care ombudsman.

(d) No person shall be eligible to be appointed to, or to hold, the office of state long-term care ombudsman if such person is subject to a conflict of interest. No person shall be eligible for appointment as the state long-term care ombudsman unless such person has:

- (1) A baccalaureate or higher degree from an accredited college or university;
  - (2) demonstrated abilities to analyze problems of law, administration and public policy;
- and

(3) experience in investigation and conflict resolution procedures.

(e) (1) On the effective date of this act, all of the powers, duties, functions, records and property of the office of the state long-term care ombudsman abolished by this section, which are prescribed for the office of the state long-term care ombudsman by this act, are hereby transferred to and conferred and imposed upon the office of the state long-term care ombudsman that is established by this section, except as is otherwise specifically provided by this act. On the effective date of this act, all of the powers, duties, functions, records and property of the secretary of aging or the department on aging, which relate to or are required for the performance of powers, duties or functions which are prescribed for the office of the state long-term care ombudsman or the state long-term care ombudsman by this act, including the power to expend funds now or hereafter made available in accordance with appropriation acts, are hereby transferred to and conferred and imposed upon the office of the state long-term care ombudsman and the state long-term care ombudsman that are established by this section, except as is otherwise specifically provided by this act.

(2) The office of the state long-term care ombudsman established by this section shall be the successor in every way to the powers, duties and functions of the office of the state long-term care ombudsman, the secretary of aging, or the department on aging in which such powers, duties and functions were vested prior to the effective date of this act, except as otherwise specifically provided by this act. Every act performed under the authority of the office of the state long-term care ombudsman established by this act shall be deemed to have the same force and effect as if performed by the office of the state long-term care ombudsman, the secretary of aging or the department on aging in which such powers, duties and functions were vested prior to the effective date of this act.

(3) Subject to the provisions of this act, whenever the office of the state long-term care ombudsman that is abolished by this act or the secretary on aging or the department on aging, or words of like effect, is referred to or designated by a statute, contract, or other document, and such reference or designation relates to a power, duty or function which is transferred to and conferred and imposed upon the office of the state long-term care ombudsman that is established by this act, such reference or designation shall be deemed to apply to the office of the state long-term care ombudsman established by this act.

(4) All policies, orders or directives of the office of the state long-term care ombudsman that is abolished by this act and all policies, orders or directives of the secretary of aging, which are in existence on the effective date of this act and which relate to powers, duties and functions that were vested in such office of the state long-term care ombudsman or the secretary of aging prior to such date, shall continue to be effective and shall be deemed to be the policies, orders or directives of the state long-term care ombudsman established by this act, until revised, amended or revoked or nullified pursuant to law. The office of the state long-term care ombudsman established by this act shall be deemed to be a continuation of the office of the state long-term care ombudsman abolished by this act.

(5) (A) The state long-term care ombudsman and the secretary of administration shall provide that all officers and employees of the department on aging, who are engaged in the exercise and performance of the powers, duties and functions of the programs of the office of the state long-term care ombudsman that are transferred by this act, are transferred to the office of the state long-term care ombudsman established by this section.

(B) Officers and employees of the department on aging transferred under this act shall retain all retirement benefits and leave rights which had accrued or vested prior to each date of transfer. The service of each officer or employee so transferred shall be deemed to be continuous. All transfers, layoffs and abolition of classified service positions under the Kansas civil service act which may result from program transfers under this act shall be made in accordance with the civil service laws and any rules and regulations adopted there-

under. Nothing in this act shall affect the classified status of any transferred person employed by the department on aging prior to the date of transfer.

(C) If the state long-term care ombudsman and the secretary of aging cannot agree as to how any transfer of an officer or employee is to take place under this section, the state long-term care ombudsman and the secretary of administration shall be responsible for administering any layoff that is part of the transfer in accordance with this act.

(D) Notwithstanding the effective date of this act, the provisions of this act prescribing the transfer of officers and employees between the office of the state long-term care ombudsman established by this section and the department on aging, the date of transfer of each such officer or employee shall commence at the start of a payroll period.

Sec. 35. K.S.A. 2007 Supp. 75-7402 is hereby amended to read as follows: 75-7402. (a) The Kansas health policy authority shall appoint the executive director of the authority subject to confirmation by the senate as provided in K.S.A. 75-4315b, and amendments thereto. ~~The Kansas health policy authority may appoint a temporary director to serve and to administer and oversee the operations of the authority until such time as an executive director can be appointed and commences employment. Except as provided by K.S.A. 46-2601, and amendments thereto, no person appointed as executive director shall exercise any power, duty or function as executive director until confirmed by the senate.~~

(b) The executive director of the Kansas health policy authority shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the Kansas health policy authority. The executive director of the Kansas health policy authority shall receive a salary fixed by the Kansas health policy authority, subject to approval by the governor.

(c) The executive director shall have the authority to hire and supervise the other personnel of the Kansas health policy authority. Except as provided in K.S.A. 2007 Supp. 75-7416, and amendments thereto, and as otherwise provided by this act, all officers and employees of the Kansas health policy authority shall be in the unclassified service under the Kansas civil service act and shall serve at the pleasure of the executive director of the Kansas health policy authority.

Sec. 36. K.S.A. 75-4315a is hereby amended to read as follows: 75-4315a. Whenever it is provided by law that the governor shall appoint the secretary of any department of state government or the chief administrative or executive officer of any other agency of state government or that the secretary of any department of state government shall appoint the director of a division, whether any of the positions designated herein are in the classified or unclassified service of the Kansas civil service act, and whether such department, agency or division has been specified by statute or authorized by statute to be established, the governor or departmental secretary may appoint an acting secretary, chief administrative or executive officer or director to serve for a period not greater than ~~twelve (12)~~ six months. Any acting state officer appointed under authority of this section shall have and exercise all of the powers, duties and functions of the office in which he or she is acting. Subject to the approval of the state finance council, the governor or the secretary appointing an acting state officer shall fix the salary of the acting state officer if the position is in the unclassified service, and in no event shall the salary of the acting state officer be less than the amount the person appointed is receiving in such person's permanent state employment. ~~If the person appointed serves as an acting state officer for more than six (6) months, such person shall be paid the minimum rate of compensation established for the position in which such person is acting if such minimum rate of compensation is more than the compensation such person is receiving immediately prior to the expiration of such six (6) month period.~~ In the event the person appointed as an acting state officer is in the classified service prior to such appointment, such person shall retain the right to return to his or her permanent classified status without loss of any civil service right and his or her service shall be deemed to be continuous.

Sec. 37. K.S.A. 17-2233, 48-203, 48-208, 65-2878, 65-34a02, 74-2113, 74-2613, 74-5002a, 74-8703, 74-8805, 74-9804, 75-1510, 75-2535, 75-4315a, 75-5105 and 75-5117 and K.S.A. 2007 Supp. 32-801, 45-221, 46-2601, 74-560, 75-711, 75-712, 75-1304, 75-2701, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5903, 75-6301, 75-7304 and 75-7402 are hereby repealed.”;

By renumbering remaining section;

In the title, by striking all in lines 10 through 17 and inserting:  
 “AN ACT concerning appointments to certain offices; amending K.S.A. 17-2233, 48-203, 48-208, 65-2878, 65-34a02, 74-2113, 74-2613, 74-5002a, 74-8703, 74-8805, 74-9804, 75-1510, 75-2535, 75-4315a, 75-5105 and 75-5117 and K.S.A. 2007 Supp. 32-801, 45-221, 46-2601, 74-560, 75-711, 75-712, 75-1304, 75-2701, 75-3702a, 75-5001, 75-5101, 75-5203, 75-5301, 75-5601, 75-5701, 75-5903, 75-6301, 75-7304 and 75-7402 and repealing the existing sections.”;

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

ARLEN H. SIEGFREID  
 STEVE HUEBERT  
 JUDITH LOGANBILL  
*Conferees on part of House*

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

On motion of Rep. Siegfroid, the conference committee report on **H. Sub. for SB 21** was adopted.

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

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

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 316**, submits the following report:

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

On page 1, by striking all in lines 23 through 43;

By striking all on pages 2 through 50;

On page 51, by striking all in lines 1 through 9; following line 9, by inserting:

“Section 1. K.S.A. 2007 Supp. 46-1226 is hereby amended to read as follows: 46-1226.

(a) Any cost study analysis, audit or other study commissioned or funded by the legislature and any conclusions or recommendations thereof shall not be binding upon the legislature. The legislature may reject, at any time, any such analysis, audit or study and any conclusions and recommendations thereof.

(b) A cost study analysis, audit or study shall include, but not be limited to, any cost study analysis, audit or study conducted pursuant to K.S.A. 46-1225, prior to its repeal, ~~and~~ K.S.A. 2007 Supp. 46-1131, *prior to its repeal*, and K.S.A. 2007 Supp. 46-1132, and amendments thereto.

Sec. 2. K.S.A. 74-7284 is hereby amended to read as follows: 74-7284. The legislature hereby declares that the purpose of state government is to keep secure the constitutional rights of Kansas citizens, to protect their health, safety and welfare, and to otherwise serve the public need in the most economically beneficial, operationally efficient, and cost effective manner possible. Therefore, it is the intention of ~~this act~~ *K-GOAL* to provide for a governmental operations accountability system under which the legislature may ensure accomplishment of the declared purpose of state government by periodically reviewing and evaluating the operations of selected state agencies *or programs*, determining the necessity, propriety and legality of the operations reviewed and evaluated, identifying inefficiency and ineffectiveness, and taking action to retain and maintain appropriate and effective governmental operations, remediate defective governmental operations, and terminate inappropriate or obsolete governmental operations.

Sec. 3. K.S.A. 74-7285 is hereby amended to read as follows: 74-7285. (a) *Each state agency or program shall be subject to audit, review and evaluation under the Kansas governmental operations accountability law as determined by the legislative post audit committee.* The legislative post audit committee shall direct the post auditor to conduct ~~a not fewer than four performance audit of each state agency which is subject to legislative review and evaluation~~ *audits each year* under the Kansas governmental operations accountability law. *The agencies or programs to be audited each year and the scope of such audits shall be selected from a listing provided to the committee by the legislative post auditor. The legislative post auditor shall solicit ideas for performance audit topics from a broad range of interested parties, including the general public.* Each performance audit conducted pursuant to the requirements of this subsection shall be completed ~~not sooner than two years prior to nor later than the 30th calendar day of the on or before December 1 for review by the legislature during the next regular session of the legislature set for review and evaluation of the state agency.~~

(b) Any performance audit directed to be conducted by the post auditor and the division of post audit under the provisions of subsection (a) ~~may be general in scope, addressing~~ *include a determination of the following factors, as applied to the state agency or program being evaluated:*

(1) *Whether the primary function of the agency or program is needed. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:*

(A) *Whether the purpose, problem or need that the agency or program was established to address still exists.*

(B) *Whether the agency or program provides a significant public benefit or essential public service.*

(C) *Whether abolishing the agency or program significantly harms the public's health or welfare.*

(D) *Whether there would be possible savings from abolishing the agency or program.*

(E) *Whether federal funding would be jeopardized if the agency or program were abolished.*

(2) *Whether another federal, state, local or private entity exists that could effectively perform the functions of the agency or program. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:*

(A) *Whether the function is needed, and if so, whether it is addressed in other states.*

(B) *Whether other organizational structures would work better in Kansas.*

(C) *Whether efficiencies and potential cost savings might be achieved from transferring or consolidating the function.*

(3) *Whether the agency or program could be operated more efficiently and still fulfill its intended purpose. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:*

(A) *Whether the agency or program is doing more than is necessary or authorized.*

(B) *Whether the agency's or program's statutory authority, rules and regulations, mission and technology, reflect the current environment in which the agency or program is operating.*

(C) Whether the agency or program is responsive to the public's needs.

(D) Whether efficiencies and potential savings might be achieved by making changes to the way the agency or program operates.

(E) Whether the agency's or program's functions or operations could be less burdensome or restrictive and still adequately protect and serve the public.

(F) Whether the agency or program has sufficient authority related to fees, inspections, enforcement and penalties.

(G) Whether the agency or program promptly and effectively address complaints and take appropriate enforcement actions.

(H) Whether any fees are set at a level that fully supports agency or program costs.

(4) Whether there are any other factors, as determined by the legislative post auditor or directed by the legislative post audit committee, that would need to be determined for the audit.

(c) The scope of the audits conducted under this section may address all operations of the state agency, or may be restricted to a particular operation of the state agency. ~~In directing the post auditor to conduct any such performance audit, the legislative post audit committee may specify the objectives and scope and direct the details of the audit. In conducting any such audit, the post auditor shall include a determination of the applicable factors specified in subsection (b) of K.S.A. 74-7287, and amendments thereto, and such other factors as may be directed to be included by the legislative post audit committee, as directed by the legislative post audit committee, with the advice of the legislative post auditor.~~

(d) Upon completion of the performance audit, the legislative post audit committee shall review and accept the audit report. A copy of the audit report shall be made available to each member of the legislature in accordance with the provisions of K.S.A. 46-1212c, and amendments thereto.

(c) The legislative post audit committee, upon the affirmative vote of not less than seven members of the committee taken at a regular meeting thereof, may designate a different regular session of the legislature during which a state agency is to be subjected to review and evaluation under the Kansas governmental operations accountability law, instead of the regular session of the legislature prescribed by the provisions of the Kansas governmental operations accountability law or as previously designated by the legislative post audit committee pursuant to this subsection, but no such review and evaluation shall be deferred to a regular session occurring after the 2008 regular session of the legislature.

Sec. 4. K.S.A. 74-7287 is hereby amended to read as follows: 74-7287. ~~(a) Prior to retention under K-GOAL and subjection to audit, review and evaluation in futuro of a state agency, a committee of reference in each house of the legislature~~ *The senate committee on ways and means, the house of representatives committee on appropriations, the legislative budget committee or the appropriate legislative standing committee or committees, as determined by the legislative coordinating council, shall review and evaluate the operations of the state agency.* ~~Each such or program subject to audit and evaluation under K-GOAL.~~ *The committee shall familiarize itself with the provisions of law by which the state agency or program acquired existence, the manner in which the state agency or program is supposed to be organized and how the state agency or program actually is organized, the powers granted to and the operations authorized to be performed by the state agency or program, what powers are being exercised and what operations are being performed by the state agency or program, and the manner in which the state agency or program is exercising its powers and performing its operations.* ~~Each~~ *The committee shall also consider any performance audit conducted by the post auditor and the division of post audit under the direction of the legislative post audit committee pursuant to the provisions of K.S.A. 74-7285, and amendments thereto. During the course of the review and evaluation of the state agency or program and its operations, each the committee of reference shall hold a public hearing for the purpose of receiving testimony from the public, the involved state agency or program and its officers and employees, and other appropriate state officers and employees. In all such hearings, the involved state agency or program shall be held accountable for the legality and propriety of the operations under review and be responsible for producing evidence of the necessity for and extent of any changes in the organization, powers or operations of the*

state agency or program or in its enabling laws which would increase efficiency or effectiveness.

~~(b) In reviewing and evaluating a state agency, each committee of reference shall take into consideration the following factors, if applicable, among others, in developing its recommendations regarding the state agency and its operations:~~

~~— (1) Whether all operations of the state agency have been authorized by the legislature and whether the effects of such operations accord with legislative intent;~~

~~— (2) whether all operations of the state agency are being performed efficiently and effectively and whether any such operations could be performed in a more efficient, effective or economical manner;~~

~~— (3) whether regulatory operations of the state agency are reasonably related to and are designed for the purpose of protection or benefaction of the public and have such protection or benefaction as a primary effect;~~

~~— (4) whether regulatory operations of the state agency could be performed in a less restrictive manner which could adequately protect the public;~~

~~— (5) whether regulatory operations of the state agency have the effect of directly or indirectly increasing the cost of any goods or services involved and, if so, whether the increase in cost is more harmful to the public than the harm which could result from the termination of such regulatory operations;~~

~~— (6) whether there is need for any change in the organization of the state agency or in any of its operations which would enable the state agency to fulfill its purposes in a more efficient, effective or economical manner; and~~

~~— (7) whether the termination of any of a state agency's operations would significantly harm or endanger the rights, health, safety or welfare of the public or result in the reduction or foreclosure of services required or desired by the public.~~

New Sec. 5. Sections 5 through 9, and amendments thereto, shall be known and may be cited as the Kansas taxpayer transparency act.

New Sec. 6. (a) As used in the Kansas taxpayer transparency act:

(1) "Searchable website" means a website that allows the public to search and aggregate the information identified in subsection (b) including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures (A) of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration, (B) of compensation paid to public employees employed by state agencies, and (C) of bond debt as specified in this act.

(2) "Agency" means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.

(3) "Board" means the public finance transparency board.

(b) No later than March 1, 2009, the secretary of administration shall develop and operate a single, searchable website accessible by the public at no cost to access, that includes:

(1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include, but not be limited to:

(A) Disbursements by any state agency from funds established within the state treasury;

(B) bond debt payments;

(C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;

(D) contractual services including, but not limited to, amounts paid to individual vendors;

(E) commodities including, but not limited to, amounts paid to individual vendors;

(F) capital outlay including, but not limited to, amounts paid to individual vendors;

(G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;

(H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;

(I) other assistance and benefits; and

(J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues.

(2) Annual revenues, as determined by the secretary of administration and as available within the central accounting system, shall include, but not be limited to:

(A) Receipts or deposits by any state agency into funds established within the state treasury;

(B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;

(C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;

(D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;

(E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;

(F) other revenue including, but not limited to, receipts not classified elsewhere; and

(G) non-revenue receipts including, but not limited to, all receipts that do not constitute revenue.

(3) Annual bonded indebtedness which shall include, but not be limited to the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.

(4) Any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board as established in section 7, and amendments thereto.

(c) The single website provided for in subsection (b) of this section shall include data for fiscal year 2003 and each fiscal year thereafter. The website shall be designed so that such data shall be retained on the single website for not less than 10 years and shall include data for the most recent fiscal years. Data that is available in the central accounting system and state payroll system shall be on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year. The secretary of administration shall develop policies and procedures to make data available from any other source. Nothing in this act shall require the secretary of administration to provide information on the website that is not available in the central accounting system and the state payroll system at the time of initial implementation of the website. After implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of this section.

(d) Any state agency shall provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of this act.

(e) Nothing in this act shall permit or require the disclosure of information which is considered confidential by state or federal law.

New Sec. 7. (a) There is hereby established the public finance transparency board for the purpose of advising and consulting with the secretary of administration on the content, format and reports to be produced on the website established in section 6, and amendments thereto.

(b) The board shall consist of members as follows:

(1) The secretary of administration or the secretary's designee, who shall serve as chairperson of the board;

(2) the director of accounts and reports or the director's designee;

(3) two members who are chief executive officers of agencies of the executive branch or such officer's designees, appointed by the governor, who shall serve at the pleasure of the governor;

(4) four members of the general public, two appointed by the governor, one appointed by the president of the senate and one appointed by the speaker of the house;



(5) four members of the legislature, one appointed by the president of the senate, one appointed by the minority leader of the senate, one appointed by the speaker of the house, and one appointed by the minority leader of the house, all of whom shall serve at the pleasure of the appointing official;

(6) the legislative post auditor or such auditor's designee;

(7) the state archivist or such archivist's designee; and

(8) the director of legislative research or such director's designee.

(c) The board shall annually elect one member from the board as vice-chairperson and another as secretary.

(d) Eight members of the board shall constitute a quorum and the affirmative vote of eight members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(e) General public members and legislative members of the board attending meetings of the board, or attending subcommittee meetings thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) In order to achieve its purpose as provided in this act, the board shall:

(1) Advise the secretary of administration, after implementation of the initial website, on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of section 6, and amendments thereto;

(2) serve in an advisory capacity to the secretary of administration, who shall from time to time consult with and seek the advice of the board on matters related to the further development of the website, expansion of the content of information for the website, and new reports to be generated on the website to assist the public in accessing public information;

(3) seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of public information access, gateway services, add-on services and electronic information; and

(4) meet at least twice during each fiscal year on the call of the secretary of administration who shall set the agenda for such meetings, which shall include a report on the progress in implementing and developing the website, proposed enhancements to the website in terms of content, format, policies and procedures and reports, and other matters as deemed appropriate by the secretary of administration.

(g) All state agencies shall cooperate with the board in providing such assistance as may be requested for the achievement of its purpose.

New Sec. 8. The secretary of administration shall implement the provisions of this act by policies and procedures.

New Sec. 9. The provisions of sections 5 through 8, and amendments thereto, shall expire on June 30, 2014.

New Sec. 10. (a) There is hereby established the Kansas performance measurement commission, consisting of 11 members. The commission shall consist of the following:

(1) Two members who are legislators appointed by the president of the senate;

(2) two members who are legislators appointed by the speaker of the house of representatives;

(3) one member who is a legislator appointed by the minority leader of the senate;

(4) one member who is a legislator appointed by the minority leader of the house of representatives;

(5) three members appointed by the governor;

(6) one member appointed by the chairperson of the state board of regents; and

(7) one member appointed by the chief justice of the supreme court.

No more than six members shall be from the same political party.

(b) Appointments shall be made and the first meeting shall be held 45 days after the effective date of this act. The speaker of the house of representatives shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among the members. The

commission shall meet on call of the chairperson or on request of six members of the commission.

Six members of the commission shall constitute a quorum. All actions of the commission shall be taken by a majority of all members of the commission.

(c) Each member of the commission attending meetings or subcommittee meetings of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto.

(d) The commission may enter into a contract with a private consultant to design a performance measurement management system for the state of Kansas. The system shall be data driven to allow the generation of information for the legislature to help the legislators evaluate the effectiveness of state programs. The system shall contain recommendations to implement long range planning for state programs. The system also shall include an assessment of the current efficiency and effectiveness of state programs and an assessment of the degree to which state program activities are consistent with the mission of the program.

(e) The commission shall submit a final report of its recommendations to the legislature on or before January 1, 2009.

(f) Staff assistance shall be provided to the commission by the Kansas legislative research department, the Kansas office of revisor of statutes and the Kansas legislative division of post audit.

(g) The provisions of this section shall expire on July 1, 2009.

Sec. 11. K.S.A. 74-7284, 74-7285, 74-7286, 74-7287, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 46-1226, 74-7295 and 74-72,103 are hereby repealed.”;

By renumbering the remaining section accordingly;

Also on page 51, in line 11, by striking “statute book” and inserting “Kansas register”;

In the title, in line 13, by striking all after “ACT”; by striking all in lines 14 through 20 and inserting “relating to state governmental operations; creating the Kansas taxpayer transparency act; establishing the Kansas performance measurement commission; concerning the Kansas governmental operations accountability law; relating to audits; amending K.S.A. 74-7284, 74-7285 and 74-7287 and K.S.A. 2007 Supp. 46-1226 and repealing the existing sections; also repealing K.S.A. 74-7286, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 74-7295 and 74-72,103.”;

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

ARLEN H. SIEGFREID  
STEVE HUEBERT  
JUDITH LOGANBILL  
*Conferees on part of House*

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

On motion of Rep. Siegfroid, the conference committee report on **S. Sub. for Sub. SB 316** was adopted (see further action, evening session).

On roll call, the vote was: Yeas 118; Nays 4; Present but not voting: 0; Absent or not voting: 3.

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

Pauls, Peck, Peterson, Phelps, Pottorff, Powell, 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: Dillmore, Johnson, Lane, McKinney.

Present but not voting: None.

Absent or not voting: Colloton, Neufeld, Spalding.

#### MOTIONS TO CONCUR AND NONCONCUR

On motion of Rep. Svaty, the House concurred in Senate amendments to **HB 2908**, An act concerning alcoholic beverages; relating to the regulation thereof; amending K.S.A. 21-3610, 41-102, 41-346 and 41-2615 and K.S.A. 2007 Supp. 41-303, 41-308a, 41-308b, 41-311, 41-719, 41-2645, 41-2905 and 41-2906 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 116; Nays 4; Present but not voting: 0; Absent or not voting: 5.

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

Nays: Beamer, Judy Morrison, Pauls, Peck.

Present but not voting: None.

Absent or not voting: Colloton, Gordon, Neufeld, Spalding, Wilk.

On motion of Rep. Merrick, the House recessed until 2:00 p.m.

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#### AFTERNOON SESSION

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

#### MESSAGE FROM THE SENATE

Announcing passage of **HB 2744**.

Announcing passage of **HB 2926**, as amended.

The Senate concurs in House amendments to **SB 366**, and requests return of the bill.

The Senate concurs in House amendments to **SB 430**, and requests return of the bill.

The Senate concurs in House amendments to **SB 449**, and requests return of the bill.

The Senate concurs in House amendments to **SB 481**, and requests return of the bill.

The Senate concurs in House amendments to **SB 545**, and requests return of the bill.

The Senate concurs in House amendments to **SCR 1616**, and requests return of the resolution.

The Senate adopts conference committee report on **SB 239**.

The Senate adopts conference committee report on **SB 404**.

The Senate adopts conference committee report on **SB 437**.

The Senate adopts conference committee report on **SB 470**.

The Senate adopts conference committee report on **SB 562**.

The Senate adopts conference committee report on **HB 2637**.

The Senate adopts conference committee report on **HB 2746**.

The Senate adopts conference committee report on **HB 2772**.

The Senate adopts conference committee report on **S. Sub. for HB 2916**.

The Senate accedes to the request of the House for a conference on **Sub. SB 453** and has appointed Senators Brownlee, Jordan and Kelly as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **HB 534** and has appointed Senators Umbarger, Emler and Kelly as second conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2315** 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 2827** and has appointed Senators Jordan, Brownlee and Barone 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 **HB 2123** to replace Senators Schodorf, Vratil and Lee.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 329**, submits the following report:

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

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

ARLEN H. SIEGFREID  
STEVE HUEBERT  
*Conferees on part of House*

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

On motion of Rep. Siegfroid to adopt the conference committee report to agree to disagree on **H. Sub. for SB 329**, roll call was demanded.

On roll call, the vote was: Yeas 57; Nays 59; Present but not voting: 0; Absent or not voting: 9.

Yeas: Aurand, Bowers, Brunk, Burgess, Carlson, Colloton, Craft, Crum, Dahl, Donohoe, Faber, George, Goico, Gordon, Grange, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelsey, Light, Mast, Masterson, McLeland, Merrick, Metsker, Judy Morrison, Moxley, Neufeld, O'Neal, Olson, Owens, Patton, Pottorff, Powell, Powers, Proehl, Quigley, Rhoades, Roth, Schroeder, Shultz, Siegfroid, Sloan, Swanson, Tafanelli, Vickrey, Watkins, Whitham, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Ballard, Beamer, Burroughs, Carlin, Crow, Davis, Dillmore, Faust-Goudeau, Feuerborn, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goyle, Grant, Hawk, Henderson, Hodge, Holland, Johnson, Kelley, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, Menghini, Myers, Neighbor, Otto, Palmer, Pauls, Peck, Peterson, Phelps, Rardin, Ruff, Ruiz, Sawyer, Storm, Svaty, Swenson, Tietze, Treaster, Trimmer, Ward, Wetta, Williams, Winn.

Present but not voting: None.

Absent or not voting: Bethell, Brown, Colyer, Henry, McCray-Miller, Jim Morrison, Schwartz, Spalding, Wilk.

The motion did not prevail, and **H. Sub. for SB 329** remains in conference.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 411**, 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 10, following line 19, by inserting the following:

“Sec. 2. K.S.A. 2007 Supp. 75-5291 is hereby amended to read as follows: 75-5291. (a)

(1) The secretary of corrections may make grants to counties for the development, implementation, operation and improvement of community correctional services that address the criminogenic needs of felony offenders including, but not limited to, adult intensive supervision, substance abuse and mental health services, employment and residential services, and facilities for the detention or confinement, care or treatment of offenders as provided in this section except that no community corrections funds shall be expended by the secretary for the purpose of establishing or operating a conservation camp as provided by K.S.A. 75-52,127 and amendments thereto.

(2) Except as otherwise provided, placement of offenders in community correctional services programs by the court shall be limited to placement of adult offenders, convicted of a felony offense:

(A) Whose offense is classified in grid blocks 5-H, 5-I or 6-G of the sentencing guidelines grid for nondrug crimes or in grid blocks 3-E, 3-F, 3-G, 3-H or 3-I of the sentencing guidelines grid for drug crimes. In addition, the court may place in a community correctional services program adult offenders, convicted of a felony offense, whose offense is classified in grid blocks 6-H, 6-I, 7-C, 7-D, 7-E, 7-F, 7-G, 7-H or 7-I of the sentencing guidelines grid for nondrug crimes;

(B) whose severity level and criminal history score designate a presumptive prison sentence on either sentencing guidelines grid but receive a nonprison sentence as a result of departure;

(C) all offenders convicted of an offense which satisfies the definition of offender pursuant to K.S.A. 22-4902, and amendments thereto, and which is classified as a severity level 7 or higher offense and who receive a nonprison sentence, regardless of the manner in which the sentence is imposed;

(D) any offender for whom a violation of conditions of release or assignment or a non-prison sanction has been established as provided in K.S.A. 22-3716, and amendments thereto, prior to revocation resulting in the offender being required to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections;

(E) on and after July 1, ~~2008~~ 2010, for offenders who are expected to be subject to supervision in Kansas, who are determined to be “high risk or needs, or both” by the use of a statewide, mandatory, standardized risk assessment tool or instrument which shall be specified by the Kansas sentencing commission;

(F) placed in community correctional services programs as a condition of supervision following the successful completion of a conservation camp program; or

(G) who has been sentenced to community corrections supervision pursuant to K.S.A. 21-4729, and amendments thereto.

(3) (A) Notwithstanding any law to the contrary and subject to the availability of funding therefor, adult offenders sentenced to community supervision in Johnson county for felony crimes that occurred on or after July 1, 2002, but before July 1, ~~2008~~ 2010, shall be placed under court services or community corrections supervision based upon court rules issued by the chief judge of the 10th judicial district. The provisions contained in this subsection shall not apply to offenders transferred by the assigned agency to an agency located outside of Johnson county. The provisions of this ~~section~~ *paragraph* shall expire on July 1, ~~2008~~ 2010.

(B) *On or before the first day of the 2009 legislative session, the Kansas sentencing commission shall submit a written report on such offender program to the senate standing committee on judiciary and the house of representatives standing committee on judiciary.*

(4) Nothing in this act shall prohibit a community correctional services program from providing services to juvenile offenders upon approval by the local community corrections advisory board. Grants from community corrections funds administered by the secretary of corrections shall not be expended for such services.

(5) The court may require an offender for whom a violation of conditions of release or assignment or a nonprison sanction has been established, as provided in K.S.A. 22-3716, and amendments thereto, to serve any time for the sentence imposed or which might originally have been imposed in a state facility in the custody of the secretary of corrections without a prior assignment to a community correctional services program if the court finds and sets forth with particularity the reasons for finding that the safety of the members of the public will be jeopardized or that the welfare of the inmate will not be served by such assignment to a community correctional services program.

(b) (1) In order to establish a mechanism for community correctional services to participate in the department of corrections annual budget planning process, the secretary of corrections shall establish a community corrections advisory committee to identify new or enhanced correctional or treatment interventions designed to divert offenders from prison.

(2) The secretary shall appoint one member from the southeast community corrections region, one member from the northeast community corrections region, one member from the central community corrections region and one member from the western community corrections region. The deputy secretary of community and field services shall designate two members from the state at large. The secretary shall have final appointment approval of the members designated by the deputy secretary. The committee shall reflect the diversity of community correctional services with respect to geographical location and average daily population of offenders under supervision.

(3) Each member shall be appointed for a term of three years and such terms shall be staggered as determined by the secretary. Members shall be eligible for reappointment.

(4) The committee, in collaboration with the deputy secretary of community and field services or the deputy secretary's designee, shall routinely examine and report to the secretary on the following issues:

- (A) Efficiencies in the delivery of field supervision services;
- (B) effectiveness and enhancement of existing interventions;
- (C) identification of new interventions; and
- (D) statewide performance indicators.

(5) The committee's report concerning enhanced or new interventions shall address:

- (A) Goals and measurable objectives;
- (B) projected costs;
- (C) the impact on public safety; and
- (D) the evaluation process.

(6) The committee shall submit its report to the secretary annually on or before July 15 in order for the enhanced or new interventions to be considered for inclusion within the department of corrections budget request for community correctional services or in the department's enhanced services budget request for the subsequent fiscal year.”;

And by renumbering the remaining sections accordingly;

Also on page 10, in line 20, by striking “is” and inserting “and K.S.A. 2007 Supp. 75-5291 are”;

In the title, in line 13, preceding “amending” by inserting “concerning community corrections;”; also in line 13, preceding “and” by inserting “and K.S.A. 2007 Supp. 75-5291”; in line 14, by striking “section” and inserting “sections”;

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

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

JOHN VRATIL  
TERRY BRUCE  
GRETA GOODWIN  
*Conferees on part of Senate*

On motion of Rep. O'Neal, the conference committee report on **SB 411** was adopted.

On roll call, the vote was: Yeas 107; Nays 13; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Ballard, Bethell, Bowers, Brunk, 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, Kinzer, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, McKinney, McLachlan, McLeland, Menghini, Merrick, Metsker, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Owens, Palmer, 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, Ward, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Beamer, Brown, Burgess, Hodge, Kelley, King, Knox, Mast, Masterson, Otto, Patton, Vickrey, Watkins.

Present but not voting: None.

Absent or not voting: Colyer, McCray-Miller, Jim Morrison, Spalding, Wilk.

#### REPORT OF STANDING COMMITTEE

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

**Request No. 139**, by Representative Faust-Goudeau, thanking Pastor Jeffery Enlow for offering the prayer for the Kansas House of Representatives on April 2, 2008;

**Request No. 140**, by Representative Owens, congratulating Johnson County Community College, Brandon Bezner, Rebecca Elo and David Willis on honors received at the 2008 National Model United Nations Conference;

**Request No. 141**, by Representative Loganbill, congratulating Kansas Secretary of Administration Duane Goosen on receiving the 2008 Outstanding Alumnus Award from Bethel College, North Newton, Kansas;

**Request No. 142**, by Representatives Phelps and Henry, congratulating Andrew Francis Heimann on attaining the rank of Eagle Scout;

**Request No. 143**, by Representative Wilk, congratulating Jacob Thomas on attaining the rank of Eagle Scout;

**Request No. 144**, by Representative Moxley, congratulating Wayne and Marjorie Barten on their 66th wedding anniversary and Lee and Elinor Remy on their 50th wedding anniversary;

**Request No. 145**, by Representative Vickrey, congratulating Cody King on attaining the rank of Eagle Scout;

**Request No. 146**, by Representative Quigley, congratulating Ian Miller on attaining the rank of Eagle Scout;

**Request No. 147**, by Representative Neufeld, congratulating the South Gray High School Boys and Girls basketball teams on winning the 2008 Class 1A State Championships;

**Request No. 148**, by Representative Mah, congratulating Francis and Edna Renfro on their 75th Wedding Anniversary;

**Request No. 149**, by Representative Palmer, congratulating Darrel and Laura George on winning the Kansas Master Farmer and Kansas Master Farm Homemaker Award;

**Request No. 150**, by Representative Palmer, congratulating P. J. Self on winning the State Title at the Great Bend Tribune Sunflower Kansas Spelling Bee and qualifying for the National Spelling Bee;

**Request No. 151**, by Representatives Phelps and George, congratulating Joe Hertel on being named the National Federation of State High School Association's Kansas Boys Basketball Coach of the Year;

**Request No. 152**, by Representative Metsker, congratulating Michael Mahr on attaining the rank of Eagle Scout;

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

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

On motion of Rep. Merrick, the House recessed until 6:00 p.m.

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## EVENING SESSION

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

### INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bill was introduced and read by title:

**HB 2994**, An act amending the unfair trade practice act; amending K.S.A. 2007 Supp. 40-2404 and repealing the existing section, by Committee on Federal and State Affairs.

### MESSAGE FROM THE SENATE

The Senate accedes to the request of the House for a conference on **S. Sub. for S. Sub. for HB 2422** and has appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for B 2440** and has appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

The Senate accedes to the request of the House for a conference on **S. Sub. for HB 2519** and has appointed Senators Allen, D. Schmidt 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 **Sub. for Sub. SB 316** to replace Senators Brownlee, Jordan and Barone.

The President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the conference committee on **S. Sub. for HB 2541** to replace Senators Umbarger, Emler and Kelly.

Also, the Senate concurs in House amendments to **SB 148**.

The Senate concurs in House amendments to **SB 555**, and requests return of the bill.

The Senate adopts conference committee report on **H. Sub. for SB 21**.

The Senate adopts conference committee report on **H. Sub. for Sub. SB 309**.

The Senate adopts conference committee report on **H. Sub. for SB 387**.

The Senate adopts conference committee report on **HB 2186**.

The Senate adopts conference committee report on **HB 2642**.

The Senate adopts conference committee report on **HB 2700**.

The Senate adopts conference committee report on **HB 2727**.

The Senate adopts conference committee report on **HB 2858**.

The Senate adopts conference committee report on **S. Sub. for HB 2923**.

### CHANGE OF CONFEREES

Speaker pro tem Dahl announced the appointment of Reps. Siegfried, Huebert and Peterson as members of the conference committee on **S. Sub. for HB 2504** to replace Reps. Merrick, Dahl and McKinney.

### INTRODUCTION OF ORIGINAL MOTIONS

Having voted on the prevailing side, pursuant to House Rule 2303, Rep. Siegfried moved that the House reconsider its action in the adoption of the conference committee report on **Sub. for Sub. SB 316** and the bill be returned to that order of business, Conference Committee Reports (see previous action, morning session). The motion prevailed.

### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 316**, submits the following report:



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

On page 1, by striking all in lines 23 through 43;

By striking all on pages 2 through 50;

On page 51, by striking all in lines 1 through 9; following line 9, by inserting:

“Section 1. K.S.A. 2007 Supp. 46-1226 is hereby amended to read as follows: 46-1226.

(a) Any cost study analysis, audit or other study commissioned or funded by the legislature and any conclusions or recommendations thereof shall not be binding upon the legislature. The legislature may reject, at any time, any such analysis, audit or study and any conclusions and recommendations thereof.

(b) A cost study analysis, audit or study shall include, but not be limited to, any cost study analysis, audit or study conducted pursuant to K.S.A. 46-1225, prior to its repeal, ~~and~~ K.S.A. 2007 Supp. 46-1131, *prior to its repeal*, and K.S.A. 2007 Supp. 46-1132, and amendments thereto.

Sec. 2. K.S.A. 74-7284 is hereby amended to read as follows: 74-7284. The legislature hereby declares that the purpose of state government is to keep secure the constitutional rights of Kansas citizens, to protect their health, safety and welfare, and to otherwise serve the public need in the most economically beneficial, operationally efficient, and cost effective manner possible. Therefore, it is the intention of ~~this act~~ K-GOAL to provide for a governmental operations accountability system under which the legislature may ensure accomplishment of the declared purpose of state government by periodically reviewing and evaluating the operations of selected state agencies *or programs*, determining the necessity, propriety and legality of the operations reviewed and evaluated, identifying inefficiency and ineffectiveness, and taking action to retain and maintain appropriate and effective governmental operations, remediate defective governmental operations, and terminate inappropriate or obsolete governmental operations.

Sec. 3. K.S.A. 74-7285 is hereby amended to read as follows: 74-7285. (a) *Each state agency or program shall be subject to audit, review and evaluation under the Kansas governmental operations accountability law as determined by the legislative post audit committee. The legislative post audit committee shall direct the post auditor to conduct a not fewer than four performance audit of each state agency which is subject to legislative review and evaluation audits each year under the Kansas governmental operations accountability law. The agencies or programs to be audited each year and the scope of such audits shall be selected from a listing provided to the committee by the legislative post auditor. The legislative post auditor shall solicit ideas for performance audit topics from a broad range of interested parties, including the general public. Each performance audit conducted pursuant to the requirements of this subsection shall be completed not sooner than two years prior to nor later than the 30th calendar day of the on or before December 1 for review by the legislature during the next regular session of the legislature set for review and evaluation of the state agency.*

(b) Any performance audit directed to be conducted by the post auditor and the division of post audit under the provisions of subsection (a) may be general in scope, addressing include a determination of the following factors, as applied to the state agency or program being evaluated:

(1) *Whether the primary function of the agency or program is needed. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:*

(A) *Whether the purpose, problem or need that the agency or program was established to address still exists.*

(B) *Whether the agency or program provides a significant public benefit or essential public service.*

(C) *Whether abolishing the agency or program significantly harms the public's health or welfare.*

(D) *Whether there would be possible savings from abolishing the agency or program.*

(E) *Whether federal funding would be jeopardized if the agency or program were abolished.*

(2) Whether another federal, state, local or private entity exists that could effectively perform the functions of the agency or program. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:

(A) Whether the function is needed, and if so, whether it is addressed in other states.

(B) Whether other organizational structures would work better in Kansas.

(C) Whether efficiencies and potential cost savings might be achieved from transferring or consolidating the function.

(3) Whether the agency or program could be operated more efficiently and still fulfill its intended purpose. If applicable to the scope of the audit selected for the agency or program being reviewed, this determination may include, but not be limited to, an assessment of one or more of the following:

(A) Whether the agency or program is doing more than is necessary or authorized.

(B) Whether the agency's or program's statutory authority, rules and regulations, mission and technology, reflect the current environment in which the agency or program is operating.

(C) Whether the agency or program is responsive to the public's needs.

(D) Whether efficiencies and potential savings might be achieved by making changes to the way the agency or program operates.

(E) Whether the agency's or program's functions or operations could be less burdensome or restrictive and still adequately protect and serve the public.

(F) Whether the agency or program has sufficient authority related to fees, inspections, enforcement and penalties.

(G) Whether the agency or program promptly and effectively address complaints and take appropriate enforcement actions.

(H) Whether any fees are set at a level that fully supports agency or program costs.

(4) Whether there are any other factors, as determined by the legislative post auditor or directed by the legislative post audit committee, that would need to be determined for the audit.

(c) The scope of the audits conducted under this section may address all operations of the state agency, or may be restricted to a particular operation of the state agency. ~~In directing the post auditor to conduct any such performance audit, the legislative post audit committee may specify the objectives and scope and direct the details of the audit. In conducting any such audit, the post auditor shall include a determination of the applicable factors specified in subsection (b) of K.S.A. 74-7287, and amendments thereto, and such other factors as may be directed to be included by the legislative post audit committee, as directed by the legislative post audit committee, with the advice of the legislative post auditor.~~

(d) Upon completion of the performance audit, the legislative post audit committee shall review and accept the audit report. A copy of the audit report shall be made available to each member of the legislature in accordance with the provisions of K.S.A. 46-1212c, and amendments thereto.

(c) The legislative post audit committee, upon the affirmative vote of not less than seven members of the committee taken at a regular meeting thereof, may designate a different regular session of the legislature during which a state agency is to be subjected to review and evaluation under the Kansas governmental operations accountability law, instead of the regular session of the legislature prescribed by the provisions of the Kansas governmental operations accountability law or as previously designated by the legislative post audit committee pursuant to this subsection, but no such review and evaluation shall be deferred to a regular session occurring after the 2008 regular session of the legislature.

Sec. 4. K.S.A. 74-7287 is hereby amended to read as follows: 74-7287. (a) Prior to retention under K-GOAL and subsection to audit, review and evaluation in futuro of a state agency, a committee of reference in each house of the legislature ~~The senate committee on ways and means, the house of representatives committee on appropriations, the legislative budget committee or the appropriate legislative standing committee or committees, as determined by the legislative coordinating council, shall review and evaluate the operations of the state agency. Each such or program subject to audit and evaluation under K-GOAL. The committee shall familiarize itself with the provisions of law by which the state agency or program acquired existence, the manner in which the state agency or program is supposed~~

to be organized and how the state agency *or program* actually is organized, the powers granted to and the operations authorized to be performed by the state agency *or program*, what powers are being exercised and what operations are being performed by the state agency *or program*, and the manner in which the state agency *or program* is exercising its powers and performing its operations. ~~Each~~ The committee shall ~~also~~ consider any performance audit conducted by the post auditor and the division of post audit under the direction of the legislative post audit committee pursuant to the provisions of K.S.A. 74-7285, and amendments thereto. During the course of the review and evaluation of the state agency *or program* and its operations, ~~each the committee of reference~~ shall hold a public hearing for the purpose of receiving testimony from the public, the involved state agency *or program* and its officers and employees, and other appropriate state officers and employees. In all such hearings, the involved state agency *or program* shall be held accountable for the legality and propriety of the operations under review and be responsible for producing evidence of the necessity for and extent of any changes in the organization, powers or operations of the state agency *or program* or in its enabling laws which would increase efficiency or effectiveness.

~~(b) In reviewing and evaluating a state agency, each committee of reference shall take into consideration the following factors, if applicable, among others, in developing its recommendations regarding the state agency and its operations:~~

~~— (1) Whether all operations of the state agency have been authorized by the legislature and whether the effects of such operations accord with legislative intent;~~

~~— (2) whether all operations of the state agency are being performed efficiently and effectively and whether any such operations could be performed in a more efficient, effective or economical manner;~~

~~— (3) whether regulatory operations of the state agency are reasonably related to and are designed for the purpose of protection or benefaction of the public and have such protection or benefaction as a primary effect;~~

~~— (4) whether regulatory operations of the state agency could be performed in a less restrictive manner which could adequately protect the public;~~

~~— (5) whether regulatory operations of the state agency have the effect of directly or indirectly increasing the cost of any goods or services involved and, if so, whether the increase in cost is more harmful to the public than the harm which could result from the termination of such regulatory operations;~~

~~— (6) whether there is need for any change in the organization of the state agency or in any of its operations which would enable the state agency to fulfill its purposes in a more efficient, effective or economical manner; and~~

~~— (7) whether the termination of any of a state agency's operations would significantly harm or endanger the rights, health, safety or welfare of the public or result in the reduction or foreclosure of services required or desired by the public.~~

New Sec. 5. Sections 5 through 9, and amendments thereto, shall be known and may be cited as the Kansas taxpayer transparency act.

New Sec. 6. (a) As used in the Kansas taxpayer transparency act:

(1) "Searchable website" means a website that allows the public to search and aggregate the information identified in subsection (b) including requirements that the website offer the public the ability to efficiently search and display data, and ascertain the total amounts of revenues and expenditures (A) of funds established within the state treasury in an aggregate or summary form in a manner determined by the secretary of administration, (B) of compensation paid to public employees employed by state agencies, and (C) of bond debt as specified in this act.

(2) "Agency" means any entity or instrumentality of the state of Kansas as defined in K.S.A. 75-3701, and amendments thereto, and any other entity or instrumentality delegated statutory authority by the legislature to issue bonds and to collect revenue for the purpose of repaying bonds issued under authority delegated by statute.

(3) "Board" means the public finance transparency board.

(b) No later than March 1, 2009, the secretary of administration shall develop and operate a single, searchable website accessible by the public at no cost to access, that includes:

(1) Annual expenditures, as determined by the secretary of administration and as available within the central accounting system and state payroll system, shall include, but not be limited to:

- (A) Disbursements by any state agency from funds established within the state treasury;
- (B) bond debt payments;
- (C) salaries and wages including, but not limited to, compensation paid to individual employees of state agencies;
- (D) contractual services including, but not limited to, amounts paid to individual vendors;
- (E) commodities including, but not limited to, amounts paid to individual vendors;
- (F) capital outlay including, but not limited to, amounts paid to individual vendors;
- (G) debt service including, but not limited to, amounts of bond interest paid and sources of funds paid for individual bond issues;
- (H) aid to local units including, but not limited to, amounts paid to individual units of government for individually identifiable aid programs;
- (I) other assistance and benefits; and
- (J) capital improvements including, but not limited to, amounts of bond principal paid and sources of funds paid for individual bond issues.

(2) Annual revenues, as determined by the secretary of administration and as available within the central accounting system, shall include, but not be limited to:

- (A) Receipts or deposits by any state agency into funds established within the state treasury;
- (B) taxes including, but not limited to, compulsory contributions imposed by the state for the purpose of financing services;
- (C) agency earnings including, but not limited to, amounts collected by each agency for merchandise sold, services performed, licenses and permits issued, or regulation;
- (D) revenue for the use of money and property including, but not limited to, amounts received for compensation for the use of state-owned money and property;
- (E) gifts, donations and federal grants including, but not limited to, amounts received from public and private entities to aid in support of a specific function or other governmental activity;
- (F) other revenue including, but not limited to, receipts not classified elsewhere; and
- (G) non-revenue receipts including, but not limited to, all receipts that do not constitute revenue.

(3) Annual bonded indebtedness which shall include, but not be limited to the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the source of funding for repayment of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, any refinancing of the obligation, and the cited statutory authority to issue such bonds.

(4) Any other relevant information specified by the secretary of administration after consulting with and seeking the advice of the public finance transparency board as established in section 7, and amendments thereto.

(c) The single website provided for in subsection (b) of this section shall include data for fiscal year 2003 and each fiscal year thereafter. The website shall be designed so that such data shall be retained on the single website for not less than 10 years and shall include data for the most recent fiscal years. Data that is available in the central accounting system and state payroll system shall be on the single website as soon as possible, but not later than 45 days after the last day of the preceding fiscal year. The secretary of administration shall develop policies and procedures to make data available from any other source. Nothing in this act shall require the secretary of administration to provide information on the website that is not available in the central accounting system and the state payroll system at the time of initial implementation of the website. After implementation of the initial website, the public finance transparency board shall advise the secretary of administration on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of this section.

(d) Any state agency shall provide, at the request of the secretary of administration, such information as is necessary to accomplish the purposes of this act.

(e) Nothing in this act shall permit or require the disclosure of information which is considered confidential by state or federal law.

New Sec. 7. (a) There is hereby established the public finance transparency board for the purpose of advising and consulting with the secretary of administration on the content, format and reports to be produced on the website established in section 6, and amendments thereto.

(b) The board shall consist of members as follows:

(1) The secretary of administration or the secretary's designee, who shall serve as chairperson of the board;

(2) the director of accounts and reports or the director's designee;

(3) two members who are chief executive officers of agencies of the executive branch or such officer's designees, appointed by the governor, who shall serve at the pleasure of the governor;

(4) four members of the general public, two appointed by the governor, one appointed by the president of the senate and one appointed by the speaker of the house;

(5) four members of the legislature, one appointed by the president of the senate, one appointed by the minority leader of the senate, one appointed by the speaker of the house, and one appointed by the minority leader of the house, all of whom shall serve at the pleasure of the appointing official;

(6) the legislative post auditor or such auditor's designee;

(7) the state archivist or such archivist's designee; and

(8) the director of legislative research or such director's designee.

(c) The board shall annually elect one member from the board as vice-chairperson and another as secretary.

(d) Eight members of the board shall constitute a quorum and the affirmative vote of eight members shall be necessary for any action taken by the board. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the board.

(e) General public members and legislative members of the board attending meetings of the board, or attending subcommittee meetings thereof authorized by the board, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3223, and amendments thereto.

(f) In order to achieve its purpose as provided in this act, the board shall:

(1) Advise the secretary of administration, after implementation of the initial website, on incorporating additional information described by this act from any other source of information available to the secretary of administration including information submitted by state agencies pursuant to subsection (d) of section 6, and amendments thereto;

(2) serve in an advisory capacity to the secretary of administration, who shall from time to time consult with and seek the advice of the board on matters related to the further development of the website, expansion of the content of information for the website, and new reports to be generated on the website to assist the public in accessing public information;

(3) seek advice from the general public, professional associations, academic groups and institutions and individuals with knowledge of and interest in areas of public information access, gateway services, add-on services and electronic information; and

(4) meet at least twice during each fiscal year on the call of the secretary of administration who shall set the agenda for such meetings, which shall include a report on the progress in implementing and developing the website, proposed enhancements to the website in terms of content, format, policies and procedures and reports, and other matters as deemed appropriate by the secretary of administration.

(g) All state agencies shall cooperate with the board in providing such assistance as may be requested for the achievement of its purpose.

New Sec. 8. The secretary of administration shall implement the provisions of this act by policies and procedures.

New Sec. 9. The provisions of sections 5 through 8, and amendments thereto, shall expire on June 30, 2014.

New Sec. 10. (a) There is hereby established the Kansas performance measurement commission, consisting of 11 members. The commission shall consist of the following:

- (1) Two members who are legislators appointed by the president of the senate;
- (2) two members who are legislators appointed by the speaker of the house of representatives;
- (3) one member who is a legislator appointed by the minority leader of the senate;
- (4) one member who is a legislator appointed by the minority leader of the house of representatives;
- (5) three members appointed by the governor;
- (6) one member appointed by the chairperson of the state board of regents; and
- (7) one member appointed by the chief justice of the supreme court.

No more than six members shall be from the same political party.

(b) Appointments shall be made and the first meeting shall be held 45 days after the effective date of this act. The speaker of the house of representatives shall designate one member to convene and organize the first meeting of the commission at which the commission shall elect a chairperson and a vice-chairperson from among the members. The commission shall meet on call of the chairperson or on request of six members of the commission.

Six members of the commission shall constitute a quorum. All actions of the commission shall be taken by a majority of all members of the commission.

(c) Each member of the commission attending meetings or subcommittee meetings of the commission shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto.

(d) The commission may enter into a contract with a private consultant to design a performance measurement management system for the state of Kansas. The system shall be data driven to allow the generation of information for the legislature to help the legislators evaluate the effectiveness of state programs. The system shall contain recommendations to implement long range planning for state programs. The system also shall include an assessment of the current efficiency and effectiveness of state programs and an assessment of the degree to which state program activities are consistent with the mission of the program.

(e) The commission shall submit a final report of its recommendations to the legislature on or before January 1, 2009.

(f) Staff assistance shall be provided to the commission by the Kansas legislative research department, the Kansas office of revisor of statutes and the Kansas legislative division of post audit.

(g) The provisions of this section shall expire on July 1, 2009.

Sec. 11. K.S.A. 74-7284, 74-7285, 74-7286, 74-7287, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 46-1226, 74-7295 and 74-72,103 are hereby repealed.”;

By renumbering the remaining section accordingly;

Also on page 51, in line 11, by striking “statute book” and inserting “Kansas register”;

In the title, in line 13, by striking all after “ACT”; by striking all in lines 14 through 20 and inserting “relating to state governmental operations; creating the Kansas taxpayer transparency act; establishing the Kansas performance measurement commission; concerning the Kansas governmental operations accountability law; relating to audits; amending K.S.A. 74-7284, 74-7285 and 74-7287 and K.S.A. 2007 Supp. 46-1226 and repealing the existing sections; also repealing K.S.A. 74-7286, 74-7289, 74-7290, 74-7291, 74-7292, 74-7293, 74-7294, 74-7296, 74-7298, 74-7299, 74-72,100, 74-72,101, 74-72,102, 74-72,104, 74-72,106, 74-72,107 and 74-72,108 and K.S.A. 2007 Supp. 46-1131, 74-7295 and 74-72,103.”;

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

ARLEN H. SIEGFREID

STEVE HUEBERT

JUDITH LOGANBILL

*Conferees on part of House*

PETE BRUNGARDT

ROGER P. REITZ

MARK S. GILSTRAP

*Conferees on part of Senate*

On motion of Rep. Siegfried, the conference committee report on **Sub. for Sub. SB 316** was adopted.

On roll call, the vote was: Yeas 120; Nays 0; Present but not voting: 0; Absent or not voting: 5.

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

Nays: None.

Present but not voting: None.

Absent or not voting: Ballard, Carlin, Roth, Spalding, Wilk.

#### 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.

(b) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2008, the following:

Parsons ammunition facility road grant .....	\$750,000
--	-----------

*Provided*, That the secretary of commerce shall approve a plan on or before April 30, 2008, for the reconstruction and improvement of the roads leading to and within the Parsons ammunition facility: *Provided further*, That if no such plan is approved by the secretary of commerce on or before April 30, 2008, then, on May 1, 2008, the \$750,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by this subsection from the state economic development initiatives fund in the Parsons ammunition facility road grant account, is hereby lapsed.

(c) On July 1, 2008, if the secretary of commerce approved a plan on or before April 30, 2008, for the reconstruction and improvement of the roads leading to and within the Parsons ammunition facility, then any unencumbered balance in excess of \$100 as of June 30, 2008, in the Parsons ammunition facility road grant account of the state economic development initiatives fund is hereby reappropriated for the department of commerce for fiscal year 2009.

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 legislative research 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 legislative research 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
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(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
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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
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*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
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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
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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 cooperation established under K.S.A. 46-407a, and amendments thereto, for attendance at meetings of the advisory committee which are authorized by the legislative coordinating council, except that (1) the legislative coordinating council may establish restrictions or limitations, or both, on travel expenses, subsistence expenses or allowances, or any combination thereof, paid to members and associate members of such advisory committee, and (2) any person who is an associate member of such advisory committee, by reason of such person having been accredited by the national conference of commissioners on uniform state laws as a life member of that organization, shall receive the same travel expenses and subsistence expenses for attendance at meetings of the advisory committee as a regular member, but shall receive no per diem compensation: *Provided further*, That expenditures may be made from this fund for services, facilities and supplies provided for legislators in addition to those provided under the approved budget and for related copying, facsimile transmission and other services provided to persons other than legislators, in accordance with policies and any restrictions or limitations prescribed by the legislative coordinating council: *And provided further*, That amounts are hereby authorized to be collected for such services, facilities and supplies in accordance with policies of the council: *And provided further*, That such amounts shall be fixed in order to recover all or part of the expenses incurred for providing such services, facilities and supplies and shall be consistent with policies and fees established in accordance with K.S.A. 46-1207a, and amendments thereto: *And provided further*, That all such amounts received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the legislative special revenue fund: *And provided further*, That all donations, gifts or bequests of money for the legislative branch of government which are received and accepted by the legislative coordinating council shall be deposited in the state treasury and credited to an account of the legislative special revenue fund: *And provided further*, That no expenditures shall be made from this fund for any meeting of any joint committee of the legislature during fiscal year 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
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*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
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*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
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*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
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*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
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*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
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*Provided*, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such confer-

ences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

Intragovernmental service fund ..... No limit  
*Provided*, That expenditures may be made from the intragovernmental service fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the intragovernmental service fund.

Conversion of materials and equipment fund ..... No limit

Federal grants fund ..... No limit

Justice assistance grant — federal fund ..... No limit

Hispanic and Latino American affairs commission — donations fund .... No limit

Advisory commission on African-American affairs — donations fund .... No limit

Wireless enhanced 911 grant fund ..... No limit

*Provided*, That expenditures may be made from the wireless enhanced 911 grant fund for operating expenditures for the governor's department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor's department under the open records act for providing access to or furnishing copies of public records, shall be remitted to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto: *And provided further*, That, upon receipt of each such remittance, the state treasurer shall deposit the entire amount in the state treasury to the credit of the wireless enhanced 911 grant fund.

Sec. 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 lieu-

tenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 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 com-

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
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*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
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*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
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*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 ad-

minister 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
<i>Provided</i> , 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  
*Provided*, That expenditures from the insurance department service regulation fund for official hospitality shall not exceed \$2,500: *Provided further*, That transfers may be made from this fund to the insurance department rehabilitation and repair fund of the insurance department.  
 Insurance company examination fund ..... No limit  
*Provided*, That transfers may be made from the insurance company examination fund to the insurance department rehabilitation and repair fund of the insurance department.  
 Insurance company annual statement examination fund..... No limit  
 Insurance company examiner training fund ..... No limit  
 Conversion of materials and equipment fund ..... No limit  
 Commissioner's travel reimbursement fund..... No limit  
*Provided*, That expenditures may be made from the commissioner's travel reimbursement fund only to reimburse the commissioner of insurance, or any designated employee, for expenses incurred for in-state or out-of-state travel for official purposes, including travel to

meetings of public or private associations: *Provided further*, That all moneys received by the commissioner of insurance for such travel from any non-state agency source shall be deposited in the state treasury to the credit of this fund.

Workers compensation fund..... No limit

*Provided*, That expenditures from the workers compensation fund for attorney fees and other costs and benefit payments may be made regardless of when services were rendered or when the initial award of benefits was made.

State firefighters relief fund..... No limit

*Provided*, That transfers may be made from the state firefighters relief fund to the insurance department rehabilitation and repair fund of the insurance department.

Insurance company tax and fee refund fund..... No limit

Group-funded workers' compensation pools fee fund..... No limit

*Provided*, That transfers may be made from the group-funded workers' compensation pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Municipal group-funded pools fee fund..... No limit

*Provided*, That transfers may be made from the municipal group-funded pools fee fund to the insurance department rehabilitation and repair fund of the insurance department.

Uninsurable health insurance plan fund..... No limit

Insurance education and training fund..... No limit

*Provided*, That expenditures may be made from the insurance education and training fund for training programs and official hospitality: *Provided further*, That the insurance commissioner is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs shall be fixed in order to collect all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such training programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the insurance education and training fund.

Other federal grants fund..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 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

*Provided*, That all private grants and gifts received by the judicial council, other than moneys received as grants, gifts or donations for the preparation, publication or distribution of legal publications, shall be deposited to the credit of the grants and gifts fund.

Publications fee fund ..... No limit

Judicial performance fund ..... No limit

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 judicial operations account for contingencies without limitation at the discretion of the chief justice: *And provided further*, That expenditures from the judicial operations account for such contingencies shall not exceed \$25,000: *And provided further*, That expenditures from the judicial operations account for official hospitality shall not exceed \$4,000: *And provided further*, That expenditures shall be made from the judicial 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

*Provided*, 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: *Provided further*, That the judicial administrator is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, 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: *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 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
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 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
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*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
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*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
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*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
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*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

Provided, That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences conducted by the state corporation commission for staff and members of the state corporation commission: Provided further, That the state corporation commission is hereby authorized to fix, charge and collect fees for such inservice workshops and conferences: And provided further, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for conducting such inservice workshops and conferences: And provided further, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the 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
<i>Provided</i> , 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: <i>Provided further</i> , That in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the general administration account for three employees in the unclassified service under the Kansas civil service act: <i>And provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Department of administration systems.....	\$2,684,329
<i>Provided</i> , 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: <i>Provided further</i> , That expenditures from the department of administration systems account for official hospitality shall not exceed \$1,000.	
Personnel services.....	\$1,954,455
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , That, in addition to other positions within the department of administration in the unclassified service as prescribed by law, expenditures may be made from the budget analysis account for eight employees in the unclassified service under the Kansas civil service act: <i>And provided further</i> , That expenditures from this account for official hospitality shall not exceed \$1,000.	
Facilities management .....	\$68,000
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , That all expenditures from the public broadcasting council grants account for capital	



equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: *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
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*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
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*Provided*, That expenditures may be made from the general fees fund for operating expenditures for the division of personnel services, including human resources programs and official hospitality: *Provided further*, That the director of personnel services is hereby authorized to fix, charge and collect fees: *And provided further*, That fees shall be fixed in order to recover all or part of the operating expenses incurred, including official hospitality: *And provided further*, That all fees received, including fees received under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the general fees fund of the department of administration.

Human resource information systems cost recovery fund .....	No limit
Budget fees fund .....	No limit

*Provided*, That expenditures may be made from the budget fees fund for operating expenditures for the division of the budget, including training programs, special projects and official hospitality: *Provided further*, That the director of the budget is hereby authorized to fix, charge and collect fees for such training programs: *And provided further*, That fees for such training programs and special projects shall be fixed in order to recover all or part of the operating expenses incurred for such training programs and special projects, including official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund .....	No limit
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*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
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*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
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*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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: <i>Provided further</i> , 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: <i>And provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: <i>Provided further</i> , That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.	
Miscellaneous trust bonds fund .....	No limit
Liquor excise tax guarantee bond fund .....	No limit
Non-resident contractors cash bond fund .....	No limit
Bond guaranty fund.....	No limit
Interstate motor fuel user cash bond fund .....	No limit
Motor fuel distributor cash bond fund.....	No limit
Special county mineral production tax fund .....	No limit
County drug tax fund .....	No limit
Escheat proceeds suspense fund.....	No limit
Privilege tax refund fund .....	No limit
Suspense fund.....	No limit
Cigarette tax refund fund.....	No limit
Motor-vehicle fuel tax refund fund .....	No limit
Cereal malt beverage tax refund fund .....	No limit
Income tax refund fund .....	No limit

Sales tax refund fund .....	No limit
Compensating tax refund fund .....	No limit
Alcoholic liquor tax refund fund .....	No limit
Cigarette/tobacco products regulation fund .....	No limit
Motor carrier tax refund fund .....	No limit
Car company tax fund .....	No limit
Protested motor carrier taxes fund .....	No limit
Tobacco products refund fund .....	No limit
Transient guest tax refund fund established by K.S.A. 12-1694a .....	No limit
Interstate motor fuel taxes clearing fund .....	No limit
Bingo refund fund .....	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100 .....	No limit
Interstate motor fuel taxes refund fund .....	No limit
Interfund clearing fund .....	No limit
Local alcoholic liquor clearing fund .....	No limit
International registration plan distribution clearing fund .....	No limit
Rental motor vehicle excise tax refund fund .....	No limit
International fuel tax agreement clearing fund .....	No limit
Mineral production tax refund fund .....	No limit
Special fuels tax refund fund .....	No limit
LP-gas motor fuels refund fund .....	No limit
Local alcoholic liquor refund fund .....	No limit
Sales tax clearing fund .....	No limit
Rental motor vehicle excise tax clearing fund .....	No limit
VIPS/CAMA technology hardware fund .....	No limit
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of administration of the department of revenue, including costs of implementing Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.	
Estate tax abatement refund fund .....	No limit
Distinctive license plate fund .....	No limit
Repossessed certificates of title fee fund .....	No limit
Hazmat fee fund .....	No limit
Intra-governmental service fund .....	No limit

(c) On July 1, 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 de-

partment 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 legislative research: *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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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
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*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
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*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
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*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
<i>Provided</i> , That expenditures may be made from the special employment security fund for payment of communications costs: <i>And provided further</i> , 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
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(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.

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, 2009, the following:

Operating expenditures — veteran services .....	\$1,154,764
<i>Provided</i> , That any unencumbered balance in the operating expenditures — veterans affairs account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Operations — state veterans cemeteries .....	\$544,778

*Provided*, That any unencumbered balance in the operations — state veterans cemeteries 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 \$500.

Operating expenditures — Kansas soldiers' home .....	\$2,546,207
<i>Provided</i> , That any unencumbered balance in the operating expenditures — Kansas soldiers' home account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	

Operating expenditures — Kansas veterans' home..... \$2,952,488  
*Provided*, That any unencumbered balance in the operating expenditures — Kansas veterans' home account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Additional operating expenditures — veterans homes and cemeteries.... \$457,465  
*Provided*, That any unencumbered balance in the additional operating expenditures — veterans homes and cemeteries account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Operating expenditures — administration ..... \$445,194  
*Provided*, That any unencumbered balance in the operating expenditures — administration account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Operating expenditures — Persian Gulf War veterans health initiatives ..... \$4,000  
*Provided*, That any unencumbered balance in the operating expenditures — Persian Gulf War veterans health initiatives account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Veterans claim assistance program — service grants..... \$550,875  
*Provided*, That any unencumbered balance in the veterans claim assistance program — service grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from the veterans claim assistance program — service grants account shall be made only for the purpose of awarding service grants to veterans service organizations for the purpose of aiding veterans in obtaining federal benefits: *Provided however*, That no expenditures shall be made by the Kansas commission on veterans affairs from the veterans claim assistance program — service grants account for operating expenditures or overhead for administering the grants in accordance with the provisions of K.S.A. 73-1234, and amendments thereto.

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

Soldiers' home fee fund .....	\$2,113,788
Soldiers' home benefit fund .....	No limit
Soldiers' home work therapy fund .....	No limit
Veterans' home fee fund.....	\$3,211,851
Persian Gulf War veterans health initiative fund.....	No limit
Veterans' home canteen fund .....	No limit
Veterans' home benefit fund .....	No limit
Soldiers' home outpatient clinic fund .....	No limit
State veterans cemeteries fee fund.....	No limit
State veterans cemeteries donations and contributions fund .....	No limit
Outpatient clinic patient federal reimbursement fund — federal .....	No limit
VA burial reimbursement fund — federal .....	\$30,000
Veterans home federal fund.....	\$2,961,606
Soldiers home federal fund.....	\$2,930,561
Commission on veterans affairs federal fund.....	\$127,942
Kansas veterans memorials fund .....	No limit

Sec. 95.

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

*Provided*, 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



*Provided*, 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

*Provided*, 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

*Provided*, 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

*Provided*, 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: *Provided further*, 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

*Provided*, 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

*Provided*, 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: *Provided further*, That expenditures from the teen pregnancy prevention activities account shall be made to give highest priority to recipients of temporary assistance to families and other medicaid eligible teens.

Aid to local units — family planning ..... \$98,880

*Provided*, That any unencumbered balance in the aid to local units — family planning account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That all expenditures from the aid to local units — family planning account shall be in accordance with grant agreements entered into by the secretary of health and environment and grant recipients.

Immunization programs ..... \$550,000

Prescription support for community based primary care clinics ..... \$750,000

*Provided*, That any unencumbered balance in the prescription support for community based primary care clinics account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures shall be made from the prescription support for community based primary care clinics account for: (1) Purchase of drug inventory under section 340B of the federal public health service act for community health center grantees and federally qualified health center look-alikes who qualify; (2) increasing access to prescription drugs by subsidizing a portion of the costs for the benefit of patients at 340B participating clinics on a sliding fee scale; and (3) expanding access to prescription medication assistance programs by making expenditures to support operating costs of assistance programs at not-for-profit or publicly-funded primary care clinics, including federally qualified community health centers and federally qualified community health center look-alikes as defined by 42 U.S.C. 330, that provide comprehensive primary health care services, offer sliding fee discounts based upon household income and serve any person regardless of ability to pay. Policies determining patient eligibility due to income or insurance status may be determined by each community but must be clearly documented and posted.

Breast cancer screening program ..... \$230,000

*Provided*, That any unencumbered balance in the breast cancer screening program account in excess of \$100 as of June 30, 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

*Provided*, That expenditures may be made from the food inspection fee fund for operating expenditures for the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act: *Provided further*, That, notwithstanding the provisions of K.S.A. 36-512, and amendments thereto, to the contrary, all moneys received from fees charged and collected by the secretary of health and environment under the food inspection program and other activities for the regulation of food service establishments under the food service and lodging act shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the food inspection fee fund: *And provided further*, That, on July 1, 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

*Provided*, That expenditures from the health and environment publication fee fund — health

shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

District coroners fund .....	No limit
Sponsored project overhead fund — health .....	No limit
Child care facilities licensure — federal fund .....	No limit
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
Veneral 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. 96.

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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided, however</i> , 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
<i>Provided</i> , That the department of health and environment is authorized to make expenditures for the division of environment from the other federal grants fund — environment of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 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 department of health and environment may make expenditures for the division of environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: <i>Provided further</i> , That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.	
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: *Provided further*, 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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. 97.	

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
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*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
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*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. 98.

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
<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.	
Office of the inspector general .....	\$75,803
<i>Provided</i> , 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
<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.	
Children's health insurance program .....	\$18,551,261
<i>Provided</i> , 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
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*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
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*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
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*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
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*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
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Health care database fee fund .....	No limit
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Medical programs fee fund .....	\$38,500,000
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Health and hospitalization insurance clearing fund .....	No limit
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Health insurance premium reserve fund .....	No limit
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Other state fees fund .....	No limit
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Health care access improvement fund .....	No limit
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Other federal grants and assistance fund .....	No limit
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Medical assistance federal fund .....	No limit
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Children's health insurance federal fund .....	No limit
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Ticket to work infrastructure grant federal fund .....	No limit
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Health policy and finance — PERM grant federal fund .....	No limit
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Ryan White title II federal fund .....	No limit
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(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
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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
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HealthWave .....	\$2,000,000
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(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. 99.

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
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*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

*Provided*, 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

*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.

(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

*Provided*, That all receipts resulting from payments under title XIX of the federal social security act to any of the institutions under mental health and retardation services may be credited to the title XIX fund: *Provided further*, That moneys in the title XIX fund may be used for expenditures for contractual services to provide for collecting additional payments

under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the other federal grants and assistance fund.

Nonfederal reimbursements fund ..... No limit  
*Provided*, That all nonfederal reimbursements received by the department of social and rehabilitation services shall be deposited in the state treasury and credited to the nonfederal reimbursements fund: *Provided further*, That moneys in the nonfederal reimbursements fund may be used for expenditures for contractual services to provide for collecting additional payments under title XVIII and title XIX of the federal social security act, for expenditures for premiums and surcharges required to be paid for physicians' malpractice insurance, and for transfers to the social welfare fund.

Kansas neurological institute fee fund ..... \$1,142,179  
 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

*Provided*, 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: *Provided further*, That the superintendent of Kansas neurological institute is hereby authorized to fix, charge and collect fees for conference activities sponsored by Kansas neurological institute: *And provided further*, 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

*Provided*, That all moneys received as fees for the use of video teleconferencing equipment at Osawatomie state hospital shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Osawatomie state hospital fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, technical and program support, maintenance and replacement of associated equipment at Osawatomie state hospital: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Osawatomie state hospital fee fund.

Osawatomie state hospital — ECIA fund — federal ..... No limit  
 Osawatomie state hospital — 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 Osa-

watomie 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
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*Provided*, That any unencumbered balance in the children’s cabinet accountability fund account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children’s mental health waiver.....	\$3,800,000
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*Provided*, That any unencumbered balance in the children’s mental health waiver account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Family centered system of care.....	\$5,000,000
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*Provided*, That any unencumbered balance in the family centered system of care account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Child care .....	\$1,400,000
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
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(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
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*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 Osawatomie state hospital, upon the approval of the director of accounts and reports, shall transfer an amount specified by the superintendent from the Osawatomie state hospital — canteen fund to the Osawatomie 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. 100.

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. 101.

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

*Provided*, That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761, and amendments thereto.



Conversion of materials and equipment fund .....	No limit
State safety fund .....	No limit
School bus safety fund .....	No limit
Motorcycle safety fund .....	No limit
Federal indirect cost reimbursement fund .....	No limit
Certificate fee fund .....	No limit
Food assistance — federal fund.....	No limit
Food assistance — school breakfast program — federal fund.....	No limit
Food assistance — national school lunch program — federal fund.....	No limit
Food assistance — child and adult care food program — federal fund...	No limit
Elementary and secondary school aid — federal fund.....	No limit
Elementary and secondary school aid — educationally deprived children — federal fund.....	No limit
Educationally deprived children — state operations — federal fund.....	No limit
Elementary and secondary school — educationally deprived children — LEA's fund .....	No limit
ESEA chapter II — state operations — federal fund.....	No limit
Education of handicapped children fund — federal .....	No limit
Education of handicapped children fund — state operations — federal .....	No limit
Education of handicapped children fund — preschool — federal fund ..	No limit
Education of handicapped children fund — preschool state operations — federal .....	No limit
Elementary and secondary school aid — federal fund — migrant educa- tion fund.....	No limit
Elementary and secondary school aid — federal fund — migrant educa- tion — 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
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided fur-</i> <i>ther</i> , That such fees shall be fixed in order to recover all or part of such operating expend- itures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.	
Private donations, gifts, grants and bequests fund .....	No limit
Interactive video fee fund .....	No limit
<i>Provided</i> , That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: <i>And provided further</i> , That all fees received for the operation and use of such interactive video conference facility shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interactive video fee fund.	
Reimbursement for services fund .....	No limit
Communities in schools program fund .....	No limit
Governor's teaching excellence scholarships program repayment fund...	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships pro-	

gram repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments thereto: *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 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. 102.

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. 103.

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. 104.

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
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*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
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 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. 105.

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
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*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
<i>Provided</i> , 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: <i>Provided further</i> , 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. 106.

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
<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 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
<i>Provided</i> , That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: <i>Provided further</i> , That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: <i>And provided further</i> , 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
<i>Provided</i> , That expenditures may be made from the microfilm fees fund for operating expenses for providing microfilming services: <i>Provided further</i> , That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: <i>And provided further</i> , 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
<i>Provided</i> , 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
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*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
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*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. 107.

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
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 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
<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: <i>Provided further</i> , That expenditures maybe made from the general fees fund for official hospitality.	
Restricted fees fund .....	No limit
<i>Provided</i> , 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: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: <i>And provided further</i> , That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: <i>And provided further</i> , That expenditures may be made from the restricted fees fund for official hospitality.	
Education opportunity act — federal fund .....	No limit
Service clearing fund .....	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Commencement fees fund .....	No limit
Health fees fund .....	No limit
<i>Provided</i> , That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Student union fees fund .....	No limit
Kansas career work study program fund .....	No limit
Economic opportunity act — federal fund .....	No limit
Kansas comprehensive grant fund .....	No limit
Faculty of distinction matching fund .....	No limit
Nine month payroll clearing account fund .....	No limit
Federal Perkins student loan fund .....	No limit
Housing system revenue fund .....	No limit
Institutional overhead fund .....	No limit
Oil and gas royalties fund .....	No limit
Housing system suspense fund .....	No limit
Housing system operations fund .....	No limit

Housing system repairs, equipment and improvement fund .....	No limit
Sponsored research overhead fund .....	No limit
Kansas distinguished scholarship fund .....	No limit
University federal fund .....	No limit

*Provided*, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *Provided further*, That expenditures may be made by the above agency from this fund to procure a policy of accident, personal liability and excess automobile liability insurance insuring volunteers participating in the senior companion program against loss in accordance with specifications of federal grant guidelines as provided in K.S.A. 75-4101, and amendments thereto.

(c) On July 1, 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. 108.

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
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Midwest institute for comparative stem cell biology .....	\$150,000
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*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 technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student applica-



tion 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

*Provided*, That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Sponsored research overhead fund ..... No limit  
 Housing system suspense fund ..... No limit  
 Housing system operations fund ..... No limit  
 Housing system repairs, equipment and improvement fund ..... No limit  
 Mandatory retirement annuity clearing fund ..... No limit  
 Student health fees fund..... No limit

*Provided*, That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.

Scholarship funds fund ..... No limit  
 Perkins student loan fund ..... No limit  
 Board of regents — U.S. department of education awards fund..... No limit  
 State agricultural university fund..... No limit  
 Federal extension civil service retirement clearing fund..... No limit  
 Salina — student union fees fund..... No limit  
 Salina — housing system operation fund ..... No limit  
 Kansas distinguished scholarship fund..... No limit  
 Kansas comprehensive grant fund ..... No limit  
 Temporary deposit fund ..... No limit  
 Business procurement card clearing fund ..... No limit  
 Suspense fund..... No limit  
 Voluntary tax shelter annuity clearing fund..... No limit  
 Agency payroll deduction clearing fund ..... No limit  
 Payroll clearing fund..... No limit  
 Pre-tax parking clearing fund..... No limit  
 University federal fund ..... No limit

*Provided*, That expenditures may be made by the above agency from the university federal

fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 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. 109.

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
<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.	
Cooperative extension service (including official hospitality) .....	\$20,514,007
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided, however</i> , That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: <i>Provided further</i> , That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: <i>And provided further</i> , That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance; <i>And provided further</i> , That 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
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(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. 110.

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
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Veterinary training program for rural Kansas.....	\$300,000
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*Provided*, That any unencumbered balance in the veterinary training program for rural Kansas account in excess of \$100 as of June 30, 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
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*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. 111.

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
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*Provided*, That any unencumbered balance in the operating expenditures (including official hospitality) account in excess of \$100 as of June 30, 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
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*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
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*Provided*, 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. 112.

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 expend-

itures 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. 113.

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 edu-

cational 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. 114.

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. 115.

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

*Provided*, That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund ..... No limit

Kansas career work study program fund ..... No limit

Scholarship funds fund ..... No limit

Sponsored research 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

*Provided*, 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 .....

Sec. 116.

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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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
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*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.

Postsecondary education operating grant .....	\$10,000,000
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*Provided*, That the state board of regents is hereby authorized to transfer moneys from the postsecondary education operating grant account to the appropriate account or accounts of the state general fund of any state educational institution under the control and supervision of the state board of regents: *Provided further*, That the state board of regents shall certify to the director of accounts and reports each such transfer of moneys from the postsecondary education operating grant 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 legislative research.

Payment to KPEERS .....	\$1,756,004
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Southwest Kansas access project .....	\$200,000
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*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
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Nurse educator grant program .....	\$200,000
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*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
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*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: *And 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
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KAN-ED operating expenditures .....	\$2,000,000
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Postsecondary technical education authority .....	\$779,687
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*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 au-

thority: *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
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*Provided*, 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

*Provided*, That expenditures may be made from the financial aid services fee fund for operating 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
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*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. 117.

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
<i>Provided</i> , That expenditures may be made from the correctional industries fund for official hospitality.	
Alcohol and drug abuse treatment fund .....	No limit
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: <i>And provided further</i> , 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: <i>And provided further</i> , 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. 118.

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 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 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. 119.

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 payments account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
NG life insurance premium reimbursement.....	\$37,296
<i>Provided</i> , 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. 120.

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
<i>Provided</i> , That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.	
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: <i>Provided, however</i> , That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$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. 121.

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. 122.

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 de-

posited 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
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*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
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(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. 123.

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 investi-

gation 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. 124.	

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
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*Provided*, That priority for these grants shall be given to rural areas.  
 EMS revolving fund .....

.....	No limit
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*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. 125.

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

*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.

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. 126.

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. 127.

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
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*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. 128.

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. 129.

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

*Provided*, That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.

State fair federal transfer fund .....	No limit
State fair special cash fund .....	No limit
State fair debt service special revenue fund .....	No limit

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

State fair debt service .....	\$1,540,821
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(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

Ticket marketing .....	\$50,000
Premiums competitive exhibitors .....	\$20,000

Sec. 130.

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
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*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
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*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
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*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. 131.

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

*Provided*, 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 agree-

ment 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. 132.

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

*Provided*, 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: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2009: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Parks fee fund ..... \$4,828,437

*Provided*, 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: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2009: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.

Boating fee fund ..... \$1,142,854

*Provided*, 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: *Provided further*, That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2009: *And provided further*, That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: *And provided further*, That expenditures from this fund for official hospitality shall not exceed \$1,000.

Central aircraft fund ..... No limit

*Provided*, That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: *Provided further*, That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: *And provided further*, That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: *And provided further*, That all fees received for such services shall be credited to the central aircraft fund.

Wildlife and parks nonrestricted fund ..... No limit

*Provided*, That all moneys received under K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173, and amendments thereto, other than moneys restricted by K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the wildlife and parks nonrestricted fund: *Provided further*, That expenditures from this fund may be made for federal aid eligible expenditures at the discretion of the secretary of wildlife and parks.

Prairie spirit rails-to-trails fee fund ..... No limit

Nongame wildlife improvement fund ..... No limit

Nongame wildlife improvement fund — federal ..... No limit

Wildlife conservation fund ..... No limit

Federally licensed wildlife areas fund ..... No limit

State agricultural production fund ..... No limit

Land and water conservation fund — state ..... No limit

Land and water conservation fund — local ..... No limit

Development and promotions fund ..... No limit

Department of wildlife and parks private gifts and donations fund ..... No limit

Fish and wildlife restitution fund ..... No limit

Parks restitution fund ..... No limit

Nonfederal grants fund ..... No limit

Other federal grants fund ..... No limit

*Provided*, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching

expenditure of any other moneys in the state treasury during fiscal year 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
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Sec. 133.

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
<i>Provided</i> , 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: <i>Provided further</i> , That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: <i>And provided further</i> , 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: <i>And provided further</i> , 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.

(b) 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.

(c) (1) In addition to the other purposes for which expenditures may be made by the above agency from the state highway fund for fiscal year 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.

(d) 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.

(e) 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.

(f) 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.

(g) 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.

(h) 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.

(i) *Kansas savings incentive program.* (1) In addition to other expenditures authorized by law, expenditures may be made from the agency operations account of the state highway fund appropriated by this act for the fiscal year ending June 30, 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.

(j) 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. 134. *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

*Provided,* 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
Kansas Commission on Veterans Affairs .....	536.75
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. 135. *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. 136. (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. 137.

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. 138.

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. 139.

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. 140.

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. 141.

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 improve-

ment 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. 142.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state institutions building fund for the fiscal year ending June 30, 2009, for the capital improvement project or projects specified, the following:

Soldiers' home rehabilitation and repair projects .....	\$540,380
Veterans' home rehabilitation and repair projects.....	\$153,531

(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:

Veterans' cemeteries federal construction grant fund.....	No limit
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Sec. 143.

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
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Sec. 144.

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. 145.

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. 146.

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. 147.

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 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 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. 148.

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
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 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. 149.

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. 150.

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. 151.

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
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(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 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. 152.

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
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*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
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*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 — KDFA D bonds, 1990 .....	No limit
Parking facilities surplus fund — KDFA 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.

Wescoe hall infill construction fund .....	No limit
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*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the general fees fund to the Wescoe hall infill construction fund for the capital improvement project to infill Wescoe hall: *Provided further*, That upon completion of the construction project, the university of Kansas may transfer unused moneys from the Wescoe hall infill construction fund to the general fees fund.

Continuing education surplus fund .....	No limit
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*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
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*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.

Smissman hall renovation fund.....	No limit
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*Provided*, That the university of Kansas may transfer moneys for fiscal year 2009 from the restricted fees fund and general fees fund to the Smissman hall renovation fund for the renovation project for Smissman 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 Smissman 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 Smissman 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. 153.

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. 154.

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. 155.

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 legislative research.

(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
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(c) In addition to the other purposes for which expenditures may be made by the state board of regents from the moneys appropriated from the state general fund or from any special revenue fund or funds for the fiscal year 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. 156.

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
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*Provided*, That the department of corrections may make expenditures from the correctional facilities infrastructure projects fund for a capital improvement project or projects to improve agency facilities: *Provided, however*, That expenditures from this fund for such capital improvement project or projects, including necessary furniture and equipment, shall not exceed the amount transferred to the correctional facilities infrastructure projects fund: *Provided further*, That the secretary of corrections is hereby authorized to transfer moneys during fiscal year 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.

Sec. 157.

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
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*Provided*, That the commissioner of juvenile justice is hereby authorized to transfer moneys from the capital improvements — rehabilitation and repair of juvenile correctional facilities account of the state institutions building fund to an account or accounts of the state institutions building fund of any institution or facility under the jurisdiction of the commissioner



of juvenile justice to be expended during fiscal year 2009 by the institution or facility for capital improvement projects approved by the commissioner of juvenile justice.

Debt service — Topeka complex and Larned 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. 158.

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. 159.

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. 160.

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. 161.

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. 162.

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
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the 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
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the 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
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*Provided*, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the 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. 163. (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. 164. (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. 165. 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. 166. 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. 167. 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. 168. 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. 169. 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. 170. 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. 171. 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. 172. 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. 173. *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. 174. *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. 175. *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. 176. *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. 177. 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. 178. *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. 179. (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. 180. (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. 181. (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. 182. 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. 183. 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, the conference committee report on **SB 534** was adopted.

On roll call, the vote was: Yeas 66; Nays 54; Present but not voting: 0; Absent or not voting: 5.

Yeas: Aurand, Beamer, Bethell, Bowers, Burgess, Carlson, Colloton, Colyer, Craft, Dahl, Davis, Faber, Faust-Goudeau, Feuerborn, Fund, George, Gordon, Goyle, Grange, Grant, Hawk, Hayzlett, Hill, C. Holmes, M. Holmes, Horst, Humerickhouse, Johnson, Kelsey, Kiegerl, King, Knox, Lane, Light, Long, Mast, Masterson, McLeland, Merrick, Metsker, Judy Morrison, Moxley, Myers, Neufeld, Olson, Otto, Owens, Pottorff, Powell, Proehl, Quigley, Sawyer, Schroeder, Schwartz, Shultz, Siegfried, Sloan, Swanson, Swenson, Tafanelli, Vickrey, Watkins, Williams, B. Wolf, K. Wolf, Worley.

Nays: Brown, Brunk, Burroughs, Crow, Crum, Dillmore, Donohoe, Flaharty, Flora, Frownfelter, Garcia, Gatewood, Goico, Henderson, Henry, Hodge, Holland, Huebert, Huntington, Kelley, Kinzer, Kuether, Landwehr, Loganbill, Lukert, Mah, McCray-Miller, McKinney, McLachlan, Menghini, Jim Morrison, Neighbor, O’Neal, Palmer, Patton, Pauls, Peck, Peterson, Phelps, Powers, Rardin, Rhoades, Ruff, Ruiz, Storm, Svaty, Tietze, Treaster, Trimmer, Ward, Wetta, Whitham, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Carlin, Roth, Spalding, Wilk.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 23**, 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 20 through 29;

Also on page 1, by striking all in lines 39 and 40; in line 41, by striking all before the stricken material;

By striking all on pages 2 through 6;

On page 7, by striking lines 1 through 35; following line 35, by inserting:

“Section 1. K.S.A. 2007 Supp. 8-243 is hereby amended to read as follows: 8-243. (a) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act the driver’s license as applied for by the applicant. Such license shall bear the class or classes of motor vehicles which the licensee is entitled to drive, a distinguishing number assigned to the licensee, the full legal name, date of birth, gender, address of principal residence and a brief description of the licensee, a colored digital photograph of the licensee, a facsimile of the signature of the licensee and the statement provided for in subsection (b). No driver’s license shall be valid until it has been signed by the licensee. All drivers’ licenses issued to persons under the age of 21 years shall be readily distinguishable from licenses issued to persons age 21 years or older. In addition, all drivers’ licenses issued to persons under the age of 18 years shall also be readily distinguishable from licenses issued to persons age 18 years or older. The secretary of revenue shall implement a vertical format to make drivers’ licenses issued to persons under the age of 21 more readily distinguishable. Except as otherwise provided, no driver’s license issued by the division shall be valid until a colored digital photograph of such licensee has been taken and

verified before being placed on the driver's license. The secretary of revenue shall prescribe a fee of not more than ~~\$4~~ \$8 and upon *the* payment of such fee, the division shall cause a colored digital photograph of such applicant to be placed on the driver's license. Upon payment of such fee prescribed by the secretary of revenue, plus payment of the fee required by K.S.A. 8-246, and amendments thereto, for issuance of a new license, the division shall issue to such licensee a new license containing a colored digital photograph of such licensee. A driver's license which does not contain the principal address as required may be issued to persons who are program participants pursuant to K.S.A. 2007 Supp. 75-455, and amendments thereto, upon payment of the fee required by K.S.A. 8-246, and amendments thereto. All Kansas drivers' licenses and identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication of the document for fraudulent purposes. The secretary of revenue shall incorporate common machine-readable technology into all Kansas drivers' licenses and identification cards.

(b) All Kansas drivers' licenses issued to any person 16 years of age or older shall contain a form which provides a statement for making a gift of all or any part of the body of the licensee in accordance with the revised uniform anatomical gift act, K.S.A. 2007 Supp. 65-3220 through 65-3244, and amendments thereto, except as otherwise provided by this subsection. The statement to be effective shall be signed by the licensee in the presence of two witnesses who shall sign the statement in the presence of the donor. The gift becomes effective upon the death of the donor. Delivery of the license during the donor's lifetime is not necessary to make a valid gift. Any valid gift statement executed prior to July 1, 1994, shall remain effective until invalidated. The word "Donor" shall be placed on the front of a licensee's driver's license, indicating that the statement for making an anatomical gift under this subsection has been executed by such licensee.

(c) Any person who is deaf or hard of hearing may request that the division issue to such person a driver's license which is readily distinguishable from drivers' licenses issued to other drivers and upon such request the division shall issue such license. Drivers' licenses issued to persons who are deaf or hard of hearing and under the age of 21 years shall be readily distinguishable from drivers' licenses issued to persons who are deaf or hard of hearing and 21 years of age or older. Upon satisfaction of subsection (a), the division shall issue a receipt of application permitting the operation of a vehicle consistent with the requested class, if there are no other restrictions or limitations, pending the division's verification of the information and production of a driver's license.

(d) A driver's license issued to a person required to be registered under K.S.A. 22-4901 et seq., and amendments thereto, shall be assigned a distinguishing number by the division which will readily indicate to law enforcement officers that such person is a registered offender. The division shall develop a numbering system to implement the provisions of this subsection.

Sec. 2. K.S.A. 2007 Supp. 8-299 is hereby amended to read as follows: 8-299. There is hereby created in the state treasury the photo fee fund. All moneys credited to the photo fee fund shall be used by the department of revenue only for the purpose of funding the administration and operation, including equipment, associated with the issuance of drivers' licenses ~~and~~ identification cards *and licenses to carry concealed weapons*. All expenditures from the photo fee fund shall be made in accordance with appropriation acts, upon warrants of the director of accounts and reports issued pursuant to vouchers approved by the secretary of the department of revenue.

Sec. 3. K.S.A. 2007 Supp. 8-1324 is hereby amended to read as follows: 8-1324. (a) Any resident who does not hold a current valid Kansas driver's license may make application to the division of vehicles and be issued one identification card.

(b) For the purpose of obtaining an identification card, an applicant shall submit, with the application, proof of age, proof of identity and proof of lawful presence. An applicant shall submit with the application a photo identity document, except that a non-photo identity document is acceptable if it includes both the applicant's full legal name and date of birth, and documentation showing the applicant's name, the applicant's address of principal residence and the applicant's social security account number. The applicant's social security number shall remain confidential and shall not be disclosed, except as provided pursuant to K.S.A. 74-2012, and amendments thereto. If the applicant does not have a social security

number, the applicant shall provide proof of lawful presence and Kansas residency. The division shall assign a distinguishing number to the identification card. Before issuing an identification card to a person, the division shall make reasonable efforts to verify with the issuing agency the issuance, validity and completeness of each document required to be provided by the applicant to prove age, identity and lawful presence.

(c) The division shall not issue an identification card to any person who fails to provide proof that the person is lawfully present in the United States. If an applicant provides evidence of lawful presence as set out in subsections (b)(2)(E) through (2)(I) of K.S.A. 8-240, and amendments thereto, or is an alien lawfully admitted for temporary residence under subsection (b)(2)(B) of K.S.A. 8-240, and amendments thereto, the division may only issue a temporary identification card to the person under the following conditions: (A) A temporary identification card issued pursuant to this subparagraph shall be valid only during the period of time of the applicant's authorized stay in the United States or, if there is no definite end to the period of authorized stay, a period of one year; (B) a temporary identification card issued pursuant to this subparagraph shall clearly indicate that it is temporary and shall state the date upon which it expires; (C) no temporary identification card issued pursuant to this subparagraph shall be for a longer period of time than the time period permitted by K.S.A. 8-1325, and amendments thereto; and (D) a temporary identification card issued pursuant to this subparagraph may be renewed, subject at the time of renewal, to the same requirements and conditions set forth in this subsection (c) for the issuance of the original temporary identification card.

(d) The division shall not issue an identification card to any person who holds a current valid Kansas driver's license unless such driver's license has been physically surrendered pursuant to the provisions of subsection (e) of K.S.A. 8-1002, and amendments thereto.

(e) The division shall refuse to issue an identification card to a person holding a driver's license or identification card issued by another state without confirmation that the person is terminating or has terminated the license or identification card.

(f) The parent or guardian of an applicant under 16 years of age shall sign the application for an identification card submitted by such applicant.

(g) The division shall require payment of a fee of \$14 at the time application for an identification card is made, except that persons who are 65 or more years of age or who are handicapped, as defined in K.S.A. 8-1,124, and amendments thereto, shall be required to pay a fee of only \$10. *In addition to the fees prescribed by this subsection, the division shall require payment of the photo fee established pursuant to K.S.A. 8-243, and amendments thereto, for the cost of the photograph to be placed on the identification card.*

(h) All Kansas identification cards shall have physical security features designed to prevent tampering, counterfeiting or duplication for fraudulent purposes.

(i) For the purposes of K.S.A. 8-1324 through 8-1328, and amendments thereto, a person shall be deemed to be a resident of the state if:

- (1) The person owns, leases or rents a place of domicile in this state;
- (2) the person engages in a trade, business or profession in this state;
- (3) the person is registered to vote in this state;
- (4) the person enrolls the person's child in a school in this state; or
- (5) the person registers the person's motor vehicle in this state.

(j) The division shall require that any person applying for an identification card submit to a mandatory facial image capture.

(k) The director of vehicles may issue a temporary identification card to an applicant who cannot provide valid documentary evidence as defined by subsection (c), if the applicant provides compelling evidence proving current lawful presence. Any temporary identification card issued pursuant to this subparagraph shall be valid for one year.

(l) Upon payment of the required fee, the division shall issue to every applicant qualifying under the provisions of this act an identification card. Such identification card shall bear a distinguishing number assigned to the cardholder, the full legal name, date of birth, address of principal residence, a brief description of the cardholder, a colored digital photograph of the cardholder, and a facsimile of the signature of the cardholder. An identification card which does not contain the address of principal residence of the cardholder as required may

be issued to persons who are program participants pursuant to K.S.A. 2007 Supp. 75-455, and amendments thereto.

Sec. 4. K.S.A. 2007 Supp. 8-243, 8-299 and 8-1324 are hereby repealed.

Sec. 5. This act shall take effect and be in force from and after January 1, 2009, and its publication in the statute book.”;

In the title, by striking all in lines 12 through 17; following line 17, by inserting: “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 your committee on conference recommends the adoption of this report.

ARLEN H. SIEGFREID  
STEVE HUEBERT  
JUDITH LOGANBILL  
*Conferees on part of House*

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

On motion of Rep. Siegfroid to adopt the conference committee report on **SB 23**, Rep. Garcia 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. Siegfroid and the conference committee report was adopted.

On roll call, the vote was: Yeas 71; Nays 47; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Bethell, Bowers, Brunk, Burgess, Carlson, Colloton, Craft, Crow, Crum, Dahl, Donohoe, Flaharty, Fund, George, Goico, Goyle, Grange, Hawk, Hayzlett, Henry, Hodge, Holland, C. Holmes, Horst, Humerickhouse, Huntington, Johnson, Kelley, Kiegerl, Kinzer, Lane, Light, Loganbill, Long, Lukert, Mah, McLachlan, Metsker, Jim Morrison, Moxley, Myers, Neighbor, Neufeld, O’Neal, Olson, Otto, Owens, Patton, Peterson, Pottorff, Proehl, Quigley, Rardin, Rhoades, Ruff, Schwartz, Siegfroid, Sloan, Storm, Swanson, Swenson, Tafanelli, Treaster, Trimmer, Vickrey, Whitham, Williams, B. Wolf, K. Wolf, Worley.

Nays: Beamer, Brown, Burroughs, Colyer, Davis, Dillmore, Faber, Faust-Goudeau, Feuerborn, Flora, Frownfelter, Garcia, Gatewood, Gordon, Grant, Henderson, M. Holmes, Huebert, Kelsey, King, Knox, Kuether, Mast, Masterson, McCray-Miller, McKinney, McLeland, Menghini, Merrick, Judy Morrison, Palmer, Pauls, Peck, Phelps, Powell, Powers, Ruiz, Sawyer, Schroeder, Shultz, Svaty, Tietze, Ward, Watkins, Wetta, Winn, Yoder.

Present but not voting: None.

Absent or not voting: Ballard, Carlin, Hill, Landwehr, Roth, Spalding, Wilk.

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

On motion of Rep. Gordon, the House concurred in Senate amendments to **S. Sub. for HB 2006**, An act concerning the economic revitalization and reinvestment act; relating to the secretary of commerce and the Kansas development finance authority; authorizing the issuance of bonds for certain economic development projects; amending K.S.A. 2007 Supp. 74-50,136 and repealing the existing section.

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 102; Nays 18; Present but not voting: 0; Absent or not voting: 5.

Yeas: Bethell, Bowers, Brunk, Burgess, Burroughs, 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, Henderson, Henry, Hill, Holland, C. Holmes, M. Holmes, Horst, Huebert, Humerickhouse, Huntington, Johnson, Kelsey, King, Kuether, Landwehr, Lane, Loganbill, Long, Lukert, Mah, Masterson, McCray-Miller, McKinney, McLachlan, McLeland, Mengh-

ini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, O'Neal, Olson, Otto, Owens, Palmer, Pauls, Peterson, Phelps, Pottorff, Powers, Proehl, Quigley, Rardin, Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tafanelli, Tietze, Treaster, Trimmer, Vickrey, Ward, Watkins, Wetta, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Aurand, Beamer, Brown, Carlson, Hayzlett, Hodge, Kelley, Kiegerl, Kinzer, Knox, Light, Mast, Neufeld, Patton, Peck, Powell, Schwartz, Whitham.

Present but not voting: None.

Absent or not voting: Ballard, Carlin, Roth, Spalding, Wilk.

On motion of Rep. Shultz, the House concurred in Senate amendments to **S. Sub. for HB 2110**, An act concerning viatical settlements; pertaining to stranger-originated life insurance; amending K.S.A. 2007 Supp. 40-5001, 40-5002, 40-5006, 40-5008 and 40-5010 and repealing the existing sections; also repealing K.S.A. 2007 Supp. 40-5007, 40-5009 and 40-5012.

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

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

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

Nays: Kiegerl.

Present but not voting: None.

Absent or not voting: Ballard, Carlin, Roth, Spalding, Wilk.

#### CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2637**, 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 14, after line 14, by inserting the following:

"Sec. 3. K.S.A. 66-2009 is hereby amended to read as follows: 66-2009. (a) Local exchange carriers that provided switched local exchange services in the state prior to January 1, 1996, or their successors, shall serve as the carrier of last resort in their exchanges and shall be eligible to receive KUSF funding. However, with respect to the Hill City exchange area in which multiple carriers were certified prior to January 1, 1996, the commission's determination, subject to court appeals, shall determine which authorized carrier shall serve as carrier of last resort. The local exchange carrier serving as the carrier of last resort shall remain the carrier of last resort and shall be entitled to recover the costs of serving as carrier of last resort.

(b) Beginning March 1, 1997, the amount of KUSF funds owed to each qualifying telecommunications carrier, telecommunications public utility or wireless telecommunications service provider in the state, based upon the revenue requirements assigned to the funds for such qualifying utility, carrier or provider, shall be allocated by the fund administrator in equal monthly installments.

(c) (1) *For the purposes of this subsection:*



(A) "Alternative service provider" means any person or entity providing local telecommunications services or any person or entity allowing another person or entity to use its equipment or facilities to provide local telecommunications services or any person or entity securing rights to select an alternative service provider for a property owner or developer, and does not include a local exchange carrier providing service within its commission-approved local exchange service area.

(B) "Alternative technology" means any technology that offers local telecommunications service and functionality comparable to that provided through an existing alternative service provider's facilities, and may include a technology that does not require the use of any public right-of-way.

(C) "Greenfield area" means an area that requires entirely new construction of local loops, in addition to the deployment of any necessary switching and other network equipment, to serve new real property developments.

(D) "Local telecommunications service" means two-way voice service capable of being originated and terminated within a local exchange service area, regardless of the technology used to provision the voice service.

(E) "Owner or developer" means the owner or developer of a business or residential property, any condominium association or homeowners' association thereof, any other person or entity having ownership in, or control over, the property, or any person acting on behalf of such owner or developer.

(F) "Real property" includes, but is not limited to, any single tenant or multi-tenant business or residential property, subdivisions, condominiums, apartments, office buildings or office parks.

(2) A local exchange carrier obligated by this section to serve as the carrier of last resort is hereby relieved of that obligation, and shall not be obligated to provide basic local telecommunications service to any occupants of real property if the owner or developer of the real property, or a person acting on behalf of the owner or developer of real property, engages in any of the following acts:

(A) Permits an alternative service provider to install its facilities or equipment used to provide local telecommunications service based on a condition of exclusion of the local exchange carrier, during the construction phase of the real property;

(B) accepts or agrees to accept incentives or rewards from an alternative service provider that are contingent upon the provision of any or all local telecommunications services by one or more alternative service providers to the exclusion of the local exchange carrier; or

(C) collects from the occupants or residents of the real property mandatory charges for the provision of any local telecommunications service provided by an alternative service provider to the occupants or residents in any manner, including, but not limited to, collection through rent, fees or dues.

(3) The local exchange carrier relieved of its carrier of last resort obligation to provide basic local telecommunications service to the occupants of the real property, pursuant to subsection (c), shall notify the commission of that fact within 120 days after receiving knowledge of the existence of such fact.

(4) A local exchange carrier that is not automatically relieved of its carrier of last resort obligation pursuant to paragraph (2) of subsection (c) may seek a waiver of its carrier of last resort obligation from the commission for good cause shown based on the facts and circumstances of the provision of local telecommunications service or internet access service to a particular real property. Upon petition for such relief, notice shall be given by the local exchange carrier at the same time to the relevant owner or developer. The commission shall make a determination concerning the petition on or before 90 days after such petition is filed.

(5) If all conditions described in paragraph (2) or (4) of subsection (c) cease to exist at the property, and the owner or developer requests in writing that the local exchange carrier make local telecommunications service available to occupants of the real property and confirms in writing that all conditions described in paragraph (2) or (4) of subsection (c) have ceased to exist at the property, the carrier of last resort obligation under this section shall again apply to the local exchange carrier at the real property. The local exchange carrier shall provide notice to the commission that it is assuming the carrier-of-last-resort obligation.

*The local exchange carrier may require that the owner or developer pay to the local exchange carrier in advance a reasonable fee to recover costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the real property initially. The commission may verify that the fee enables the local exchange carrier to recover its costs that exceed the costs that would have been incurred to construct or acquire facilities to serve customers at the real property initially, including, but not limited to, amounts necessary to install or retrofit any facilities or equipment, to cut or trench sidewalks and streets and to restore roads, sidewalks, block walls or landscapes to original conditions. The local exchange carrier shall have a reasonable period of time following the request from the owner or developer to make arrangements for local telecommunications service availability. If a local exchange carrier is relieved of its carrier of last resort obligation under paragraph (2) or (4) of subsection (c), the owner or developer shall notify all occupants and any subsequent owner of the specific real property of the following: (1) That the incumbent local exchange carrier does not have facilities installed to serve the specific real property, and that such carrier has been relieved of its carrier of last resort obligations; and (2) the name of the person that will be providing local telecommunications service to the real property, and the type of technology that will be used to provide such service. An incumbent local exchange carrier may meet the carrier's obligations under this section using any available alternative technology. If any conditions described in paragraph (2) or (4) of subsection (c) again exist at the real property, the relief in paragraph (2) or (4) of subsection (c) shall again apply.*

*(6) When real property is located in a greenfield area, a carrier of last resort shall not automatically be excused from its obligations under paragraph (2) of subsection (c) unless the alternative service provider possesses or shall possess at the time of commencement of service the capability to provide local telecommunications service or the functional equivalent of such service through any form of technology.*

*(7) If an owner or developer of real property permits an alternative service provider to install its facilities or equipment used to provide local telecommunications service to such property based on a condition of exclusion of the local exchange carrier, the owner or developer must provide written notice to the purchaser of any such real property that there is an exclusion of that local exchange carrier, and that the alternative service provider is the exclusive provider of service to such property.”;*

And by renumbering the remaining sections accordingly;

On page 17, after line 2, by inserting the following:

“(r) “Tier 3 facility” means a water or wastewater system utility which serves more than 20,000 customers who elects to be a tier 3 member of the notification center pursuant to this subsection. The operator of a tier 3 facility shall:

- (1) Develop and operate a locate service website capable of receiving locate requests;
- (2) publish and maintain a dedicated telephone number for locate services;
- (3) maintain 24-hour response capability for emergency locates; and
- (4) employ not less than two individuals whose primary job function shall be the location of underground utilities.

Operators of tier 3 facilities shall make either such website or contact information available to the notification center. The notification center shall collect and charge a fee of \$500 a year for each tier 3 facility. No other fee, charge or cost shall be assessed to a tier 3 facility by the notification center. Tier 3 members shall be subject to all provisions of section 5 through section 10, and amendments thereto.”;

And by relettering the remaining subsection accordingly;

Also on page 17, in line 5, after “tier” by inserting “1.”; also in line 5, after “2” by inserting “or 3”; in line 7, after the period, by inserting “An operator of a water or wastewater facility may elect to use a tolerance zone for such water or wastewater facility in which tolerance zone means the area not less than 60 inches of the outside dimensions in all horizontal directions of an underground water or wastewater facility upon notification of the excavator, except that a larger tolerance zone may be established by rules and regulations adopted under K.S.A. 2007 Supp. 66-1815, and amendments thereto.”;

On page 18, after line 42, by inserting the following:

“(i) The notification center shall charge and collect an annual membership fee in the amount of \$25 from each tier 2 facility member.

(j) The notification center shall charge a referral fee to tier 2 facility members in an amount no more than 50% of the referral fee rate charged to tier 1 facility members.

(k) Upon request of the operator, the person filing the notice of intent to excavate shall whitenline the proposed excavation site prior to locates being performed.

(l) The notification center established pursuant to this section shall be and is hereby deemed to be a public agency and shall be subject to the provisions of the open records act, K.S.A. 45-215 et seq., and amendments thereto, and the open meetings act, K.S.A. 75-4317 et seq., and amendments thereto, except that the notification center or board of directors, or successor managing organization shall not disseminate, make available or otherwise distribute data or information provided by an operator of a tier 1, 2 or 3 facility unless such dissemination, making available or distributing is necessary for the state corporation commission or the notification center to carry out legal duties or specific statutory duties prescribed under this chapter.

(m) On and after July 1, 2009, the notification center's board of directors shall include two members from tier 2 facilities and 1 member from tier 3 facilities.

(n) The notification center shall prepare an annual report which describes the activities of such center. An annual audit of the notification center shall be conducted by an independent certified public accountant. The notification center shall provide copies of such reports to each member of the notification center and shall be subject to the open records act, K.S.A. 45-215, et seq., and amendments thereto.

(o) The notification center shall solicit proposals for operation of the notification center not more than every five years which shall be awarded in an open meeting by the board of directors of the notification center. The bidding process prescribed by this subsection shall be subject to the open records act, K.S.A. 45-215 et seq., and amendments thereto.

(p) The notification center shall conduct a cost of service audit not more than every five years or as otherwise requested by the board of directors of the notification center or a majority of the members of such center.”;

On page 20, in line 24, after “and” by inserting “66-2009 and”;

On page 1, in the title, in line 16, before “amending” by inserting “concerning local exchange carriers and carriers of last resort.”; also in line 16, by striking “and” and inserting a comma; in line 17, after “66-2006” by inserting “and 66-2009”;

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

JAY SCOTT EMLER  
PAT APPLE  
JANIS K. LEE  
*Conferees on part of Senate*

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

On motion of Rep. Olson to adopt the conference committee report on **HB 2637**, Rep. Watkins 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. Olson and the conference committee report was adopted.

On roll call, the vote was: Yeas 102; Nays 16; Present but not voting: 0; Absent or not voting: 7.

Yeas: Aurand, Beamer, Bowers, Brown, Brunk, Burgess, Burroughs, Carlson, Colloton, Colyer, Craft, Davis, Dillmore, Donohoe, Faust-Goudeau, Flaharty, Flora, Frownfelter, Fund, Garcia, Gatewood, Goico, Goyle, Grant, Hawk, Hayzlett, Henderson, Henry, Hill, Hodge, Holland, C. Holmes, Horst, Huebert, Humerickhouse, Huntington, Kelley, Kelsey, Kiegerl, King, Kinzer, Knox, Kuether, Landwehr, Lane, Light, Loganbill, Long, Lukert, Mah, Mast, Masterson, McCray-Miller, McLachlan, Menghini, Merrick, Metsker, Jim Morrison, Judy Morrison, Moxley, Myers, Neighbor, Neufeld, O'Neal, Olson, Otto, Owens, Palmer, Patton, Pauls, Peterson, Phelps, Pottorff, Powell, Powers, Proehl, Quigley, Rardin,

Rhoades, Ruff, Ruiz, Sawyer, Schroeder, Shultz, Siegfried, Sloan, Storm, Svaty, Swanson, Swenson, Tietze, Treaster, Trimmer, Vickrey, Wetta, Whitham, Williams, Winn, B. Wolf, K. Wolf, Worley, Yoder.

Nays: Crow, Crum, Dahl, Faber, Feuerborn, Gordon, Grange, M. Holmes, Johnson, McKinney, McLeland, Peck, Schwartz, Tafanelli, Ward, Watkins.

Present but not voting: None.

Absent or not voting: Ballard, Bethell, Carlin, George, Roth, Spalding, Wilk.

#### INTRODUCTION OF ORIGINAL MOTIONS AND HOUSE RESOLUTIONS

The following resolution was introduced and read by title:

HOUSE RESOLUTION No. 6029—

By Representatives Knox, King and Mast

A RESOLUTION in memory of Staff Sergeant Bryant Wayne Mackey.

WHEREAS, Staff Sergeant Bryant Wayne Mackey was killed in action on February 20, 2008 in Mosul, Iraq. Sergeant Mackey was from Eureka, Kansas. He died of wounds sustained when his vehicle was attacked with a rocket-propelled grenade; and

WHEREAS, Sergeant Mackey enlisted in the U.S. Army in 2001 and was trained to drive tanks. A patriotic and dedicated soldier, Sergeant Mackey was serving his second tour of duty in Iraq. During his first tour of duty in Iraq, he was injured trying to move a comrade out of harm's way. Sergeant Mackey was assigned to the 3rd Squadron, 3rd Armored Cavalry Regiment in Fort Hood, Texas; and

WHEREAS, Sergeant Mackey was a much decorated soldier. For his valiant service he received the Army Achievement Medal, two Army Commendation Medals, Army Good Conduct Medal, Army Service Ribbon, Overseas Service Ribbon and the Noncommissioned Officers Professional Development Ribbon. Sergeant Mackey was also awarded the Global War on Terrorism Service Medal, Global War on Terrorism Expeditionary Medal, Iraq Campaign Medal and the National Defense Service Medal. Sergeant Mackey has also been posthumously recognized for his selfless patriotism and was awarded a Bronze Star Medal, Meritorious Service Medal and a Purple Heart.

WHEREAS, Sergeant Mackey was born on August 17, 1977, in Dodge City, Kansas. His family then moved to Eureka and Sergeant Mackey graduated from Hamilton High school. On April 21, 1997, Sergeant Mackey married Marie Stapp; and

WHEREAS, Sergeant Mackey is survived by his wife, Marie Mackey; two sons, Ryan and Koby; one daughter, Stephanie; his father, Vietnam veteran Carl Lynn and wife Pamela June Mackey; his mother Karen Nelson and her husband Ben Nelson; five brothers and four sisters, and many other friends and loved ones; and

WHEREAS, On Friday, February 29, 2008, Sergeant Mackey was buried with full military honors at Grace Lawn Cemetery in Howard, Kansas. Governor Kathleen Sebelius also ordered flags to be flown at half-staff that day in memory of Sergeant Mackey's courage and sacrifice for his country; Now, therefore,

*Be it resolved by the House of Representatives of the State of Kansas:* That we extend our deepest sympathy to the family of Staff Sergeant Bryant Mackey and declare our appreciation for his service to his country and to the state of Kansas and for his exemplary courage and patriotism; and

*Be it further resolved:* That the Chief Clerk of the House of Representatives be directed to provide five enrolled copies of this resolution to Representative Forrest Knox.

#### MESSAGE FROM THE SENATE

Announcing the Senate herewith transmits the veto message from the Governor, together with the enrolled copy of **H Substitute for SB 327**, An act concerning energy; relating to conservation and electric generation, transmission and efficiency and air emissions; amending K.S.A. 65-3008b, 65-3012 and 66-104d and K.S.A. 2007 Supp. 65-3005, 65-3008a, 66-1,184 and 74-616 and repealing the existing sections, which was received on March 21, 2008, and was read before the Senate on March 24, 2008.

*Message from the Governor*

Of all the duties and responsibilities entrusted to me as Governor, none is greater than my obligation to protect the health and well-being of the people of Kansas. And that is why I supported the decision of the Secretary of Kansas Department of Health and Environment regarding Kansas' energy future. For that reason, I must veto **H. Sub. for SB 327**.

This decision not only preserves Kansans' health and upholds our moral obligation to be good stewards of this beautiful land, but will also enhance our prospects for strong and sustainable economic growth throughout our state. Instead of building two new coal plants, which would produce 11 million new tons of carbon dioxide each year, I support pursuing other, more promising energy and economic development alternatives.

With the increasing pressure for the federal government to develop national standards for carbon emissions, there is a high probability coal will become a lot more expensive in the next several years. Countries throughout Europe and South America already have standards in place and states are following suit.

Federal legislation has been introduced that would have the net impact of taxing carbon. If any of the proposals are adopted, utility companies and their customers will pay far more for energy which produces carbon. It will also require spending billions on equipment to clean the atmosphere as thoroughly as possible. Building additional coal plants now is likely to create a significant economic liability for Kansas in the future.

My environmental and financial concerns surrounding the massive new coal-fired power plants allowed under SB 327 have not changed throughout this process. This bill goes well beyond this specific project by stripping emergency powers from the KDHE Secretary and prohibiting the consideration of any standards beyond the Clean Air Act.

It not only mandates 11 million tons of new carbon for power we don't need, but invites other coal plants to be sited in Kansas while eliminating any requirements to mitigate their environmental and health risks for our citizens.

I am encouraged that the legislature made a modest attempt to address some of our alternative energy assets, but this bill fails to promote our wind assets and sends the wrong signal to potential investors for transmission lines and additional wind power.

The new feature of net-metering does not include wind power, which could have served as a powerful incentive to individuals and communities to embrace our most abundant natural resource.

And, the renewable standard and timetable in this bill slows down the progress we have already made, and dilutes the voluntary agreement now in place with utility companies in Kansas.

This legislation proposes a committee to discuss electric generation. I believe we need a comprehensive discussion on energy policy, including but not limited to electric generation, which is why I am now issuing an Executive Order creating the Kansas Energy and Environmental Policy Advisory Group.

My offer of a compromise energy proposal, with additional base load power for Western Kansas, combined with mitigation strategies and additional wind power is once again extended, and I am hopeful that some serious consideration can now occur.

Pursuant to Article 2, Section 14 of the Constitution of the State of Kansas, I veto **H. Sub. for SB 327**.

KATHLEEN SEBELIUS  
*Governor*

Dated: March 21, 2008

A motion was made that, notwithstanding the Governor's objection to **H. Sub. for SB 327**, the bill be passed. by a vote of 32 Yeas and 7 Nays, the motion having received the required two-thirds majority of the elected members of the Senate, voting in the affirmative to approve the bill, the bill did pass.

On motion of Rep. Merrick, the House recessed until the sound of the gavel.

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**NIGHT SESSION**

Speaker pro tem Dahl called the House to order.

**MESSAGE FROM THE SENATE**

The Senate adopts conference committee report on **SB 411**.  
The Senate adopts conference committee report on **Sub. for Sub. SB 316**.  
The Senate adopts conference committee report on **SB 534**.  
The Senate adopts conference committee report on **HB 2123**.  
The Senate adopts conference committee report on **HB 2343**.  
Announcing adoption of **SCR 1626**.

**INTRODUCTION OF ORIGINAL MOTIONS**

On motion of Rep. Merrick, **SCR 1626**, A concurrent resolution relating to the 2008 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof, was introduced and adopted.

**REPORT ON ENGROSSED BILLS**

**Sub. HB 2018; S. Sub. for HB 2097; HB 2280; S. Sub. for HB 2590; HB 2771, HB 2892** reported correctly engrossed April 4, 2008.  
**Sub. HB 2562; HB 2672** reported correctly re-engrossed April 4, 2008.

**REPORT ON ENROLLED BILLS**

**HB 2188; Sub. HB 2207; S. Sub. for HB 2634; HB 2657, HB 2681, HB 2692, HB 2704; Sub. HB 2725; HB 2758, HB 2825** reported correctly enrolled, properly signed and presented to the governor on April 4, 2008.

**REPORT ON ENROLLED RESOLUTIONS**

**HR 6021, HR 6024** reported correctly enrolled and properly signed on April 4, 2008.  
On motion of Rep. Merrick, the House adjourned until 10:00 a.m., Wednesday, April 30, 2008.

JANET E. JONES, *Chief Clerk*.

CHARLENE SWANSON, *Journal Clerk*.

