

Journal of the Senate

FIFTY-SEVENTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Friday, April 4, 2008—8:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with thirty-nine senators present.
Senator Palmer was excused.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
About this time each session
I pray about a game,
Which is not on Your agenda, Lord,
But I pray it just the same.
Hardly anyone doesn't know
K.U. is in the Final Four.
I doubt that this impresses You,
But it makes most Kansans roar.
But this particular year's unique
For just one simple reason:
K.U. will play North Carolina;
The highlight of the season.
Most everyone is quite aware
The other team's coach is Roy.
Who coached K.U. for several years;
When he left there was no joy.
So the reason this game means so much,
And we hope we will enjoy . . .
The Jayhawks have two foes to beat:
the Tarheels and Coach Roy!
Though I'm well aware, O God,
It matters little to You;
Since only one of the teams can win,
It might as well be K.U.

I pray trusting in Your sense of humor, Lord,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following resolutions were referred to Committees as indicated:
Committee of the Whole: **HCR 5015**, **HCR 5039**.
Judiciary: **HCR 5037**.

Natural Resources: **HCR 5032.**

MESSAGE FROM THE HOUSE

Announcing the House adopts the conference committee report on **House Substitute for SB 113.**

The House adopts the conference committee report on **SB 239.**

The House adopts the conference committee report on **House Substitute for Substitute SB 309.**

The House adopts the conference committee report on **SB 470.**

The House nonconcur in Senate amendments to **Senate Substitute for HB 2315**, requests a conference and appoints Representatives Brunk, Kiegerl and Ruiz as conferees on the part of the House.

The House nonconcur in Senate amendments to **S Sub for HB 2422**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2440**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2519**, requests a conference and appoints Representatives Wilk, Carlson and Holland as conferees on the part of the House.

The House nonconcur in Senate amendments to **Senate Substitute for HB 2827**, requests a conference and appoints Representatives Gordon, Huntington and Winn as conferees on the part of the House.

The House not adopts the conference committee report on **Substitute SB 453**, requests a conference and appoints Representatives Watkins, Grange and Gatewood as second conferees on the part of the House.

The House not adopts the conference committee report on **SB 534**, requests a conference and appoints Representatives Schwartz, Tafanelli and Feuerborn as second conferees on the part of the House.

The House adopts the conference committee report on **Substitute HB 2018.**

The House adopts the conference committee report on **Senate Substitute for HB 2097.**

The House adopts the conference committee report on **Senate Substitute for HB 2590.**

The House adopts the conference committee report on **HB 2721.**

The House adopts the conference committee report on **HB 2771.**

ORIGINAL MOTION

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **Sub SB 453.**

The President appointed Senators Brownlee, Jordan and Kelly as second conferees on the part of the Senate.

On motion of Senator Umbarger, the Senate acceded to the request of the House for a conference on **SB 534.**

The President appointed Senators Umbarger, Emler and Kelly as second conferees on the part of the Senate.

On motion of Senator Brownlee, the Senate acceded to the request of the House for a conference on **S Sub for HB 2315.**

The President appointed Senators Brownlee, Jordan and Barone as second conferees on the part of the Senate.

On motion of Senator Jordan, the Senate acceded to the request of the House for a conference on **S Sub for HB 2827.**

The President appointed Senators Jordan, Brownlee and Barone as conferees on the part of the Senate.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Teichman moved the Senate concur in house amendments to **SCR 1616.**

SCR 1616, a Concurrent Resolution requesting the creation of a task force to study the design and implementation of an electronic motor vehicle financial security verification system for real time verification of compliance with the financial security requirements of the Kansas automobile injury reparations act.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Vratil moved the Senate concur in House amendments to **SB 366**.

SB 366, An act concerning traffic citations; pertaining to giving notice of failure to comply; amending K.S.A. 8-2106 and K.S.A. 2007 Supp. 8-2110 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Vratil moved the Senate concur in House amendments to **SB 430**.

SB 430, An act relating to crimes, punishment and criminal procedure; concerning aggravated criminal threat; amending K.S.A. 21-3419a and repealing the existing section.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Vratil moved the Senate concur in House amendments to **SB 449**.

SB 449, An act amending the uniform commercial code; relating to secured transactions; amending K.S.A. 2007 Supp. 84-9-521 and 84-9-526 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Vratil moved the Senate concur in House amendments to **Sub SB 481**.

SB 481, An act concerning controlled substances; substances included in schedule I; amending K.S.A. 65-4105 and K.S.A. and repealing the existing section.

Counties; alternative building construction procurement contracts; bidding changes.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Present and Passing: Francisco.
Absent or Not Voting: Palmer.
The Senate concurred.

Senator Vratil moved the Senate concur in House amendments to **SB 545**.

SB 545, An act relating to civil procedure; concerning health insurance coverage information for children in divorce action; interlocutory orders; amending K.S.A. 60-1607 and K.S.A. 2007 Supp. 60-1610 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.
The Senate concurred.

CHANGE OF CONFERENCE

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 239**, submits the following report:

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

On page 1, by striking all in lines 17 through 43;

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 10-106 is hereby amended to read as follows: 10-106. (a) Municipal bonds shall be sold at public notice sale as follows: The officers having charge of the sale of the bonds shall publish a notice of the sale one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notices shall be published not less than six days nor more than 30 days before the sale and shall contain the following information: (1) Except as provided by subsection (b), the date, time and place at which a public notice auction will be held on such terms and conditions as shall be provided by the municipality or at which bids will be received and considered for the sale of the bonds for cash at such price as the municipality may accept; (2) the date of issue, total par value and denomination of the bonds being sold; (3) the dates and amounts of maturities of the bond issues; (4) the dates on which interest on the bonds shall become due and payable; (5) the place or places where and the approximate date on which the bonds being sold will be delivered to the purchaser; (6) a statement that a good faith deposit in the form of a certified or cashier’s check or surety bond in the amount of 2% of the total par value of the bonds being sold shall be furnished at or prior to the time of sale by each bidder; (7) a statement disclosing whether or not the purchaser of the bonds will be required to pay for the printing thereof and whether or not and to what extent the purchaser of the bonds will be required to pay the expense of legal services rendered to the municipality in connection with the issuance of the bonds including the fees of recognized bond counsel for an opinion as to legality of issuance; (8) the assessed valuation of the municipality; (9) that bidders may be required to be qualified in a manner established by the municipality before submitting a bid; and (10) the total bonded indebtedness of the municipality as of the date on which the bonds being sold are dated including the bonds submitted for bid. The rate of interest may be omitted in advertising and the bidders requested to specify the lowest interest rate or rates on the bonds at which they will pay the purchase price.

(b) If sold at public notice sale, purchasers shall submit their bids in writing, sealed or sent by telefacsimile or other electronic transmission, as set forth in the notice of sale, for

all or any part of the bonds. In case any purchaser, whose bid is accepted, fails to carry out the contract, the deposit shall be forfeited to the municipality issuing the bonds. Bids shall be disclosed publicly and tabulated or compared only at the time and place specified in the notice. At the time and place specified, the bonds shall be sold to the highest and best bidder or bidders, and the bonds may be allotted among the bidders, however, any or all bids may be rejected. No contract for the sale of the bonds shall be made except on bids submitted as provided in this section. No bonds shall be delivered to any purchaser until the amount of the bid is placed in the hands of the officer in charge of the sale. The provisions of this section relating to public notice sale of bonds shall not apply to bonds ~~secured~~: (1) Secured solely and only by revenues, (2) bonds sold, pursuant to written agreement, to the government of the United States of America or any bureau, department, instrumentality or agency thereof, (3) bonds issued pursuant to K.S.A. 10-427 et seq., and amendments thereto, ~~and~~ (4) all bonds of the same series or which are issued simultaneously with such bonds ~~and~~, and (5) bond sales where the total amount of the issue does not exceed ~~\$100,000~~ \$2,000,000. In such cases, the bonds may be sold at public notice or private sale as the officers having charge of the sale of such bonds determine. *If bonds under clause (5) are to be sold at private sale, the officers having charge of the sale of such bonds shall publish in advance of the sale a notice of intent to seek private placement of such bonds in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register. Such notice shall state the maximum aggregate principal amount of the bonds and shall indicate that the proposed sale is in all respects subject to the subsequent approval of an appropriate bond purchase agreement and an ordinance for the issuance of bonds.* The practice of providing more than one issue within a twelve-month period for any one project is prohibited unless the project engineer or architect certifies that it is necessary to do so for the orderly construction progress of the project.

~~(b)~~ (c) As an alternative to providing notice of the date, time and place of public notice auction or receipt of bids provided by subsection (a)(1), the officers having charge of a bond sale may establish a time period of not less than seven nor more than 30 days during which such bonds would be sold. Notice of such sale period shall be published one time in a newspaper having general circulation in the county where the bonds are issued and in the Kansas register and shall be published not less than six days nor more than 30 days before the beginning date of the sale period. The notice shall contain the information specified in subsection (a) except that in place of the time and date of sale, the notice shall specify the time period during which the bonds would be sold and the manner in which persons interested in submitting a bid may register for notice of the bond sale. At least three business days prior to the time and date of the bond sale, the officers having charge of the sale shall give notice to all persons having registered for notice of the bond sale, and bids shall be submitted and received and the sale made in the manner provided in subsection (a).

Sec. 2. K.S.A. 10-106 is hereby repealed.

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

On page 1, in the title, in line 12, by striking all after “to”; by striking all in line 2 and inserting “the issuance of certain bonds; amending K.S.A. 10-106”;

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

CLARK SHULTZ
ANTHONY R. BROWN
NILE DILLMORE
Conferees on part of House

RUTH TEICHMAN
DAVID WYSONG
CHRIS STEINEGER
Conferees on part of Senate

Senator Teichman moved the Senate adopt the Conference Committee Report on **SB 239**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 404**, submits the following report:

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

On page 4, in line 25, by striking "a resident of the state of Kansas;"; in line 26, by striking "(2) is"; also in line 26, by striking "(3)" and inserting "(2)"; in line 28, by striking "(4)" and inserting "(3)"; in line 30, by striking "(5)" and inserting "(4)";

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

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

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

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

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

And by renumbering the remaining sections accordingly;

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

CLAY AURAND

DEENA HORST

SUE STORM

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 404**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 437**, submits the following report:

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

On page 5, by striking all in lines 14 through 24 and inserting the following:

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

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

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

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

CLAY AURAND

DEENA HORST

SUE STORM

Conferees on part of House

JEAN KURTIS SCHODORF

JOHN VRATIL

JANIS K. LEE

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 437**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 562**, submits the following report:

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

On page 1, in line 21, after “Section 1.” by inserting “From and after January 1, 2010.”;

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

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

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

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

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

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

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

Signature

Residence Address

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) *A primary election shall be held if needed to reduce the number of candidates for each office in the general election to no more than three candidates. No primary election of trustees shall be held unless by holding such primary two or more persons will be eliminated as candidates for office. In the event there are not more than three times the number of*

candidates as there are trustees to be elected, the names of the candidates for such office shall not appear on the primary election ballots, and there shall be no primary election for such office, but the names of such candidates shall be placed on the general election ballot for the board of trustees.

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

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

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

And by renumbering the remaining sections accordingly;

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

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

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

And by renumbering the remaining section accordingly;

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

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

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

MIKE BURGESS

TED POWERS

TOM SAWYER

Conferees on part of House

TIM HUELSKAMP

ROGER P. REITZ

DONALD BETTS, JR.

Conferees on part of Senate

Senator Huelskamp moved the Senate to adopt the Conference Committee Report on **SB 562**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to **SB 470**, submits the following report:

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

On page 6, in line 38, after “whether” by inserting “or not”;

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

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

- (1) Rape, as defined in K.S.A. 21-3502, and amendments thereto;
- (2) indecent liberties with a child, as defined in K.S.A. 21-3503, and amendments thereto;
- (3) aggravated indecent liberties with a child, as defined in K.S.A. 21-3504, and amendments thereto;
- (4) criminal sodomy, as defined in subsection (a)(2) or (a)(3) of K.S.A. 21-3505, and amendments thereto;
- (5) aggravated criminal sodomy, as defined in K.S.A. 21-3506, and amendments thereto;
- (6) indecent solicitation of a child, as defined in K.S.A. 21-3510, and amendments thereto;
- (7) aggravated indecent solicitation of a child, as defined in K.S.A. 21-3511, and amendments thereto;
- (8) sexual exploitation of a child, as defined in K.S.A. 21-3516, and amendments thereto;
- (9) aggravated incest, as defined in K.S.A. 21-3603, and amendments thereto;
- (10) aggravated endangering a child, as defined in K.S.A. 21-3608a, and amendments thereto;
- (11) abuse of a child, as defined in K.S.A. 21-3609, and amendments thereto;
- (12) capital murder, as defined in K.S.A. 21-3439, and amendments thereto;
- (13) murder in the first degree, as defined in K.S.A. 21-3401, and amendments thereto;
- (14) murder in the second degree, as defined in K.S.A. 21-3402, and amendments thereto;
- (15) voluntary manslaughter, as defined in K.S.A. 21-3403, and amendments thereto;
- (16) involuntary manslaughter, as defined in K.S.A. 21-3404, and amendments thereto;
- (17) involuntary manslaughter while driving under the influence of alcohol or drugs, as defined in K.S.A. 21-3442, and amendments thereto;
- (18) sexual battery, as defined in K.S.A. 21-3517, and amendments thereto, when, at the time the crime was committed, the victim was less than 18 years of age or a student of the person committing such crime;
- (19) aggravated sexual battery, as defined in K.S.A. 21-3518, and amendments thereto;
- (20) attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;
- (21) conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection;
- (22) an act in another state or by the federal government that is comparable to any act described in this subsection; or
- (23) an offense in effect at any time prior to the effective date of this act that is comparable to an offense as provided in this subsection.

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

- (1) Has been convicted of a felony under the uniform controlled substances act; (2) has been convicted of a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated or an act described in K.S.A. 21-3412 or K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student; (3) has been convicted of a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto, or has been convicted of an act described in K.S.A. 21-3517 and amendments thereto, if the victim is a minor or student; (4) has been convicted of any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (c) of K.S.A. 21-4619 and amendments thereto; (5) has been convicted of a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated; (6) has been convicted of an attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection; (7) has been convicted of any act which is described in K.S.A. 21-4301, 21-

~~4301a or 21-4301c, and amendments thereto; (8) has been convicted in another state or by the federal government of an act similar to any act described in this subsection; or (9) has entered into a criminal diversion agreement after having been charged with any offense described in this subsection.~~

- (1) *A felony under the uniform controlled substances act;*
- (2) *a felony described in any section of article 34 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a), or a battery, as described in K.S.A. 21-3412, and amendments thereto, or domestic battery, as described in K.S.A. 21-3412a, and amendments thereto, if the victim is a minor or student;*
- (3) *a felony described in any section of article 35 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);*
- (4) *any act described in any section of article 36 of chapter 21 of the Kansas Statutes Annotated, other than an act specified in subsection (a);*
- (5) *a felony described in article 37 of chapter 21 of the Kansas Statutes Annotated;*
- (6) *promoting obscenity, as described in K.S.A. 21-4301, and amendments thereto, promoting obscenity to minors, as described in K.S.A. 21-4301a, and amendments thereto, or promoting to minors obscenity harmful to minors, as described in K.S.A. 21-4301c, and amendments thereto;*
- (7) *endangering a child, as defined in K.S.A. 21-3608, and amendments thereto;*
- (8) *driving under the influence of alcohol or drugs in violation of K.S.A. 8-1567 or 8-2,144, and amendments thereto, when the violation is punishable as a felony;*
- (9) *attempt under K.S.A. 21-3301, and amendments thereto, to commit any act specified in this subsection;*
- (10) *conspiracy under K.S.A. 21-3302, and amendments thereto, to commit any act specified in this subsection; or*
- (11) *an act committed in violation of a federal law or in violation of another state's law that is comparable to any act described in this subsection.*

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

- (1) The nature and seriousness of the offense or act;
 - (2) the conduct of the person subsequent to commission of the offense or act;
 - (3) the time elapsed since the commission of the offense or act;
 - (4) the age of the person at the time of the offense or act;
 - (5) whether the offense or act was an isolated or recurring incident; and
 - (6) discharge from probation, pardon or expungement.
- (d) Before any license is denied by the state board of education for any of the offenses or acts specified in subsections (a) and (b), the person shall be given notice and an opportunity for a hearing in accordance with the provisions of the Kansas administrative procedure act.
- (e) The county or district attorney shall file a report with the state board of education indicating the name, address and social security number of any person who has been determined to have committed any offense or act specified in subsection (a) or (b) or to have entered into a criminal diversion agreement after having been charged with any offense or act specified in subsection (b). Such report shall be filed within 30 days of the date of the determination that the person has committed any such act or entered into any such diversion agreement.
- (f) The state board of education shall not be liable for civil damages to any person refused issuance or renewal of a license by reason of the state board's compliance, in good faith, with the provisions of this section.

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

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

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

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

And by renumbering the remaining section accordingly;

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

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

CLAY AURAND
DEENA HORST
SUE STORM

Conferees on part of House

JEAN KURTIS SCHODORF
JOHN VRATIL
JANIS K. LEE

Conferees on part of Senate

Senator Schodorf moved the Senate adopt the Conference Committee Report on **SB 470**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

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, 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 whitelist 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

Senator Apple moved the Senate adopt the Conference Committee Report on **HB 2637**.

On roll call, the vote was: Yeas 37, Nays 1, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lynn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Lee.
 Present and Passing: McGinn.
 Absent or Not Voting: Palmer.
 The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2746**, submits the following report:

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

On page 2, in line 26, by striking all after "ownership"; in line 27, by striking "easement";
 On page 9, in line 38, after the semicolon, by inserting "or"; in line 39, by striking "(3)";
 in line 41, by striking "(4)";

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

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

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

Senator Brungardt moved the Senate adopt the Conference Committee Report on **HB 2746**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2772**, submits the following report:

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

On page 1, in line 21, by striking all after "Section 1."; by striking all in lines 22 through 28; in line 29, by striking "(c)"; in line 30, by striking "in"; in line 31, by striking all before the colon; in line 43, by striking "certified";

On page 2, in line 1, by striking "certified"; in line 2, after the period, by inserting "For additional information go to www.kansasradonprogram.org"; by striking all in lines 3 through 43;

By striking all on pages 3 through 8;

On page 9, by striking all in lines 1 through 26;

And by renumbering the remaining sections accordingly;

On page 15, in line 35, by striking "48-1625,";

On page 1, in the title, in line 14, after "estate" by inserting a semicolon; in line 16, by striking "thereof" and inserting "contracts therefor"; also in line 16, by striking "48-1625,";

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

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

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

Senator Brungardt moved the Senate adopt the Conference Committee Report on **HB 2772**.

On roll call, the vote was: Yeas 36, Nays 3, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Haley, Huelskamp, Pyle.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **SENATE Substitute for HB 2916**, submits the following report:

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

On page 4, in line 9, preceding the period by inserting “, including associated employer contributions”; in line 29, preceding the period by inserting “, including associated employer contributions”;

On page 5, in line 13, following “(a)” by inserting “, including associated employer contributions,”; in line 17, following the comma by inserting “including associated employer contributions,”;

On page 7, following line 15, by inserting the following:

“New Sec. 10. (a) The compensation program (compensation and benefits opportunity and delivery) for state employees will be designed to support the mission of the various branches of government and the agencies and departments within those branches. The foundation of the compensation program is to attract and retain quality employees with competitive compensation based on relevant labor markets. The programs will be based upon principles of fairness and equity and will be administered with sound fiscal discipline.

(b) The compensation philosophy component statements are:

(1) The legislature will be accountable for the adoption of the compensation philosophy and framework. The executive branch through delegated authority from the governor to the department of administration will be accountable for the consistent administration of the program for classified employees. Agency heads will be accountable for proper administration of the program within their agencies. The chief justice, through delegated authority to the office of judicial administration will be accountable for the consistent administration of the program for judicial branch employees. The state board of regents, through delegated authority to the chief executive officer of each campus, will be accountable for the consistent administration of the program for higher education faculty and non-classified employees. The respective appointing authorities will have accountability for the consistent administration of compensation for non-classified employees.

(2) The compensation program will be based on consistent principles of fairness throughout the state, yet will be flexible to meet changing needs. This will allow for multiple pay plans to fit different needs and market variables for the different branches of government and within those branches.

(3) Establishing the value of compensation will be primarily based on establishing the appropriate market value of the job. For positions for which a market value cannot be readily identified, the value of compensation for those positions will be based on a fair, defensible and understandable method.

(4) While recognizing that service and tenure yields valued experience, pay delivery mechanisms will be based on a combination of achievement of performance objectives, recognition of differences in job content, acquisition and application of further skill and education and pay for the achievement of team/unit or department goals.

(5) All aspects of compensation (base salary, benefits, lump sum payments, allowances and other variable elements of compensation) will be considered as a total compensation package for state employees. The state's pay programs will utilize both fixed and variable compensation as well as non-cash reward and recognition programs.

(6) Total compensation, as defined above, will be targeted at a competitive level when compared to the appropriate labor markets to allow the state to attract and retain the quality and quantity of employees needed to fulfill service commitments to its citizens.

(7) The state is committed to ensuring that its salary structures are up to date through the conduct of market surveys at regular intervals. There will be a planned approach to ensure that the classification structure and classification of employees is kept current.

(8) The compensation programs will reinforce a work culture and climate where employees are recognized and rewarded for their contribution. Any changes to compensation must be reasonable and take into consideration the needs of the state as an employer, the work culture afforded to the employees as public service providers and the citizens receiving services from the state.

(9) It is the intent of the legislature that longevity bonus payments shall not be considered as part of base pay.

New Sec. 11. (a) There is hereby established the state employee pay plan oversight committee, to provide oversight of the development and implementation of the new pay plans and the performance management process and to review and evaluate, upon implementation, the management and administration of the plans and processes in accordance with the state's compensation philosophy in section 10, and amendments thereto. The oversight committee shall be advisory to the legislature.

(b) The state employee pay plan oversight committee shall be composed of seven voting members who shall be appointed as follows: (1) One member who shall be appointed by the president of the senate, (2) two members who shall be appointed by the speaker of the house of representatives, (3) one member who shall be appointed by the minority leader of the senate, (4) one member who shall be appointed by the minority leader of the house of representatives, and (5) two members who shall be appointed by the governor, of whom, at least one of the members appointed by the governor shall be a representative of a state employee organization. The secretary of administration, or the secretary's designee, and the secretary of labor, or the secretary's designee, shall be non-voting, ex officio members of the oversight committee. The oversight committee shall convene and organize annually by electing a chairperson and a vice-chairperson from among the voting members of the oversight committee.

(c) The state employee pay plan oversight committee shall meet on call of the chairperson or on the request of six voting members of the oversight committee. Four voting members of the oversight committee shall constitute a quorum. All actions of the oversight committee shall be taken by a majority of all voting members of the oversight committee. The oversight committee shall develop and submit to the legislature at the beginning of each regular session a report, commencing in 2009, on the development, implementation and administration of the new pay plans and the performance management process and other administrative processes and policies.

(d) The staff of the office of the revisor of statutes, the legislative research department and the division of legislative administrative services shall provide such assistance as may be requested by the oversight committee and authorized by the legislative coordinating council.

(e) Each member of the state employee pay plan oversight committee attending meetings of such oversight committee approved by the legislative coordinating council, or attending

a subcommittee meeting thereof authorized by such oversight committee and approved by the legislative coordinating council, shall be paid compensation, subsistence allowances, mileage and other expenses as provided in K.S.A. 75-3212, and amendments thereto, from appropriations for legislative expenses.

(f) The provisions of this section shall expire on July 1, 2014.”;

And by renumbering the remaining sections accordingly;

On page 13, following line 35, by inserting the following:

“Sec. 19. On June 15, 2008, K.S.A. 75-5541 is hereby amended to read as follows: 75-5541. (a) *Except as otherwise provided by this section*, each classified employee, excluding any such employee who is on temporary appointment, and each nonjudicial employee in the unclassified service under the Kansas civil service act in a state agency in the judicial branch of state government, shall receive a bonus as provided by this section, which shall be referred to as a longevity bonus, under the terms and conditions and subject to the limitations prescribed by this section.

(b) After June 30, 1989, any such officer or employee who has been employed by any agency, board or department within any branch of state government, whether or not the entire period of service is continuous with the same agency, board or department, shall be eligible to receive a longevity bonus upon completion of 120 months of state service. Length of service and service anniversary dates shall be determined pursuant to rules and regulations adopted by the secretary of administration.

(c) The amount of each longevity bonus payment shall be computed by multiplying \$40 by the number of full years of state service, not to exceed 25 years, rendered by such officer or employee as of the service anniversary date within such fiscal year.

(d) Each longevity bonus payment shall be included in the employee’s regular pay warrant. The amount of the bonus shall be displayed separately on the warrant stub or advice.

(e) Longevity bonus payments shall be compensation, within the meaning of K.S.A. 74-4901 et seq., and amendments thereto, for all purposes under the Kansas public employees retirement system and shall be subject to applicable deductions for employee contributions notwithstanding the fact that payments are made annually. Longevity bonus payments shall be in addition to the regular earnings to which an officer or employee may become entitled or for which such employee may become eligible.

(f) The purpose of longevity pay is to recognize permanent employees who have provided experience and faithful long-term service to the state of Kansas in order to encourage officers and employees to remain in the service of the state. The provisions of this section shall apply to fiscal years commencing after June 30, 1989. The amendatory language of this section shall be construed to confirm that longevity pay is intended, and has been intended since its enactment, to be a bonus as defined in 29 C.F.R. § 778.208.

(g) In accordance with the provisions of K.S.A. 75-3706, and amendments thereto, the secretary of administration shall adopt rules and regulations to implement the provisions of this section with respect to officers and employees in the executive branch of state government. The supreme court may adopt policies to implement the provisions of this section with respect to officers and employees who are nonjudicial personnel of state agencies in the judicial branch of state government.

(h) *The provisions of this section shall not apply to any state officer or employee who is employed or re-employed as a state officer or employee on or after June 15, 2008.”;*

And by renumbering the remaining sections accordingly;

On page 14, in line 9, by striking “and” and inserting a comma; in line 10, preceding “K.S.A.” by inserting “75-5541 and”;

In the title, in line 11, preceding “making” by inserting “state employee compensation program philosophy; establishing the state employee pay plan oversight committee.”; in line 14, by striking “and” where it appears the first time and inserting a comma; in line 15, preceding “K.S.A.” by inserting “75-5541 and”

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

DWAYNE UMBARGER
JAY SCOTT EMLER
LAURA KELLY
Conferees on part of Senate

PAT GEORGE
LEE TAFANELLI
TOM HAWK
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **S Sub for HB 2916**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Journey.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

COMMITTEE OF THE WHOLE

On motion of Senator D. Schmidt, the Senate resolved itself into Committee of the Whole for consideration of bills on the calendar under the heading of General Orders with Senator V. Schmidt in the Chair.

On motion of Senator V. Schmidt the following report was adopted:

Recommended **HB 2744** be passed.

HB 2926 be amended by adoption of the committee amendments, and the bill be passed as amended.

FINAL ACTION OF BILLS AND CONCURRENT RESOLUTIONS

On motion of Senator D. Schmidt an emergency was declared by a $\frac{2}{3}$ constitutional majority, and **HB 2744**, **HB 2926** were advanced to Final Action and roll call.

HB 2744, An act concerning provision of architectural, engineering and land surveying services for certain projects for state agencies; fees; amending K.S.A. 75-1250, 75-1252, 75-1254, 75-1257, 75-1258, 75-1259, 75-1260, 75-1261, 75-1263, 75-1265, 75-1267, 75-1268 and 75-3784 and K.S.A. 2007 Supp. 75-1251, 75-1253, 75-1262, 75-1264 and 75-1269 and repealing the existing sections.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The bill passed.

HB 2926, An act relating to cities; concerning the provision of equipment and personnel by the department of transportation for demolition of housing damaged by flood waters.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 46, H Sub 389, SB 521 reported correctly engrossed April 4, 2008.
Also, **SB 417** correctly re-engrossed on April 4, 2008.

REPORT ON ENROLLED BILLS

SB 464, SB 477, SB 512, SB 518, SB 522, SB 524, S Sub 535, SB 558, SB 584 reported correctly enrolled, properly signed and presented to the Governor on April 4, 2008.
SR 1852, SR 1853, SR 1854, SR 1855 reported correctly enrolled, properly signed and presented to the Secretary of the Senate on April 4, 2008.

On motion of Senator D. Schmidt, the Senate recessed until 2:00 p.m.

AFTERNOON-SESSION

The Senate met pursuant to recess with President Morris in the chair.

MESSAGE FROM THE GOVERNOR

Though I have grave reservations about ever limiting a secretary's power to do his or her job, I have been assured by Secretary Polansky that no provision in **SB 557** appears to limit his ability to protect the health of Kansans or carry out his duties. Therefore, **SB 577** has been signed into law.

SB 89, SB 209, SB 419, SB 443, SB 448, SB 450, SB 462, SB 467, SB 472, SB 475, SB 509, SB 514 and **SB 523** approved on April 4, 2008.

MESSAGE FROM THE HOUSE

Announcing adoption of **HCR 5033, HCR 5040**.

Passage of **SB 148 as amended by House Substitute for SB 148; SB 180 as amended by House Substitute for SB 180**.

The House adopts the conference committee report on **House Substitute for SB 21**.

The House adopts the conference committee report on **Substitute for Substitute SB 316**.

The House adopts the conference committee report on **House Substitute for SB 387**.

The House announces the appointment of Representatives Wilk, Carlson and Holland to replace Representatives Schwartz, Tafanelli and Feuerborn conferees on **Senate Substitute for HB 2541**.

The House concurs in Senate amendments to **HB 2908** and requests the Senate to return the bill.

INTRODUCTION OF HOUSE BILLS AND CONCURRENT RESOLUTIONS

HCR 5033, HCR 5040 were thereupon introduced and read by title.

ORIGINAL MOTION

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **S Sub for S Sub for HB 2422**.

The President appointed Senators Allen, Donovan and Lee as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **S Sub for HB 2440**.

The President appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

On motion of Senator Allen, the Senate acceded to the request of the House for a conference on **S Sub for HB 2519**.

The President appointed Senators Allen, D. Schmidt and Lee as conferees on the part of the Senate.

ORIGINAL MOTION

Pursuant to Senate Rule 75, President Morris determined **H Sub for SB 180**, as amended by the House, to be materially changed.

President Morris referred the bill to the Committee on **Commerce**.

CONSIDERATION OF MOTIONS TO CONCUR OR NONCONCUR

Senator Emler moved the Senate concur in house amendments to **H Sub 148**.

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.

On roll call, the vote was: Yeas 32, Nays 7, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Huelskamp, Jordan, Journey, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Betts, Francisco, Hensley, Kelly, Schodorf, Steineger, Wysong.

Absent or Not Voting: Palmer.

The Senate concurred.

Senator Emler moved the Senate concur in house amendments to **SB 555**.

SB 555, An act concerning rate increases for certain water utilities under the jurisdiction of the state corporation commission; relating to notice to customers of such utilities.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Present and Passing: Francisco.

Absent or Not Voting: Palmer.

The Senate concurred.

CHANGE OF CONFERENCE

The Vice President announced the appointment of Senators Brungardt, Reitz and Gilstrap as members of the Conference Committee on **Sub for Sub for SB 316** to replace Senators Brownlee, Jordan and Barone. President announced the appointment of Senators Allen, D. Schmidt and Lee as members of the Conference Committee on **S Sub HB for 2541** to replace Senators Umbarger, Emler and Kelly.

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 main-

taining 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 procedures 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 pari-mutuels;~~
- ~~(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, 1992~~, 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 amendments 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 unclas-

sified 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, criminology, 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 commis-

sioner 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 thereunder. 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

Senator Brungardt moved the Senate adopt the Conference Committee Report on **H Sub for SB 21**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on House amendments to HOUSE Substitute for Substitute for **SB 309**, submits the following report:

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

On page 1, after line 20, by inserting the following:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 3. K.S.A. 13-14a10 is hereby amended to read as follows: 13-14a10. Except as provided further, any annuity, benefits, funds, property or rights created by or accruing to any person under the provisions of K.S.A. 13-14a01 et seq. or K.S.A. 14-10a01 et seq., and amendments thereto, are hereby made and declared exempt from any tax of the state of Kansas or any political subdivision or taxing body thereof, and shall not be subject to execution, garnishment or attachment, or any other process or claim whatsoever, and shall be unassignable, except as specifically provided by law.

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

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

Sec. 5. K.S.A. 14-10a02 is hereby amended to read as follows: 14-10a02. The governing bodies of all cities of the second class, with a population in excess of 6,000 located in counties having a population of 10,000 or more, maintaining an organized police and fire department, may establish and maintain a separate pension fund for each department, which shall be set

aside and used exclusively for the payment of pensions and disability benefits as authorized in K.S.A. 14-10a01 et seq. and amendments thereto. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion. Each such pension fund shall be maintained and funded in accordance with the minimum funding standards prescribed in K.S.A. 12-5002 and amendments thereto. For the purpose of creating, maintaining and funding such pension funds, the governing body of each such city of the second class is hereby authorized and shall:

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

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

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

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

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

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

(g) levy annually at the time for the levying of taxes for city purposes, a tax upon all of the taxable tangible property in such city for each pension fund to make annual contributions to each pension fund as required under K.S.A. 12-5002 and amendments thereto and to maintain and fund each pension fund on an actuarial reserve basis in accordance with the provisions of K.S.A. 14-10a05 and amendments thereto and to pay a portion of the principal and interest on bonds issued by such city under the authority of K.S.A. 12-1774, and amendments thereto. In lieu of levying the tax authorized in this section, the annual contribution required of the city may be paid from any employee benefits contribution fund established pursuant to K.S.A. 12-16,102 and amendments thereto; and

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

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

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

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

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

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

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

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

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

(g) “military service” means service of any judge for which retirement benefit credit must be given as provided in the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1995~~ 2008;

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

(i) “salary” means the statutory salary of a judge;

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

(k) “beneficiary” means any natural person or persons or estate designated by a judge in the latest designation of beneficiary received in the retirement system office to receive any benefits as provided for by this act. Except as provided in subsection (n), if there is no named beneficiary living at the time of the judge’s death, any benefits provided for by this act shall be paid to: (1) The judge’s surviving spouse; (2) the judge’s dependent child or children; (3) the judge’s dependent parent or parents; (4) the judge’s nondependent child or children; (5) the judge’s nondependent parent or parents; or (6) the estate of the deceased member; in the order of preference as specified in this subsection. Designations of beneficiaries by a member who is a member of more than one retirement system made on or after July 1, 1987, shall be the basis of any benefits payable under all systems unless otherwise provided by law;

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

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

(n) “trust” means an express trust created by any trust instrument, including a will, and designated by a member to receive benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, instead of a beneficiary. A designation of a trust shall be filed with the board. If there is a designated trust at the time of the member’s death, all benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the trust instead of the member’s beneficiary. If no will is admitted to probate within six months after the death of the member or no trustee qualifies within such six months or if the designated trust fails, for any reason whatsoever, any benefits and other amounts payable under K.S.A. 20-2607, 20-2610a and 20-2612, and amendments thereto, shall be paid to the member’s beneficiary and any pay-

ments so made shall be a full discharge and release to the retirement system for judges from any further claims;

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

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

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

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

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

(a) “Retirement system” means the state school retirement system;

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

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

(d) “school employees” means persons who have performed or who shall hereafter perform school services as classroom teachers, administrators, supervisors, librarians, nurses, clerks, janitors or in any other full-time capacity in the public schools, area vocational-technical schools or community junior colleges of the state of Kansas and who are citizens of the United States and school employees shall include: (1) Persons who have performed service as a county superintendent of public instruction or as an employee appointed by and under the supervision of a county superintendent; (2) persons who have performed service as a state superintendent of public instruction or as an employee appointed by and under supervision of a state superintendent; (3) persons who have performed services as an employee appointed by the former state board for vocational education, except that prior to the time of accepting such employment by such county superintendent, state superintendent or state board for vocational education such employees had performed school service in Kansas as a teacher, principal, supervisor, or superintendent; (4) persons who are employees appointed by and under the supervision of the constitutional state board of education, including those employees transferred to the state department of education at its inception in January of 1969, and who prior to the time of accepting such employment by the state board of education had performed school service in Kansas as a teacher, principal, supervisor, or superintendent; (5) the commissioner of education if such commissioner exercises an irrevocable option to be covered by the state school retirement system in lieu of being covered by the Kansas public employees retirement system, which option shall be exercised by written notice of the commissioner of education at the time of appointment. Such notice shall be directed to the state school retirement board and the board of trustees of the Kansas public employees retirement system; (6) all instructional employees for the school for the blind and such employees shall be excluded from participation in any other state retirement system; and (7) teachers and supervisors of instruction at the state institutions under the management of the director of penal institutions and those under the management of the state board of social welfare which provide regular classroom instruction for their inmates

or patients if such instructional personnel have valid certificates issued by the state board of education, except that the provisions of this subsection shall not include such employees who have elected or shall elect, irrevocably, at the time of employment by the institution to participate in the Kansas public employees retirement system. The term "school employees" shall not include any employee while a member of a separate retirement system operated by any board of education but if any such employee at any time becomes eligible to participate in the state retirement as provided by this act, the years such person served in a school system in Kansas which maintains a separate retirement system shall be included in determining years of service of such person under this act. An employee performing service in a school system maintaining its own separate retirement system in Kansas may qualify for service credit in the state system by discontinuing membership in such separate retirement system prior to the time of retirement and accepting a position which is covered by the state retirement system, and continuing in such service for at least one school year. Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, such employee shall contribute to the state retirement system an amount of money equal to that which was deducted from such employee's salary for services rendered after September 1, 1941, in the city maintaining its own retirement system and this amount shall be credited to the savings account of the employee. If such employee was for any reason excluded from participation in the separate retirement system, the board shall give credit for such nonmember service in the public schools in the city maintaining a separate retirement system without the required transfer of funds. After September 1, 1971, no person shall be deemed a school employee for the purposes of this act;

(e) "school service" means: (1) Service performed as a school employee prior to September 1, 1941, if such years of service include at least six months during the years 1938-39 or 1939-40 or 1940-41; service performed by any employee who was not in school service in any of the school years from 1938 to 1941, but who reentered school service after September 1, 1941, and continued in such service for at least five years; all service prior to September 1, 1941, of any annuitant who retired prior to September 1, 1961, and who was granted a service annuity for one or more years as a contributing member of the school retirement system; all service prior to September 1, 1941, of any employee who served for at least six months during one of the qualifying years from 1938 to 1941 in a school system maintaining its own separate retirement system in Kansas, if such employee has not qualified, nor will in the future qualify, for retirement benefits under the separate retirement system; all service as a school employee, including out-of-state service as a school employee, for a period of 10 or more years prior to September 1, 1938, except that service annuities paid by the state of Kansas to such school employees shall not include such out-of-state service as a school employee, unless otherwise provided by law; (2) service as a school employee after September 1, 1941, as a contributing member of the school retirement system. No service credit shall be granted to a school employee who established or shall hereafter establish membership later than September 1, 1941, for a period of time between September 1, 1941, and the date of becoming a contributing member of the retirement system. School service shall include only full-time employees, except that $\frac{1}{2}$ year of credit shall be given to instructional employees who perform school service on at least a $\frac{1}{2}$ time basis throughout a school year. No school service credit shall be given in fractional units of less than $\frac{1}{2}$ year. The board may grant service credit to employees, who were performing school service at the time of their induction into the armed forces of the United States, equal to the time spent in the armed forces between September 1, 1940, and September 1, 1947, and between June 25, 1950, and July 27, 1953 and between August 5, 1964, and August 15, 1973, but no such service credit shall be granted for a period of more than five years spent in the armed forces between September 1, 1940, and September 1, 1947, or for a period of more than two years spent in the armed forces between June 25, 1950, and July 27, 1953 or for a period of more than two years spent in the armed forces between August 5, 1964 and August 15, 1973. In the event the employee served during the periods between September 1, 1940, and September 1, 1947, and between June 25, 1950, and July 27, 1953, such employee shall be granted a service credit for the actual time spent in the armed forces between June 25, 1950, and July 27, 1953, nor shall such service credit be granted to any employee unless such employee shall reenter school service and continue in such service

for at least one school year. The board may grant service credit to an employee who was performing school service prior to the time of becoming employed as a veterans' instructional on-the-farm training instructor equal to the time spent as such instructor between the dates of September 1, 1946, and September 1, 1961. The board may grant service credit to an employee who prior to performing school service was a faculty member of the Kansas vocational school at Topeka, known part of the time as the Kansas technical institute, which operated under the Kansas state board of regents prior to 1956 equal to the time spent as instructor at such school. In case of doubt the board shall decide what constitutes school service; and (3) service for which credit must be given under federal law, including, but not limited to, when applicable, the uniformed services employment and reemployment rights act of 1994, as in effect on July 1, ~~1998~~ 2008;

- (f) "school annuitant" means any person who is entitled to receive a school annuity;
 - (g) "school annuity" means the monthly payments due to any school annuitant. Such payments shall continue for life, and be paid in monthly installments;
 - (h) "service annuity" means that part of the school annuity which is based upon the service record of the person concerned, and which is paid by the state;
 - (i) "savings annuity" means that part of the school annuity which results from the accumulated contributions of the school employee and interest thereon less the proportionate share of the expense of the administration of this act;
 - (j) "disability annuity" means a school annuity granted to a school employee who suffers such physical or mental disability as to be unable to perform school service;
 - (k) "standard annuity" means the school annuity which is granted to a school employee at the age of 65 years, as prescribed by this act. The standard annuity shall be used as the basis in computing actuarially equivalent annuities granted at ages prior to 65 years. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumption shall be specified in a way that precludes employer discretion;
 - (l) "service record" means the individual record kept by the board for each school employee. It shall show the number of school years of school service, the salary or wages earned, the date of birth, and such other data as the board may require;
 - (m) "age" and "attained age" shall be computed as of September 1 of the calendar year under consideration;
 - (n) "deductions" means the amounts withheld, as provided in this act, from warrants issued in payment for school services;
 - (o) "actuarial computation" means computation in accordance with some standard actuarial table. The board shall determine which one of the standard actuarial tables shall be used. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion; and
 - (p) "compensation" means the same as provided in K.S.A. 74-49,123 and amendments thereto for purposes of nondiscrimination testing pursuant to the federal internal revenue code of 1986, as in effect on July 1, ~~1998~~ 2008.
- Sec. 10. K.S.A. 2007 Supp. 74-4902 is hereby amended to read as follows: 74-4902. As used in articles 49 and 49a of chapter 74 and amendments thereto, unless otherwise provided or the context otherwise requires:
- (1) "Accumulated contributions" means the sum of all contributions by a member to the system which are credited to the member's account, with interest allowed thereon;
 - (2) "acts" means the provisions of articles 49 and 49a of the Kansas Statutes Annotated and amendments thereto;
 - (3) "actuarial equivalent" means an annuity or benefit of equal value to the accumulated contributions, annuity or benefit, when computed upon the basis of the actuarial tables in use by the system. Whenever the amount of any benefit is to be determined on the basis of actuarial assumptions, the assumptions shall be specified in a way that precludes employer discretion;
 - (4) "actuarial tables" means the actuarial tables approved and in use by the board at any given time;
 - (5) "actuary" means the actuary or firm of actuaries employed or retained by the board at any given time;

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

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

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

(9) "compensation" means, except as otherwise provided, all salary, wages and other remuneration payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of compensation, but not including reimbursement for travel or moving expenses or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. Beginning with the employer's fiscal year which begins in calendar year 1991 or for employers other than the state of Kansas, beginning with the fiscal year which begins in calendar year 1992, when the compensation of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in compensation, except that (A) any amount of compensation for accumulated sick leave or vacation or annual leave paid to the member, (B) any increase in compensation for any member due to a reclassification or reallocation of such member's position or a reassignment of such member's job classification to a higher range or level and (C) any increase in compensation as provided in any contract entered into prior to January 1, 1991, and still in force on the effective date of this act, pursuant to an early retirement incentive program as provided in K.S.A. 72-5395 et seq., and amendments thereto, shall be included in the amount of compensation of such member used in determining such member's final average salary and shall not be subject to the 15% limitation provided in this subsection. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, beginning with the employer's fiscal year coinciding with or following July 1, 1985, compensation shall include any amounts for tax sheltered annuities or deferred compensation plans. Beginning with the employer's fiscal year which begins in calendar year 1991, compensation shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "compensation" shall have the meaning as provided in K.S.A. 74-49,123 and amendments thereto. For purposes of this subsection and application to the provisions of subsection (4) of K.S.A. 74-4927, and amendments thereto, "compensation" shall not include any payments made by the state board of regents pursuant to the provisions of subsection (5) of K.S.A. 74-4927a, and amendments thereto, to a member of the faculty or other person defined in subsection (1)(a) of K.S.A. 74-4925, and amendments thereto;

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

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

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

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

(14) "employee" means any appointed or elective officer or employee of a participating employer whose employment is not seasonal or temporary and whose employment requires at least 1,000 hours of work per year, and any such officer or employee who is concurrently employed performing similar or related tasks by two or more participating employers, who each remit employer and employee contributions on behalf of such officer or employee to the system, and whose combined employment is not seasonal or temporary, and whose combined employment requires at least 1,000 hours of work per year, but not including: (A) Any employee who is a contributing member of the United States civil service retirement system; (B) any employee who is a contributing member of the federal employees retirement system; (C) any employee who is a leased employee as provided in section 414 of the federal internal revenue code of a participating employer; and (D) any employee or class of employees specifically exempted by law. After June 30, 1975, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for a retirement annuity under the provisions of K.S.A. 74-4925 and amendments thereto, except that no person shall receive service credit under the Kansas public employees retirement system for any period of service for which benefits accrue or are granted under a retirement annuity plan under the provisions of K.S.A. 74-4925 and amendments thereto. After June 30, 1982, no person who is otherwise eligible for membership in the Kansas public employees retirement system shall be barred from such membership by reason of coverage by, eligibility for or future eligibility for any benefit under another retirement plan authorized under any law of this state, except that no such person shall receive service credit under the Kansas public employees retirement system for any period of service for which any benefit accrues or is granted under any such retirement plan. Employee shall include persons who are in training at or employed by, or both, a sheltered workshop for the blind operated by the secretary of social and rehabilitation services. The entry date for such persons shall be the beginning of the first pay period of the fiscal year commencing in calendar year 1986. Such persons shall be granted prior service credit in accordance with K.S.A. 74-4913 and amendments thereto. However, such persons classified as home industry employees shall not be covered by the retirement system. Employees shall include any member of a board of county commissioners of any county and any council member or commissioner of a city whose compensation is equal to or exceeds \$5,000 per year;

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

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

(17) "final average salary" means in the case of a member who retires prior to January 1, 1977, and in the case of a member who retires after January 1, 1977, and who has less than five years of participating service after January 1, 1967, the average highest annual compensation paid to such member for any five years of the last 10 years of participating service immediately preceding retirement or termination of employment, or in the case of a member who retires on or after January 1, 1977, and who has five or more years of participating service after January 1, 1967, the average highest annual compensation paid to such member on or after January 1, 1967, for any five years of participating service preceding retirement or termination of employment, or, in any case, if participating service is less than five years, then the average annual compensation paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12; in the case of a member who became a member under subsection (3) of K.S.A. 74-4925 and

amendments thereto, or who became a member with a participating employer as defined in subsection (3) of K.S.A. 74-4931 and amendments thereto and who elects to have compensation paid in other than 12 equal installments, such compensation shall be annualized as if the member had elected to receive 12 equal installments for any such periods preceding retirement; in the case of a member who retires after July 1, 1987, the average highest annual compensation paid to such member for any four years of participating service preceding retirement or termination of employment; in the case of a member who retires on or after July 1, 1993, whose date of membership in the system is prior to July 1, 1993, and any member who is in such member's membership waiting period on July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual compensation, as defined in subsection (9), paid to such member for any four years of participating service preceding retirement or termination of employment or the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment, whichever is greater; and in the case of a member who retires on or after July 1, 1993, and whose date of membership in the system is on or after July 1, 1993, the average highest annual salary, as defined in subsection (34), paid to such member for any three years of participating service preceding retirement or termination of employment. Final average salary shall not include any purchase of participating service credit by a member as provided in subsection (2) of K.S.A. 74-4919h and amendments thereto which is completed within five years of retirement. For any application to purchase or repurchase service credit for a certain period of service as provided by law received by the system after May 17, 1994, for any member who will have contributions deducted from such member's compensation at a percentage rate equal to two or three times the employee's rate of contribution or will begin paying to the system a lump-sum amount for such member's purchase or repurchase and such deductions or lump-sum payment commences after the commencement of the first payroll period in the third quarter, "final average salary" shall not include any amount of compensation or salary which is based on such member's purchase or repurchase. Any application to purchase or repurchase multiple periods of service shall be treated as multiple applications. For purposes of this subsection, the date that such member is first hired as an employee for members who are employees of employers that elected to participate in the system on or after January 1, 1994, shall be the date that such employee's employer elected to participate in the system. In the case of any former member who was eligible for assistance pursuant to K.S.A. 74-4925 and amendments thereto prior to July 1, 1998, for the purpose of calculating final average salary of such member, such member's final average salary shall be based on such member's salary while a member of the system or while eligible for assistance pursuant to K.S.A. 74-4925 and amendments thereto, whichever is greater;

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

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

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

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

(22) "military service" means service in the uniformed forces of the United States, for which retirement benefit credit must be given under the provisions of USERRA or service in the armed forces of the United States or in the commissioned corps of the United States public health service, which service is immediately preceded by a period of employment as an employee or by the entering into of an employment contract with a participating employer and is followed by return to employment as an employee with the same or another participating employer within 12 months immediately following discharge from such military

service, except that if the board determines that such return within 12 months was made impossible by reason of a service-connected disability, the period within which the employee must return to employment with a participating employer shall be extended not more than two years from the date of discharge or separation from military service;

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

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

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

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

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

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

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

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

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

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

(33) "salary" means all salary and wages payable to a member for personal services performed for a participating employer, including maintenance or any allowance in lieu thereof provided a member as part of salary. Salary shall not include reimbursement for travel or moving expenses, payment for accumulated sick leave or vacation or annual leave, severance pay or any other payments to the member determined by the board to not be payments for personal services performed for a participating employer constituting salary or on and after July 1, 1994, payment pursuant to an early retirement incentive program made prior to the retirement of the member. When the salary of a member who remains in substantially the same position during any two consecutive years of participating service used in calculating final average salary is increased by an amount which exceeds 15%, then the amount of such increase which exceeds 15% shall not be included in salary. Any contributions by such member on the amount of such increase which exceeds 15% which is not included in compensation shall be returned to the member. Unless otherwise provided by law, salary shall include any amounts for tax sheltered annuities or deferred compensation

plans. Salary shall include amounts under sections 403b, 457 and 125 of the federal internal revenue code of 1986 and, as the board deems appropriate, any other section of the federal internal revenue code of 1986 which defers or excludes amounts from inclusion in income. For purposes of applying limits under the federal internal revenue code "salary" shall have the meaning as provided in K.S.A. 74-49,123 and amendments thereto. In any case, if participating service is less than three years, then the average annual salary paid to the member during the full period of participating service, or, in any case, if the member has less than one calendar year of participating service such member's final average salary shall be computed by multiplying such member's highest monthly salary received in that year by 12;

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

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

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

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

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

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

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

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

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

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

Sec. 12. K.S.A. 2007 Supp. 74-4914 is hereby amended to read as follows: 74-4914. (1) The normal retirement date for a member of the system shall be the first day of the month coinciding with or following termination of employment with any participating employer not followed by employment with any participating employer within 30 days and the attainment of age 65 or, commencing July 1, 1993, age 62 with the completion of 10 years of credited service or the first day of the month coinciding with or following the date that the total of the number of years of credited service and the number of years of attained age of the member is equal to or more than 85. In no event shall a normal retirement date for a member be before six months after the entry date of the participating employer by whom such member is employed. A member may retire on the normal retirement date or on the first day of any month thereafter upon the filing with the office of the retirement system of

an application in such form and manner as the board shall prescribe. Nothing herein shall prevent any person, member or retirant from being employed, appointed or elected as an employee, appointee, officer or member of the legislature. Elected officers may retire from the system on any date on or after the attainment of the normal retirement date, but no retirement benefits payable under this act shall be paid until the member has terminated such member's office.

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

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

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

(5) On or after July 1, 2006, for any retirant who is first employed or appointed in or to any position or office by a participating employer other than a participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such participating employer shall pay to the system the actuarially determined employer contribution and the statutorily prescribed employee contribution based on the retirant's compensation during any such period of employment or appointment. If a retirant who retired on or after July 1, 1988, is employed or appointed in or to any position or office for which compensation for service is paid in an amount equal to \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one such calendar year, by any participating employer for which such retirant was employed or appointed during the final two years of such retirant's participation, such retirant shall not receive any retirement benefit for any month for which such retirant serves in such position or office. The participating employer shall report to the system within 30 days of when the compensation paid to the retirant is equal to or exceeds any limitation provided by this section. Any retirant employed by a participating employer shall not make contributions nor receive additional credit under such system for such service except as provided by this section. Upon request of the executive director of the system, the secretary of revenue shall provide such information as may be needed by the executive director to carry out the provisions of this act. The provisions of this subsection shall not apply to retirants employed as substitute teachers or officers, employees or appointees of the legislature. The provisions of this subsection shall not apply to members of the legislature prior to January 8, 2000. The provisions of this subsection shall not apply to any other elected officials prior to the term of office of such elected official which commences on or after July 1, 2000. The provisions of this subsection shall apply to any other elected official on and after the term of office of such other elected official which commences on or after July 1, 2000. Except as otherwise provided, commencing January 8, 2001, the provisions of this subsection shall apply to members of the legislature. For determination of the amount of compensation paid pursuant to this subsection, for members of the legislature, compensation shall include any amount paid as provided pursuant to subsections (a), (b), (c) and (d) of K.S.A. 46-137a, and amendments thereto, or pursuant to K.S.A. 46-137b, and amendments thereto. Notwithstanding any provision of law to the contrary, when a member of the legislature is paid an amount of compensation of \$15,000 or more, or commencing in calendar year 2006, and all calendar years thereafter, \$20,000 or more in any one calendar year, the member may continue to receive any amount provided in subsections (b) and (d) of K.S.A. 46-137a, and amendments thereto, and still be entitled to receive such member's retirement benefit. Commencing July 1, 2005, ~~and ending June 30, 2006~~; the provisions of this subsection shall not apply to retirants who either retired under the provisions of subsection (1),

or, if they retired under the provisions of subsection (4), were retired more than 30 days prior to the effective date of this act and are licensed professional nurses or licensed practical nurses employed by the state of Kansas ~~at the Osawatimic state hospital, Rainbow mental health facility, Larned state hospital, Parsons state hospital and training center, Kansas neurological institute in an institution as defined in subsection (b) of K.S.A. 76-12a01 or subsection (f) of K.S.A. 38-2302, and amendments thereto,~~ the Kansas soldiers' home or the Kansas veterans' home. *Nothing in this subsection shall be construed to create any right, or to authorize the creation of any right, which is not subject to amendment or nullification by act of the legislature.* The participating employer of such retirant shall pay to the system the actuarially determined employer contribution based on the retirant's compensation during any such period of employment.

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

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

(b) ~~Any member, if not actively employed, who has previously been a member of the system and who has forfeited participating and prior service credit by reason of termination of employment with a participating employer and withdrawal of such member's accumulated contributions may have all or a part of such forfeited service reinstated as provided in K.S.A. 74-4901 through 74-4930 and amendments thereto. Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, such member may purchase such service credit by means of a single lump-sum payment. The lump-sum payment shall be an amount determined by the actuary using the member's annual rate of compensation when last participating, the actuarial assumptions and tables currently in use by the retirement system and the member's attained age. Any employee of a participating employer who becomes a member of the system as provided in K.S.A. 74-4911 or 74-4935, and amendments thereto, who has been a member of the system prior to July 1, 2009, and who has forfeited participating and prior service credit by reason of termination of employment with a participating employer and withdrawal of such member's accumulated contributions, may have all or a part of such forfeited service reinstated as provided in K.S.A. 74-4901 through 74-4930, and amendments thereto, upon return to covered employment after July 1, 2009, and shall have such service credited under the terms of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto.~~

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

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

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

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

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

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

Sec. 15. K.S.A. 74-4988 is hereby amended to read as follows: 74-4988. (1) (a) Each person who is a member of a retirement system and who becomes a member of another retirement system shall receive credit under each such retirement system for credited service under the other retirement system for the purpose of satisfying any requirement for such person to complete certain periods of service to become eligible to receive a retirement benefit or disability benefit or for such person's beneficiaries to receive a death benefit. The retirement benefit which a person becomes eligible to receive under a retirement system shall be based only on credited service under such retirement system, except that the determination of final average salary under such retirement system shall include the compensation received as a member of each other retirement system if such compensation is higher. Except as provided in subsection (1)(b), such retirement benefit shall become payable upon the member submitting an application to retire under each system, except that a member who is not eligible to retire under the retirement system to which such member is not currently making contributions because such member does not meet the age requirements of the earliest retirement date of such system may retire, upon meeting the requirements for retirement, under the provisions of the retirement system which the member had been most recently making contributions. No further rights and benefits will accrue under the retirement system to which the member is not currently making contributions after the date the member retires from the system from which the member had been most recently making contributions and the member will be retired and benefits shall commence on the date that the member would first have attained retirement age from the system to which the member is not currently making contributions. *If the member does not meet the age requirements of the earliest retirement date under the retirement system to which such member is not currently making contributions but used credited service under such system for the purpose of satisfying any requirement for such person to complete certain periods of service to become eligible to receive a retirement benefit from the member's current system, the member's account under the system to which such member is not currently making contributions shall be withdrawn the month immediately following the member's retirement in a form and manner as determined by the board. Members who are covered under the provisions of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto, may use service from any system under the Kansas public employees retirement system, K.S.A. 74-4901 et seq., and amendments thereto, to attain a vested benefit pursuant to the provisions of K.S.A. 2007 Supp. 74-49,201 et seq., and amendments thereto.*

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

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

(3) As used in this section:

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

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

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

(b) The director of accounts and reports shall deduct the amount each elected state official is to contribute to the fund on the payroll of each elected state official for each payroll period showing the amount deducted and its credit to the fund. Such deductions shall be remitted as the board may provide, to the executive director of the Kansas public employees retirement system for credit to the fund to the credit of the elected state official's individual account therein.

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

(d) (1) Subject to the provisions of K.S.A. 74-49,123 and amendments thereto, the state of Kansas pursuant to the provisions of section 414(h)(2) of the federal internal revenue code of 1986, as in effect on July 1, ~~1996~~ 2008, shall pick up and pay the contributions which would otherwise be payable by elected state officials as prescribed in subsection (a) commencing with the effective date of this act. Contributions so picked up shall be treated as employer contributions for purposes of determining the amounts of federal income taxes to withhold from the elected state official's compensation.

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

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

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

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

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

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

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

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

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

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

(b) As used in this section:

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

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

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

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

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

(3) All benefits paid from the retirement plan shall be distributed in accordance with the requirements of section 401(a)(9) of the federal internal revenue code and the regulations under that section. ~~In order to meet these requirements, the retirement plan shall be administered in accordance with the following provisions. (A) Distribution of a member’s benefit must begin by the later of the April 1 following the calendar year in which a participant attains age 70 ½ or the April 1 of the year following the calendar year in which the member retires;~~

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

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

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

~~(A) Benefits must begin by the required beginning date, which is the later of April 1 of the calendar year following the calendar year in which the member reaches 70 ½ years of age or April 1 of the calendar year following the calendar year in which the member terminates employment. If a member fails to apply for retirement benefits by April 1 of the calendar year following the calendar year in which such member reaches 70 ½ years of age or April 1 of the calendar year following the calendar year in which such member terminates employment, whichever is later, the board will begin distributing the benefit as required by this section.~~

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

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

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

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

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

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

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

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

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

(5) The board or its designee may not:

(A) determine eligibility for benefits;

(B) compute rates of contribution; or

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

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

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

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

(i) Where the retirement plan's law requires a lump-sum payment, for the purchase of service credit, the board may establish a periodic payment plan in order to avoid a contribution in excess of the limits under section 415(c) or 415(n) of the federal internal revenue code.

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

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

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

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

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

shall not fail to meet the percentage limitation under section 415(c)(1)(B) of the federal internal revenue code solely by reason of this paragraph.

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

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

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

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

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

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

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

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

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

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

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

(D) Subject to approval by the internal revenue service, the board shall maintain a qualified governmental excess benefit arrangement under section 415(m) of the federal internal revenue code. The board shall establish the necessary and appropriate procedures for the administration of such benefit arrangement under the federal internal revenue code. The amount of any annual benefit that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be paid from this benefit arrangement. The amount of any contribution that would exceed the limitations imposed by section 415 of the federal internal revenue code shall be credited to this benefit arrangement. The qualified excess benefit arrangement shall be a separate portion of the retirement plan. The qualified excess benefit arrangement is subject to the following requirements:

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

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

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

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

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

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

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

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

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

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

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

(iv) Back pay, within the meaning of treasury regulation section 1.415(c)-2(g)(8), shall be treated as compensation for the limitation year to which the back pay relates to the extent the back pay represents wages and compensation that would otherwise be included under this definition.

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

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

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

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

(D) in no event shall a member's annual benefit payable from a retirement plan in any limitation year be greater than the limit applicable at the annuity starting date, as increased in subsequent years pursuant to section 415(d) of the federal internal revenue code and the regulations thereunder. If the form of benefit without regard to the automatic benefit increase feature is not a straight life annuity, then the preceding sentence is applied by reducing the limit under section 415(b) of the federal internal revenue code applicable at the annuity starting date to an actuarially equivalent amount determined using the assumptions specified

in treasury regulation section 1.415(b)-1(c)(2)(ii) that take into account the death benefits under the form of benefit. This subsection applies to distributions made on and after January 1, 1993. A distributee may elect to have any portion of an eligible rollover distribution paid directly to an eligible retirement plan specified by the distributee in a transfer made from the retirement system.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Sec. 20. K.S.A. 74-49,124 is hereby amended to read as follows: 74-49,124. (a) The board shall administer the Kansas public employees retirement fund, including all benefit structures administered by the board, in the manner required to satisfy the applicable qualification requirements for governmental plans as specified in the federal internal revenue

code of 1954 or 1986, as amended and as appropriate for a governmental plan and as in effect on July 1, ~~1998~~ 2008.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(a) (1) Notwithstanding the provisions of K.S.A. 2007 Supp. 74-49,204, and amendments

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

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

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

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

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

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

Sec. 25. K.S.A. 2007 Supp. 79-32,117 is hereby amended to read as follows: 79-32,117. (a) The Kansas adjusted gross income of an individual means such individual's federal adjusted gross income for the taxable year, with the modifications specified in this section.

(b) There shall be added to federal adjusted gross income:

(i) Interest income less any related expenses directly incurred in the purchase of state or political subdivision obligations, to the extent that the same is not included in federal adjusted gross income, on obligations of any state or political subdivision thereof, but to the extent that interest income on obligations of this state or a political subdivision thereof issued prior to January 1, 1988, is specifically exempt from income tax under the laws of this state authorizing the issuance of such obligations, it shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income. Interest income on obligations of this state or a political subdivision thereof issued after December 31, 1987, shall be excluded from computation of Kansas adjusted gross income whether or not included in federal adjusted gross income.

(ii) Taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state or any other taxing jurisdiction to the extent deductible in determining federal adjusted gross income and not credited against federal income tax. This paragraph shall not apply to taxes imposed under the provisions of K.S.A. 79-1107 or 79-1108, and amendments thereto, for privilege tax year 1995, and all such years thereafter.

(iii) The federal net operating loss deduction.

(iv) Federal income tax refunds received by the taxpayer if the deduction of the taxes being refunded resulted in a tax benefit for Kansas income tax purposes during a prior taxable year. Such refunds shall be included in income in the year actually received regardless of the method of accounting used by the taxpayer. For purposes hereof, a tax benefit shall be deemed to have resulted if the amount of the tax had been deducted in determining income subject to a Kansas income tax for a prior year regardless of the rate of taxation applied in such prior year to the Kansas taxable income, but only that portion of the refund shall be included as bears the same proportion to the total refund received as the federal taxes deducted in the year to which such refund is attributable bears to the total federal income taxes paid for such year. For purposes of the foregoing sentence, federal taxes shall be considered to have been deducted only to the extent such deduction does not reduce Kansas taxable income below zero.

(v) The amount of any depreciation deduction or business expense deduction claimed on the taxpayer's federal income tax return for any capital expenditure in making any building or facility accessible to the handicapped, for which expenditure the taxpayer claimed the credit allowed by K.S.A. 79-32,177, and amendments thereto.

(vi) Any amount of designated employee contributions picked up by an employer pursuant to K.S.A. 12-5005, 20-2603, 74-4919 and 74-4965, and amendments to such sections.

(vii) The amount of any charitable contribution made to the extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 79-32,196, and amendments thereto.

(viii) The amount of any costs incurred for improvements to a swine facility, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2007 Supp. 79-32,204 and amendments thereto.

(ix) The amount of any ad valorem taxes and assessments paid and the amount of any costs incurred for habitat management or construction and maintenance of improvements on real property, claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 79-32,203 and amendments thereto.

(x) Amounts received as nonqualified withdrawals, as defined by K.S.A. 2007 Supp. 75-643, and amendments thereto, if, at the time of contribution to a family postsecondary education savings account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xv) of subsection (c) of K.S.A. 79-32,117, and amendments thereto, or if such amounts are not already included in the federal adjusted gross income.

(xi) The amount of any contribution made to the same extent the same is claimed as the basis for the credit allowed pursuant to K.S.A. 2007 Supp. 74-50,154, and amendments thereto.

(xii) For taxable years commencing after December 31, 2004, amounts received as withdrawals not in accordance with the provisions of K.S.A. 2007 Supp. 74-50,204, and amendments thereto, if, at the time of contribution to an individual development account, such amounts were subtracted from the federal adjusted gross income pursuant to paragraph (xiii) of subsection (c), or if such amounts are not already included in the federal adjusted gross income.

(xiii) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2007 Supp. 79-32,217 through 79-32,220 or 79-32,222, and amendments thereto.

(xiv) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2007 Supp. 79-32,221, and amendments thereto.

(xv) The amount of any expenditures claimed for deduction in determining federal adjusted gross income, to the extent the same is claimed as the basis for any credit allowed pursuant to K.S.A. 2007 Supp. 79-32,223 through 79-32,226, 79-32,228 through 79-32,231, 79-32,233 through 79-32,236, 79-32,238 through 79-32,241, 79-32,245 through 79-32,248 or 79-32,251 through 79-32,254, and amendments thereto.

(xvi) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2007 Supp.

79-32,227, 79-32,232, 79-32,237, 79-32,249, 79-32,250 or 79-32,255, and amendments thereto.

(xvii) The amount of any amortization deduction claimed in determining federal adjusted gross income to the extent the same is claimed for deduction pursuant to K.S.A. 2007 Supp. 79-32,256, and amendments thereto.

(c) There shall be subtracted from federal adjusted gross income:

(i) Interest or dividend income on obligations or securities of any authority, commission or instrumentality of the United States and its possessions less any related expenses directly incurred in the purchase of such obligations or securities, to the extent included in federal adjusted gross income but exempt from state income taxes under the laws of the United States.

(ii) Any amounts received which are included in federal adjusted gross income but which are specifically exempt from Kansas income taxation under the laws of the state of Kansas.

(iii) The portion of any gain or loss from the sale or other disposition of property having a higher adjusted basis for Kansas income tax purposes than for federal income tax purposes on the date such property was sold or disposed of in a transaction in which gain or loss was recognized for purposes of federal income tax that does not exceed such difference in basis, but if a gain is considered a long-term capital gain for federal income tax purposes, the modification shall be limited to that portion of such gain which is included in federal adjusted gross income.

(iv) The amount necessary to prevent the taxation under this act of any annuity or other amount of income or gain which was properly included in income or gain and was taxed under the laws of this state for a taxable year prior to the effective date of this act, as amended, to the taxpayer, or to a decedent by reason of whose death the taxpayer acquired the right to receive the income or gain, or to a trust or estate from which the taxpayer received the income or gain.

(v) The amount of any refund or credit for overpayment of taxes on or measured by income or fees or payments in lieu of income taxes imposed by this state, or any taxing jurisdiction, to the extent included in gross income for federal income tax purposes.

(vi) Accumulation distributions received by a taxpayer as a beneficiary of a trust to the extent that the same are included in federal adjusted gross income.

(vii) Amounts received as annuities under the federal civil service retirement system from the civil service retirement and disability fund and other amounts received as retirement benefits in whatever form which were earned for being employed by the federal government or for service in the armed forces of the United States.

(viii) Amounts received by retired railroad employees as a supplemental annuity under the provisions of 45 U.S.C. 228b (a) and 228c (a)(1) et seq.

(ix) Amounts received by retired employees of a city and by retired employees of any board of such city as retirement allowances pursuant to K.S.A. 13-14,106, and amendments thereto, or pursuant to any charter ordinance exempting a city from the provisions of K.S.A. 13-14,106, and amendments thereto.

(x) For taxable years beginning after December 31, 1976, the amount of the federal tentative jobs tax credit disallowance under the provisions of 26 U.S.C. 280 C. For taxable years ending after December 31, 1978, the amount of the targeted jobs tax credit and work incentive credit disallowances under 26 U.S.C. 280 C.

(xi) For taxable years beginning after December 31, 1986, dividend income on stock issued by Kansas Venture Capital, Inc.

(xii) For taxable years beginning after December 31, 1989, amounts received by retired employees of a board of public utilities as pension and retirement benefits pursuant to K.S.A. 13-1246, 13-1246a and 13-1249 and amendments thereto.

(xiii) For taxable years beginning after December 31, 2004, amounts contributed to and the amount of income earned on contributions deposited to an individual development account under K.S.A. 2007 Supp. 74-50,201, et seq., and amendments thereto.

(xiv) For all taxable years commencing after December 31, 1996, that portion of any income of a bank organized under the laws of this state or any other state, a national banking association organized under the laws of the United States, an association organized under the savings and loan code of this state or any other state, or a federal savings association

organized under the laws of the United States, for which an election as an S corporation under subchapter S of the federal internal revenue code is in effect, which accrues to the taxpayer who is a stockholder of such corporation and which is not distributed to the stockholders as dividends of the corporation.

(xv) For all taxable years beginning after December 31, 2006, amounts not exceeding \$3,000, or \$6,000 for a married couple filing a joint return, for each designated beneficiary which are contributed to a family postsecondary education savings account established under the Kansas postsecondary education savings program or a qualified tuition program established and maintained by another state or agency or instrumentality thereof pursuant to section 529 of the internal revenue code of 1986, as amended, for the purpose of paying the qualified higher education expenses of a designated beneficiary at an institution of postsecondary education. The terms and phrases used in this paragraph shall have the meaning respectively ascribed thereto by the provisions of K.S.A. 2007 Supp. 75-643, and amendments thereto, and the provisions of such section are hereby incorporated by reference for all purposes thereof.

(xvi) For the tax year beginning after December 31, 2004, an amount not exceeding \$500; for the tax year beginning after December 31, 2005, an amount not exceeding \$600; for the tax year beginning after December 31, 2006, an amount not exceeding \$700; for the tax year beginning after December 31, 2007, an amount not exceeding \$800; for the tax year beginning December 31, 2008, an amount not exceeding \$900; and for all taxable years commencing after December 31, 2009, an amount not exceeding \$1,000 of the premium costs for qualified long-term care insurance contracts, as defined by subsection (b) of section 7702B of public law 104-191.

(xvii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are or were members of the armed forces of the United States, including service in the Kansas army and air national guard, as a recruitment, sign up or retention bonus received by such taxpayer as an incentive to join, enlist or remain in the armed services of the United States, including service in the Kansas army and air national guard, and amounts received for repayment of educational or student loans incurred by or obligated to such taxpayer and received by such taxpayer as a result of such taxpayer's service in the armed forces of the United States, including service in the Kansas army and air national guard.

(xviii) For all taxable years beginning after December 31, 2004, amounts received by taxpayers who are eligible members of the Kansas army and air national guard as a reimbursement pursuant to K.S.A. 48-281, and amendments thereto, and amounts received for death benefits pursuant to K.S.A. 48-282, and amendments thereto, or pursuant to section 1 or section 2 of chapter 207 of the 2005 session laws of Kansas, and amendments thereto, to the extent that such death benefits are included in federal adjusted gross income of the taxpayer.

(xix) For the taxable year beginning after December 31, 2006, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$50,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly; and for all taxable years beginning after December 31, 2007, amounts received as benefits under the federal social security act which are included in federal adjusted gross income of a taxpayer with federal adjusted gross income of \$75,000 or less, whether such taxpayer's filing status is single, head of household, married filing separate or married filing jointly.

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

(d) There shall be added to or subtracted from federal adjusted gross income the taxpayer's share, as beneficiary of an estate or trust, of the Kansas fiduciary adjustment determined under K.S.A. 79-32,135, and amendments thereto.

(e) The amount of modifications required to be made under this section by a partner which relates to items of income, gain, loss, deduction or credit of a partnership shall be determined under K.S.A. 79-32,131, and amendments thereto, to the extent that such items affect federal adjusted gross income of the partner.

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

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

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

By striking all on pages 2 through 25;

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

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

SHARON SCHWARTZ
BOB BETHELL
BILL FEUERBORN
Conferees on part of House

DWAYNE UMBARGER
JAY SCOTT EMLER
LAURA KELLY
Conferees on part of Senate

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for Sub 309**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report 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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **H Sub for SB 387**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2186**, submits the following report:

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

On page 1, in line 28, by striking "be licensed by the state of Kansas in such"; by striking all in line 29; in line 30, by striking all before the semicolon and inserting "state in such advertisement whether or not such person is licensed and if licensed, under what authority such license is issued and in what profession";

On page 2, in line 12, by striking "\$5,000" and inserting "\$1,000"; in line 13, by striking "2007 Supp."; in line 40, by striking all after "shall"; in line 41, by striking all before the period and inserting "state the following : "This certificate is issued pursuant to subsection (b) of K.S.A. 65-2423, and amendments thereto."";

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2186**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Huelskamp, Pyle.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2642**, submits the following report:

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

On page 1, after line 20, by inserting the following:

"Section 1. K.S.A. 20-3002 is hereby amended to read as follows: 20-3002. (a) ~~On and after January 1, 2003, through December 31, 2004, the court of appeals shall consist of 11 judges whose positions shall be numbered one to 11. On and after January 1, 2005, through December 31, 2007, the court of appeals shall consist of 12 judges whose positions shall be~~

~~numbered one to 12~~: On and after January 1, 2008, through December 31, ~~2008~~ 2009, the court of appeals shall consist of 13 judges whose positions shall be numbered one to 13. On and after January 1, ~~2009~~ 2010, the court of appeals shall consist of 14 judges whose positions shall be numbered one to 14. Judges of the court of appeals shall possess the qualifications prescribed by law for justices of the supreme court.

(b) Judges of the court of appeals shall be selected in the manner provided by K.S.A. 20-3003 through 20-3010, and amendments thereto. Each judge of the court of appeals shall receive an annual salary in the amount prescribed by law. No judge of the court of appeals may receive additional compensation for official services performed by the judge. Each such judge shall be reimbursed for expenses incurred in the performance of such judge's official duties in the same manner and to the same extent justices of the supreme court are reimbursed for such expenses.

(c) The supreme court may assign a judge of the court of appeals to serve temporarily on the supreme court.

(d) Any additional court of appeals judge position created by this section shall be considered a position created by the supreme court and not a civil appointment to a state office pursuant to K.S.A. 46-234, and amendments thereto.”;

And by renumbering the remaining sections accordingly;

On page 9, in line 39, after “K.S.A.” by inserting “20-3002,”;

In the title, in line 15, after “K.S.A.” by inserting “20-3002,”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2642**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **HB 2700**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2700**, submits the following report:

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

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

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 65-1753 is hereby amended to read as follows: 65-1753.

(a) Except as otherwise provided by law and in accordance with any applicable legal requirements, a dead human body which is removed from the location of death shall be transported only to a licensed funeral establishment, a licensed branch funeral establishment containing

an embalming preparation room or a holding facility, a licensed crematory containing a holding facility, a hospital, a cemetery, a coroner or medical examiner facility, the university of Kansas medical center, *a federally certified organ procurement organization serving the state of Kansas* or other location of final disposition.

(b) *A dead human body which is to be removed in accordance with subsection (a) to a federally certified organ procurement organization serving the state of Kansas shall be removed only upon the release of a person listed in the order of priority pursuant to K.S.A. 2007 Supp. 65-3228, and amendments thereto.*

Sec. 2. K.S.A. 2007 Supp. 65-1753 is hereby repealed.

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

In the title, by striking all in lines 10 through 12 and inserting the following: “AN ACT concerning public health; relating to removal of dead bodies; amending K.S.A. 2007 Supp. 65-1753 and repealing the existing section.”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2700**.
On roll call, the vote was: Yeas 35, Nays 4, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

Nays: Huelskamp, Ostmeyer, Pyle, Wilson.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

ORIGINAL MOTION

Senator D. Schmidt moved Joint Rule 3(f) of the Senate and House of Representatives be suspended and the 30 minute rule be waived on the conference committee report on **HB 2727**.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2727**, submits the following report:

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

On page 2, in line 23, by striking all after “shall”; in line 24, by striking “costs paid herein” and inserting “be reimbursed such fee upon the costs being paid by the defendant”; also in line 24, by striking “or”; in line 25, by striking “28-172c”;

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

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

Senator Vratil moved the Senate adopt the Conference Committee Report on **HB 2727**.
On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Reitz.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2858**, submits the following report:

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

On page 2, following line 34, by inserting the following:

“Sec. 4. (a) For the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015, 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) This act shall not be subject to the provisions of subsection (a) of K.S.A. 75-6702 and amendments thereto.

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

Sec. 5.

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:

Kansas academy for math and science

For the fiscal year ending June 30, 2009..... \$295,000
For the fiscal year ending June 30, 2010..... \$713,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2009, is hereby reappropriated for fiscal year 2010.

For the fiscal year ending June 30, 2011..... \$754,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2010, is hereby reappropriated for fiscal year 2011.

For the fiscal year ending June 30, 2012..... \$792,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2011, is hereby reappropriated for fiscal year 2012.

For the fiscal year ending June 30, 2013..... \$835,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2012, is hereby reappropriated for fiscal year 2013.

For the fiscal year ending June 30, 2014..... \$938,000

Provided, That any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2013, is hereby reappropriated for fiscal year 2014. Any unencumbered balance in the Kansas academy for math and science account in excess of \$100 as of June 30, 2014, is hereby reappropriated for fiscal year 2015.”;

And by renumbering the remaining sections accordingly;

In the title, in line 12, following “foundation” by inserting “; making and concerning appropriations for the fiscal years ending June 30, 2009, June 30, 2010, June 30, 2011, June 30, 2012, June 30, 2013, June 30, 2014, and June 30, 2015”;

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

JEAN KURTIS SCHODORF
 RUTH TEICHMAN
 JANIS K. LEE
Conferees on part of Senate

JOE MCLELAND
 MICHAEL R. O’NEAL
 BOB GRANT
Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2858**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.
 Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2923**, submits the following report:

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

On page 1, in line 22, by striking “Section 1.” and inserting the following:
 “Section 1.

KANSAS COMMISSION ON VETERANS AFFAIRS

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

Operating expenditures — administration	
For the fiscal year ending June 30, 2009.....	\$60,000
New Sec. 2.”;	

And by renumbering the remaining sections accordingly;

On page 3, in line 39, by striking “in”;

On page 4, in line 39, by striking “From July 1, 2008, to June 30, 2010, an” and inserting “An”; in line 40, by striking all after “profits”; in line 41, by striking all before “shall”;

On page 5, in line 5, by striking “From July 1, 2008 to June 30, 2010, an” and inserting “An”; in line 6, by striking all after the first “profits”; in line 11, after “from” by inserting “: (A)”; in line 15, after “act” by inserting “; and (B) from and after July 1, 2010, shall be appropriated for a veterans enhanced service delivery program”;

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

DON MYERS
 PAT COLLOTON
 CANDY RUFF
Conferees on part of Senate

DWAYNE UMBARGER
 JAY SCOTT EMLER
 LAURA KELLY
Conferees on part of House

Senator Umbarger moved the Senate adopt the Conference Committee Report on **S Sub for HB 2923**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schoendorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson.

Nays: Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

On motion of Senator D. Schmidt, the Senate recessed until 6:30 p.m.

EVENING-SESSION

The Senate met pursuant to recess with President Morris in the chair.

POINT OF PERSONAL PRIVILEGE

Senator Betts rose on a Point of Personal Privilege to recognize the 40th anniversary of the assassination of Martin Luther King, Jr.

Martin Luther King, Jr., (January 15, 1929-April 4, 1968) was born Michael Luther King, Jr., but later had his name changed to Martin. Martin Luther attended segregated public schools in Georgia, graduating from high school at the age of fifteen; he received the B. A. degree in 1948 from Morehouse College, a distinguished Negro institution of Atlanta from which both his father and grandfather had graduated. After three years of theological study at Crozer Theological Seminary in Pennsylvania where he was elected president of a predominantly white senior class, he was awarded the B.D. in 1951. With a fellowship won at Crozer, he enrolled in graduate studies at Boston University, completing his residence for the doctorate in 1953 and receiving the degree in 1955. In Boston he met and married Coretta Scott, a young woman of uncommon intellectual and artistic attainments. Two sons and two daughters were born into the family.

In 1954, Martin Luther King accepted the pastorate of the Dexter Avenue Baptist Church in Montgomery, Alabama. Always a strong worker for civil rights, King was, by this time, a member of the executive committee of the National Association for the Advancement of Colored People, the leading organization of its kind in the nation. He was ready, then, early in December, 1955, to accept the leadership of the first great Negro nonviolent demonstration of contemporary times in the United States, the bus boycott. The boycott lasted 382 days. On December 21, 1956, after the Supreme Court of the United States had declared unconstitutional the laws requiring segregation on buses, Negroes and whites rode the buses as equals. During these days of boycott, King was arrested, his home was bombed, he was subjected to personal abuse, but at the same time he emerged as a Negro leader of the first rank.

In 1957 he was elected president of the Southern Christian Leadership Conference, an organization formed to provide new leadership for the now burgeoning civil rights movement. The ideals for this organization he took from Christianity; its operational techniques from Gandhi. In the eleven-year period between 1957 and 1968, King traveled over six million miles and spoke over twenty-five hundred times, appearing wherever there was injustice, protest, and action; and meanwhile he wrote five books as well as numerous articles. In these years, he led a massive protest in Birmingham, Alabama, that caught the attention of the entire world, providing what he called a coalition of conscience, and inspiring his "Letter from a Birmingham Jail", a manifesto of the Negro revolution; he planned the drives in Alabama for the registration of Negroes as voters; he directed the peaceful march on Washington, D.C., of 250,000 people to whom he delivered his address, "I Have a Dream", he conferred with President John F. Kennedy and campaigned for President Lyn-

don B. Johnson; he was arrested upwards of twenty times and assaulted at least four times; he was awarded five honorary degrees; was named Man of the Year by *Time* magazine in 1963; and became not only the symbolic leader of American blacks but also a world figure.

At the age of thirty-five, Martin Luther King, Jr., was the youngest man to have received the Nobel Peace Prize. When notified of his selection, he announced that he would turn over the prize money of \$54,123 to the furtherance of the civil rights movement.

On the evening of April 4, 1968, forty years ago today, while standing on the balcony of his motel room in Memphis, Tennessee, where he was to lead a protest march in sympathy with striking garbage workers of that city, he was assassinated.

POINT OF PERSONAL PRIVILEGE

Senator Haley rose on a Point of Personal Privilege to recognize the 40th anniversary of the assassination of Martin Luther King, Jr.

Let the words of our mouths and the meditation in our hearts be acceptable in Your sight . . . oh Lord, our strength and our Redeemer.

Mr. President: Two score this very evening (or forty years ago today exactly), a single rifle shot emanated from a depraved and racist would-be assassin. Now the bullet struck and took the mortal life of Martin Luther King, Jr. as he stood with several of his associates on a balcony at the Lorraine Hotel in Memphis, Tennessee.

Do you remember where you were that day, Mr. President? Where were you . . . what were you doing . . . what did you feel, if anything at all, Mr. President . . . when you heard that King had been shot?

My dad was a member of the Kansas Senate that fateful day. He had been a classmate of Dr. King's just twenty years before at Morehouse College in Atlanta, Georgia and had just hosted an event with him in Kansas City a few months before. As a boy of nine or so, it only frightened me to see the shock and to hear the quavering fear in my mother's voice as she stood at the kitchen phone talking to dad there in our house in Kansas City. What of it . . . momma . . . why are you upset . . . what does it mean . . . he isn't a relative . . . or even a friend . . . why . . . tell me, please why are you so sad?

My mother couldn't explain the incredible loss that she and countless millions of people were feeling at that moment. Even today, at this hour forty years later, living in an America that has made great strides to move ever closer to the realism of his dream . . . I still, now as a grown man, can feel the echo . . . the sting . . . the immeasurable loss of that day.

But thank God, Mr. President, Thank God.

The dream didn't die with the dreamer. The movement for civil rights and for personal dignity to be heir to every American regardless of social or economic station . . . regardless of race, or of religion or of class or of gender . . . the dream has made great strides in forty years, and a martyr at only 39, Dr. King's legacy has lived longer than he did and it holds significant truths . . . evident at so many levels. In this fortieth anniversary year, for example, America has grown tolerant enough, big enough, mature enough to seriously consider electing to the office persons based on their content of their character and their ability and not on their gender or on their age or on their race.

Every year that I've been in this legislature, I have commemorated the greatness of Dr. King and of his message; the message that human rights and equality are the (birth) right of every human being . . . a message which he, and so many others have lived, died and continue to work towards . . . around the world.

In closing, Mr. President, Dr. King's remembrance from the moment that we heard that the fatal shot had been fired until this very moment should be an inspiration to us all to participate in the equality that comes of justice and the commitment to uplift all humanity through understanding our differences are not as divisive as our similarities.

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 review~~ ~~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 future 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. SIEGFRIED
 STEVE HUEBERT
 JUDITH LOGANBILL
Conferees on part of House

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

Senator Brungardt moved the Senate adopt the Conference Committee Report on **Sub for Sub SB 316**.

On roll call, the vote was: Yeas 38, Nays 0, Present and Passing 1, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Present and Passing: Goodwin.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

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

JOHN VRATIL
TERRY BRUCE
GRETA GOODWIN
Conferees on part of Senate

Senator Vratil moved the Senate adopt the Conference Committee Report on **SB 411**.

On roll call, the vote was: Yeas 37, Nays 2, Present and Passing 0, Absent or Not Voting 1.

Yeas: Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Allen, Schmidt D.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

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
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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
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(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 investment 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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Sec. 36.

KANSAS HEALTH POLICY AUTHORITY

(a) On the effective date of this act, of the \$20,728,574 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session

Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$386,822 is hereby lapsed.

(b) On the effective date of this act, of the \$175,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 13(a) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the office of the inspector general account, the sum of \$98,569 is hereby lapsed.

(c) On the effective date of this act, of the \$18,908,711 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the children's health insurance program account, the sum of \$978,222 is hereby lapsed.

(d) On the effective date of this act, of the \$440,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 120(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the other medical assistance account, the sum of \$23,399,807 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 120(b) of chapter 167 of the 2007 Session Laws of Kansas on the medical programs fee fund is hereby increased from \$38,500,000 to \$53,500,000.

Sec. 37.

DEPARTMENT ON AGING

(a) On the effective date of this act, of the \$1,636,603 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the administration — medicaid account, the sum of \$127,500 is hereby lapsed.

(b) On the effective date of this act, of the \$2,940,801 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — TCM/FE account, the sum of \$604,494 is hereby lapsed.

(c) On the effective date of this act, of the \$25,761,538 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — HCBS/FE account, the sum of \$526,945 is hereby lapsed.

(d) On the effective date of this act, of the \$142,300,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the LTC — medicaid assistance — NF account, the sum of \$297,744 is hereby lapsed.

(e) On the effective date of this act, of the \$779,862 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 119(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the nursing facilities regulation — title XIX account, the sum of \$135,544 is hereby lapsed.

(f) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the adult care licensing revolving fund of the department on aging to the state licensure fee fund of the department on aging. On the effective date of this act, all liabilities of the adult care licensing revolving fund of the department on aging are hereby transferred to and imposed on the state licensure fee fund of the department on aging and the adult care licensing revolving fund of the department on aging is hereby abolished.

Sec. 38.

DEPARTMENT OF HEALTH AND ENVIRONMENT—DIVISION OF HEALTH

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 52(b) of chapter 201 of the 2007 Session Laws of Kansas for the department of health and environment—division of health is hereby decreased from 424.20 to 414.90.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Primary care safety net clinic loan guarantee fund..... No limit
Sec. 39.

DEPARTMENT OF HEALTH AND ENVIRONMENT—
DIVISION OF ENVIRONMENT

(a) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 53(b) of chapter 201 of the 2007 Session Laws of Kansas for the department of health and environment—division of environment is hereby increased from 465.30 to 474.60.

Sec. 40.

DEPARTMENT OF LABOR

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the workmen’s compensation fee fund is hereby increased from \$12,888,552 to \$13,179,973.

(b) On the effective date of this act, the position limitation established for the fiscal year ending June 30, 2008, by section 157(a) of chapter 167 of the 2007 Session Laws of Kansas for the department of labor is hereby decreased from 602.23 to 552.00.

Sec. 41.

KANSAS COMMISSION ON VETERANS AFFAIRS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures — veteran services \$40,000

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

Soldiers’ home rehabilitation and repair projects \$71,284

(c) On the effective date of this act, any unencumbered balance in each of the following capital improvement accounts of the state institutions building fund is hereby lapsed: Veterans’ home facilities rehabilitation and repair projects; veterans’ home capital improvement federal match; cemetery repair and rehabilitation projects.

Sec. 42.

DEPARTMENT OF EDUCATION

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures (including official hospitality) \$50,000

KPERS — employer contributions \$2,944,521

Special education services aid \$31,371,062

Supplemental general state aid \$5,487,778

(b) On the effective date of this act, of the \$100,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 123(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the declining enrollment state aid account, the sum of \$50,000 is hereby lapsed.

(c) On July 1, 2008, of the \$2,187,377,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 30(a) of chapter 197 of the 2006 Session Laws of Kansas from the state general fund in the general state aid account, the sum of \$20,045,490 is hereby lapsed.

Sec. 43.

KANSAS STATE SCHOOL FOR THE BLIND

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Operating expenditures \$394,415

Sec. 44.

STATE BOARD OF REGENTS

(a) On the effective date of this act, of the \$3,491,111 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 138(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures (including official hospitality) account, the sum of \$213,000 is hereby lapsed.

(b) On the effective date of this act, of the \$817,687 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 24(b) of chapter 201 of the 2007 Session

Laws of Kansas from the state general fund in the postsecondary technical education authority account, the sum of \$55,000 is hereby lapsed.

Sec. 45.

UNIVERSITY OF KANSAS

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Child care facility addition fund..... No limit

Provided, That the university of Kansas may transfer moneys from the general fees fund to the child care facility addition fund for the capital improvement project to construct an addition to the child care facility: Provided further, That, upon completion of the construction project, the university of Kansas may transfer unused moneys from the child care facility addition fund to the general fees fund or to an appropriate account of the restricted fees fund.

Sec. 46.

UNIVERSITY OF KANSAS MEDICAL CENTER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Graduate medical education support fund..... No limit

Sec. 47.

STATE HISTORICAL SOCIETY

(a) On the effective date of this act, any unencumbered balance in the following account of the state general fund is hereby lapsed: Kansas veterans experience history project grant awards.

Sec. 48.

DEPARTMENT OF CORRECTIONS

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Central administration operations and parole and post-release supervision operations \$678,000

Sec. 49.

JUVENILE JUSTICE AUTHORITY

(a) On the effective date of this act, of the \$8,247,663 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the Larned juvenile correctional facility operations account, the sum of \$2,465 is hereby lapsed.

(b) On the effective date of this act, of the \$3,996,513 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 186(a) of chapter 167 of the 2007 Session Laws of Kansas from the state institutions building fund in the debt service — Topeka complex and Larned juvenile correctional facility account, the sum of \$16,610 is hereby lapsed.

(c) On the effective date of this act, of the \$5,579,530 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(b) of chapter 167 of the 2007 Session Laws of Kansas from the children’s initiatives fund in the prevention program grant account, the sum of \$28,771 is hereby lapsed.

(d) On the effective date of this act, of the \$3,420,470 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 140(b) of chapter 167 of the 2007 Session Laws of Kansas from the children’s initiatives fund in the intervention and graduated sanctions community grants account, the sum of \$116,575 is hereby lapsed.

(e) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by section 140(c) of chapter 167 of the 2007 Session Laws of Kansas on the juvenile detention facilities fund is hereby decreased from \$4,400,000 to \$3,993,635.

(f) During the fiscal year ending June 30, 2008, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2008, from the children's initiatives fund for the juvenile justice authority to another item of appropriation for fiscal year 2008 from the children's initiatives fund for the juvenile justice authority. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(g) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2008, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

Kansas juvenile correctional complex — gifts, grants and donations fund.....	No limit
Sec. 50.	

ADJUTANT GENERAL

(a) There is appropriated for the above agency from the state general fund for the fiscal year ending June 30, 2008, the following:

Disaster relief	\$10,867,000
NG death benefits	\$500,000

(b) On the effective date of this act, the \$50,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the military activation payments account, is hereby lapsed.

(c) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the military activation payments account, the sum of \$71,000 is hereby lapsed.

(d) On the effective date of this act, the \$390,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the NG life insurance premium reimbursements account, is hereby lapsed.

(e) On the effective date of this act, of the amount reappropriated for the above agency for the fiscal year ending June 30, 2008, by section 141(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the NG life insurance premium reimbursements account, the sum of \$220,490 is hereby lapsed.

(f) On the effective date of this act, of the \$119,292 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 189(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the debt service-armory/classroom/recreation center at PSU account, the sum of \$1,904 is hereby lapsed.

Sec. 51.

EMERGENCY MEDICAL SERVICES BOARD

(a) During the fiscal year ending June 30, 2008, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2008, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the emergency medical services operating fund during fiscal year 2008 are insufficient to fund the budgeted expenditures and transfers from the emergency medical services operating fund for fiscal year 2008 in accordance with the provisions of appropriation acts, the director of the budget shall certify such funding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the education incentive grant payment fund to the emergency medical services operating fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the emergency medical services operating fund for the remainder of fiscal year 2008 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

(b) On the effective date of this act, the official hospitality limitation established for the fiscal year ending June 30, 2008, by section 146(a) of chapter 167 of the 2007 Session Laws of Kansas on the emergency medical services operating fund is hereby increased from \$1,000 to \$1,500.

Sec. 52.

STATE FIRE MARSHAL

(a) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the fire marshal fee fund is hereby decreased from \$3,695,790 to \$3,614,077.

(b) (1) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2008, by the state finance council on the state fire marshal liquefied petroleum gas fee fund is hereby increased from \$81,709 to \$163,422.

(2) On the effective date of this act, the liquefied petroleum gas fee fund of the state fire marshal is hereby redesignated as the state fire marshal liquefied petroleum gas fee fund of the state fire marshal.

(c) On the effective date of this act, the amount prescribed by section 142(b) of chapter 167 of the 2007 Session Laws of Kansas to be transferred on January 1, 2008, by the director of accounts and reports from the fire marshal fee fund to the hazardous material program fund of the state fire marshal is hereby decreased from \$225,172 to \$125,367.

(d) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$99,237 from the fire marshal fee fund of the state fire marshal to the health and environment training fee fund — health of the department of health and environment — division of health.

(e) During the fiscal year ending June 30, 2008, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2008, shall not exceed \$50,000.

Sec. 53.

KANSAS HIGHWAY PATROL

(a) (1) On the effective date of this act, the provisions of the second proviso to the appropriation of \$2,000,000 for the Kansas highway patrol from the state general fund for the fiscal year ending June 30, 2008, in the homeland security interoperability grant account by section 56(d) of chapter 201 of the 2007 Session Laws of Kansas, which provided that, if the above agency does not receive funds from the public safety interoperable communications grant program during fiscal year 2008, then, on June 30, 2008, the \$2,000,000 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 56(d) of chapter 201 of the 2007 Session Laws of Kansas from the state general fund in the homeland security interoperability grant account is hereby lapsed, are hereby declared to be null and void and shall have no force and effect.

(2) On July 1, 2008, any unencumbered balance in the homeland security interoperability grant account of the state general fund in excess of \$100 as of June 30, 2008, is hereby reappropriated for the Kansas highway patrol for the fiscal year ending on June 30, 2009: *Provided further*, That all expenditures by the Kansas highway patrol from the homeland security interoperability grant account for fiscal year 2009 shall be made to provide matching funds for the public safety interoperable communications grant program administered by the national telecommunications and information administration of the United States department of commerce.

Sec. 54.

KANSAS DEPARTMENT OF AGRICULTURE

(a) On the effective date of this act, of the \$11,258,815 appropriated for the above agency for the fiscal year ending June 30, 2008, by section 149(a) of chapter 167 of the 2007 Session Laws of Kansas from the state general fund in the operating expenditures account, the sum of \$151,877 is hereby lapsed.

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

Subbasin water resources management.....	\$7,430
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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
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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.

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
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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
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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
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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
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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 coor-

dinating 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the 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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , That expenditures may be made from the special programs fund for operating expenditures for the governor's department, including conferences and official hospitality: <i>Provided further</i> , That the governor is hereby authorized to fix, charge and collect fees for such conferences: <i>And provided further</i> , 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: <i>And provided further</i> , That all fees received for such conferences	

shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

Miscellaneous projects fund No limit
Provided, That expenditures may be made from the miscellaneous projects fund for operating expenditures for the governor’s department, including conferences and official hospitality: *Provided further*, That the governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the governor’s department under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the miscellaneous projects fund.

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

Conversion of materials and equipment fund No limit

Federal grants fund No limit

Justice assistance grant — federal fund No limit

Hispanic and Latino American affairs commission — donations fund No limit

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

Wireless enhanced 911 grant fund No limit

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

Sec. 72.

LIEUTENANT GOVERNOR

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

Operations \$213,795

Provided, That any unencumbered balance in the operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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

Special programs fund No limit

Provided, That expenditures may be made from the special programs fund for operating expenditures for the lieutenant governor, including conferences and official hospitality: *Provided further*, That the lieutenant governor is hereby authorized to fix, charge and collect fees for such conferences: *And provided further*, That fees for such conferences shall be

fixed in order to recover all or part of the operating expenses incurred for such conferences, including official hospitality: *And provided further*, That all fees received for such conferences and all fees received by the lieutenant governor under the open records act for providing access to or furnishing copies of public records, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special programs fund.

(c) Expenditures may be made by the above agency for travel expenses of the lieutenant governor's spouse when accompanying the lieutenant governor on official state business and for travel and subsistence expenditures for security personnel when traveling with the lieutenant governor on official state business from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2009, in the operations account.

(d) Expenditures may be made by the above agency for official hospitality and contingencies from the amount appropriated by subsection (a) from the state general fund for the fiscal year ending June 30, 2009, in the operations account without limit at the discretion of the lieutenant governor.

Sec. 73.

ATTORNEY GENERAL

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

Operating expenditures	\$4,872,744
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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 \$2,000.

Litigation costs	\$41,257
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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
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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
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Provided, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the abuse, neglect and exploitation unit account is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures may be made by the attorney general from the abuse, neglect and exploitation account pursuant to contracts with other agencies or organizations to provide services related to the investigation or litigation of findings related to abuse, neglect or exploitation.

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

Court cost fund	No limit
Bond transcript review fee fund	No limit
Conversion of materials and equipment fund	No limit
Attorney general's antitrust special revenue fund	No limit
Private gifts fund	No limit
Medicaid fraud reimbursement fund	No limit
Attorney general's antitrust suspense fund	No limit
Attorney general's consumer protection clearing fund	No limit
Attorney general's committee on crime prevention fee fund	No limit

Provided, That expenditures may be made from the attorney general's committee on crime prevention fee fund for operating expenditures directly or indirectly related to conducting training seminars organized by the attorney general's committee on crime prevention, including official hospitality: *Provided further*, That the attorney general is hereby authorized to fix, charge and collect fees for conducting training seminars organized by the attorney general's committee on crime prevention: *And provided further*, That such fees shall be

fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting such seminars, including official hospitality: *And provided further*, That all fees received for conducting such seminars shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the attorney general's committee on crime prevention fee fund.

Tort claims fund No limit
Crime victims compensation fund No limit

Provided, That expenditures from the crime victims compensation fund for state operations shall not exceed \$447,974: *Provided further*, That any expenditures for payment of compensation to crime victims are authorized to be made from this fund regardless of when the claim was awarded.

Crime victims assistance fund No limit
Protection from abuse fund No limit
Victims of crime assistance act — federal fund No limit
Crime victims grants and gifts fund No limit

Provided, That all private grants and gifts received by the crime victims compensation board shall be deposited to the credit of the crime victims grants and gifts fund.

Attorney general's medicaid fraud control fund No limit
Other federal grants and reimbursement fund No limit
Debt collection administration cost recovery fund No limit

Provided, That the attorney general shall deposit in the state treasury to the credit of the debt collection administration cost recovery fund all moneys remitted to the attorney general as administrative costs under contracts entered into pursuant to K.S.A. 75-719, and amendments thereto.

Medicaid fraud prosecution revolving fund No limit

Provided, That all moneys recovered by the medicaid fraud and abuse division of the attorney general's office in the enforcement of state and federal law which are in excess of any restitution for overcharges and interest, including all moneys recovered as recoupment of expenses of investigation and prosecution, shall be deposited in the state treasury to the credit of the medicaid fraud prosecution revolving fund.

Interstate water litigation fund No limit

Provided, That, in addition to the other purposes authorized by K.S.A. 82a-1802, and amendments thereto, expenditures may be made from the interstate water litigation fund for: (1) Litigation costs for the case of Kansas v. Colorado No. 105, Original in the Supreme Court of the United States, including repayment of past contributions; (2) expenses related to the appointment of a river master or such other official as may be appointed by the Supreme Court to administer, implement or enforce its decree or other orders of the Supreme Court related to this case; and (3) expenses incurred by agencies of the state of Kansas to monitor actions of the state of Colorado and its water users and to enforce any settlement, decree or order of the Supreme Court related to this case.

Suspense fund No limit
Children's advocacy center fund No limit

Abuse, neglect and exploitation of people with disabilities unit grant acceptance fund No limit

Concealed weapon licensure fund No limit

Provided, That the attorney general shall authorize the director of accounts and reports to transfer one or more amounts totaling \$260,000 from the concealed weapon licensure fund of the attorney general to the state general fund at such time as receipts to the concealed weapon licensure fund are sufficient to sustain expenditures for duties and activities relating to the administration of the personal and family protection act as well as to repay the state general fund for money advanced for such purpose: *Provided further*, That upon receipt of such authorization, the director of accounts and reports shall transfer each such amount authorized from the concealed weapon licensure fund of the attorney general to the state general fund.

(c) During the fiscal year ending June 30, 2009, grants made pursuant to K.S.A. 74-7325, and amendments thereto, from the protection from abuse fund and grants made pursuant to K.S.A. 74-7334, and amendments thereto, from the crime victims assistance fund shall

be made after consideration of the recommendation of an entity that has been designated by the United States department of health and human services and by the centers for disease control as the official domestic violence or sexual assault coalition.

(d) On July 1, 2008, the director of accounts and reports shall transfer \$1,560,000 from the interstate water litigation reserve account of the state general fund to the interstate water litigation fund of the attorney general.

Sec. 74.

SECRETARY OF STATE

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

Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: HAVA match.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Cemetery and funeral audit fee fund	No limit
HAVA ELVIS fund	No limit
Conversion of materials and equipment fund	No limit
Information and services fee fund	No limit
<i>Provided</i> , That expenditures from the information and services fee fund for official hospitality shall not exceed \$2,500.	
State register fee fund	No limit
Uniform commercial code fee fund.....	No limit
State flag and banner fund	No limit
Secretary of state fee refund fund	No limit
Electronic voting machine examination fund.....	No limit
Credit card clearing fund.....	No limit
Suspense fund.....	No limit
Prepaid services fund	No limit
Athlete agent registration fee fund.....	No limit
Democracy fund	No limit

Provided, That all expenditures from the democracy fund shall be to provide matching funds to implement Title II of the federal help America vote act of 2002, public law 107-252, as prescribed under that act.

Technology communication fee fund	No limit
HAVA federal fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2009 as authorized by this or any other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the secretary of state from moneys appropriated in the HAVA match account of the state general fund for fiscal year 2009 to provide part of the state matching requirement for the implementation of Title II of the federal help America vote act of 2002, public law 107—252.

Sec. 75.

STATE TREASURER

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

State treasurer operating fund.....	\$1,577,817
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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 administer the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, that are not otherwise reimbursed under any other provision of law.

Fiscal agency fund	No limit
Bond services fee fund	No limit
City bond finance fund	No limit
Local ad valorem tax reduction fund.....	No limit
County and city revenue sharing fund.....	No limit
Suspense fund.....	No limit
County and city retailers' sales tax fund	No limit
County and city compensating use tax fund.....	No limit
Local alcoholic liquor fund.....	No limit
Local alcoholic liquor equalization fund.....	No limit
Unclaimed property claims fund.....	No limit
Unclaimed property expense fund.....	No limit
<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
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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 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
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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
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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
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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:

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

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

Kansas public employees retirement fund.....	No limit
<i>Provided</i> , That no expenditures may be made from the Kansas public employees retirement fund other than for benefits, investments, refunds authorized by law, and other purposes specifically authorized by this or other appropriation act.	
Kansas public employees deferred compensation fees fund	No limit
Group insurance reserve fund.....	No limit
Optional death benefit plan reserve fund.....	No limit
Kansas endowment for youth fund.....	No limit
Senior services trust fund.....	No limit
Family and children endowment account — family and children investment fund	No limit
Non-retirement administration fund.....	No limit

Provided, That the executive officer of the Kansas public employees retirement system shall certify to the director of accounts and reports the amount of moneys to transfer from the Kansas endowment for youth fund, the senior services trust fund, the family and children endowment account — family and children investment fund, and the unclaimed property account of the state general fund for the purpose of reimbursing the costs of non-retirement related administrative activities and investment-related expenses for managing such funds in accordance with K.S.A. 74-4909b, and amendments thereto.

KDFA series 2003H bond debt service fund..... No limit
Provided, That notwithstanding the provisions of K.S.A. 74-4921 et seq., and amendments thereto, any employer contributions remitted in accordance with the provisions of K.S.A. 20-2605, and amendments thereto, K.S.A. 74-4920, and amendments thereto, K.S.A. 74-4939, and amendments thereto, and K.S.A. 74-4967, and amendments thereto, for the purpose of paying the actuarial cost of the provisions of K.S.A. 74-49,109 et seq., and amendments thereto, shall be deposited in the KDFA series 2003H bond debt service fund: *Provided further*, That the executive director of the Kansas public employees retirement system shall certify to the director of accounts and reports an amount to reimburse the state general fund for bond debt service payments authorized in fiscal year 2009: *And provided further*, That the director of accounts and reports shall transfer to the state general fund such amount certified as provided by the executive director no later than June 30, 2009.

(c) Expenditures may be made from the expense reserve of the Kansas public employees retirement fund for the fiscal year ending June 30, 2009, for the following specified purposes:
 Agency operations..... \$8,653,209
Provided, That expenditures from the agency operations account may be made for official hospitality.

Investment-related expenses No limit
 KPERs technology project No limit

(d) Expenditures may be made from the non-retirement administration fund for the fiscal year ending June 30, 2009, for the following specified purposes:

Agency operations..... \$81,520
 Investment-related expenses No limit

(e) On July 1, 2008, notwithstanding the provisions of K.S.A. 38-2102, and amendments thereto, the amount prescribed by subsection (d)(4) of K.S.A. 38-2102, and amendments thereto, to be transferred on July 1, 2008, by the director of accounts and reports from the Kansas endowment for youth fund to the children’s initiatives fund is hereby increased to \$64,458,892.

Sec. 82.

KANSAS HUMAN RIGHTS COMMISSION

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

Operating expenditures \$1,710,065

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, that expenditures from this account for official hospitality shall not exceed \$150: *Provided further*, That expenditures for mediation services contracted with Kansas legal services shall be made only upon certification by the executive director of the human rights commission to the director of accounts and reports that private moneys are available to match the expenditure of state moneys on a \$1 of private moneys to \$3 of state moneys basis.

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

Federal fund No limit
 Conversion of materials and equipment fund No limit
 Annual banquet fund No limit

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

Education and training fund..... No limit

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

Sec. 83.

STATE CORPORATION COMMISSION

(a) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully

credited to and available in such fund or funds, except that expenditures other than refunds authorized by law shall not exceed the following:

- Public service regulation fund..... No limit
- Motor carrier license fees fund No limit
- Conservation fee fund No limit

Provided, That any expenditure made from the conservation fee fund for plugging abandoned wells, cleanup of pollution from oil and gas activities and testing of wells shall be in addition to any expenditure limitation imposed on this fund: *Provided further*, That expenditures may be made from this fund for debt collection and set-off administration: *And provided further*, That a percentage of the fees collected, not to exceed 27%, shall be transferred from the conservation fee fund to the accounting services recovery fund of the department of administration for services rendered in collection efforts: *And provided further*, That all expenditures made from the conservation fee fund for debt collection and set-off administration shall be in addition to any expenditure limitation imposed on this fund: *And provided further*, That the state corporation commission shall include as part of the fiscal year 2010 budget estimates for the state corporation commission submitted pursuant to K.S.A. 75-3717, and amendments thereto, a three-year projection of receipts to and expenditures from the conservation fee fund for fiscal years 2010, 2011 and 2012.

- Natural gas underground storage fee fund No limit
- Gas pipeline inspection fee fund..... No limit
- Abandoned oil and gas well fund..... No limit
- Well plugging assurance fund No limit
- Facility conservation improvement program fund..... No limit
- Gas pipeline safety program — federal fund..... No limit
- Carbon dioxide injection well and underground storage fund..... No limit
- Energy related grants — federal fund No limit
- Energy grants management fund..... No limit
- Energy conservation plan — federal fund..... No limit
- Underground injection control class II — federal fund..... No limit
- Pipeline damage prevention grant program — federal fund..... No limit
- Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2009, other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature.

- Inservice education workshop fee fund..... No limit

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 com-

mission 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
Provided, That any unencumbered balance in the facilities management account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Accounts and reports \$1,977,022
Provided, That any unencumbered balance in the accounts and reports account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Public broadcasting council grants \$2,249,447
Provided, That any unencumbered balance in the public broadcasting council grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That all expenditures from the public broadcasting council grants account for capital equipment shall be made to provide matching funds for federal capital equipment grants awarded to eligible public broadcasting stations: *And provided further*, That expenditures from this account may be made to provide matching funds for capital equipment projects funded from any nonstate source in the event federal capital equipment grants are not awarded: *And provided further*, That in the event the federal facility programs cease to exist or fail to conduct grant solicitations, expenditures may be made from this account to provide matching funds for capital equipment projects funded from any nonstate source without first applying for federal capital equipment grants.

KPERS bonds debt service \$36,146,303

Public broadcasting digital conversion debt service \$611,376

Policy analysis initiatives \$196,847
Provided, That any unencumbered balance in the policy analysis initiatives account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$5,000.

Long-term care ombudsman \$270,183
Provided, That any unencumbered balance in the long-term care ombudsman account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures from this account for official hospitality shall not exceed \$1,000. Any unencumbered balance in the financial management system account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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

Federal cash management fund No limit

State leave payment reserve fund No limit

Building and ground fund No limit
Provided, That expenditures may be made from the building and ground fund for operating and other expenses for the Hiram Price Dillon House.

General fees fund No limit
Provided, That expenditures may be made from the general fees fund for operating 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 of-

official hospitality: *And provided further*, That all fees received for such training programs and special projects and all fees received by the division of the budget under the open records act for providing access to or furnishing copies of public records shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the budget fees fund.

Purchasing fees fund..... No limit

Provided, That expenditures may be made from the purchasing fees fund for operating expenditures of the division of purchases, including training seminars and official hospitality: *Provided further*, That the director of purchases is hereby authorized to fix, charge and collect fees for operating expenditures incurred to reproduce and disseminate purchasing information, administer vendor applications, administer state contracts and conduct training seminars, including official hospitality: *And provided further*, That such fees shall be fixed in order to recover all or part of such operating expenses.

Architectural services fee fund..... No limit

Provided, That expenditures may be made from the architectural services fee fund for operating expenditures for distribution of architectural information: *Provided further*, That the director of facilities management is hereby authorized to fix, charge and collect fees for reproduction and distribution of architectural information: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for reproducing and distributing architectural information: *And provided further*, That all fees received for such reproduction and distribution of architectural information shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services fee fund.

Budget equipment conversion fund..... No limit

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

Architectural services equipment conversion fund..... No limit

Property contingency fund..... No limit

Flood control emergency — federal fund..... No limit

CJIS Byrne Grant — federal fund..... No limit

FICA reimbursements medical residents fund..... No limit

Information technology fund..... No limit

Provided, That any moneys collected from a fee increase for information services recommended by the governor shall be deposited in the state treasury to the credit of the information technology fund.

Information technology reserve fund..... No limit

State buildings operating fund..... No limit

Provided, That expenditures may be made from the state buildings operating fund for operating and other expenses for the Hiram Price Dillon House: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for use of the rooms and other facilities of the Hiram Price Dillon House in accordance with policies adopted by the legislative coordinating council under K.S.A. 75-3682, and amendments thereto, for approving the use of such property: *And provided further*, That fees for approved use of such property shall be reasonable and directly related to the costs of such use and shall be fixed in order to recover all or part of the operating expenses incurred for such use: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a real estate property leasing services fee at a reasonable rate per square foot of space leased by state agencies as approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, to recover the costs incurred by the department of administration in providing services to state agencies relating to leases of real property: *And provided further*, That each state agency that is party to a lease of real property that is approved by the secretary of administration under K.S.A. 75-3739, and amendments thereto, shall remit to the secretary of administration the real estate property leasing services fee upon receipt of the billing therefor: *And provided further*, That all moneys received for real estate property

leasing services fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the net proceeds from the sale of all or any part of the Topeka state hospital property, as defined by subsection (a) of K.S.A. 2007 Supp. 75-37,123, and amendments thereto, shall be deposited in the state treasury and credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration: *And provided further*, That the secretary of administration is hereby authorized to fix, charge and collect a surcharge against all state agency leased square footage in Shawnee County including both state-owned and privately-owned buildings: *And provided further*, That all moneys received for such surcharge shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the state buildings operating fund or the building and ground fund, as determined and directed by the secretary of administration.

Accounting services recovery fund No limit
Provided, That expenditures may be made from the accounting services recovery fund for the operating expenditures, including official hospitality, of the department of administration: *Provided further*, That the secretary of administration is hereby authorized to fix, charge and collect fees for services or sales provided by the department of administration which are not specifically authorized by any other statute: *And provided further*, That all fees received for such services or sales shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the accounting services recovery fund.

Architectural services recovery fund No limit
Provided, That expenditures may be made from the architectural services recovery fund for operating expenditures for the division of facilities management: *Provided further*, That the director of facilities management is hereby authorized to charge and collect fees for services provided to other state agencies not directly related to the construction of a capital improvement project: *And provided further*, That all fees received for all such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

Motor pool service fund No limit
 Intragovernmental printing service fund No limit
 Intragovernmental printing service depreciation reserve fund No limit
 Municipal accounting and training services recovery fund No limit

Provided, That expenditures may be made from the municipal accounting and training services recovery fund to provide general ledger, payroll reporting, utilities billing, data processing, and accounting services to municipalities and to provide training programs conducted for municipal government personnel, including official hospitality: *Provided further*, That the director of accounts and reports is hereby authorized to fix, charge and collect fees for such services and programs: *And provided further*, That such fees shall be fixed to cover all or part of the operating expenditures incurred in providing such services and programs, including official hospitality: *And provided further*, That all fees received for such services and programs, including official hospitality, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the municipal accounting and training services recovery fund.

Canceled warrants payment fund No limit
 State emergency fund No limit
 Bid and contract deposit fund No limit
 Federal withholding tax clearing fund No limit
 Financial management system development fund No limit

Provided, That the secretary of administration may establish fees and make special assessments in order to finance the costs of developing the financial management system: *Provided further*, That all moneys received for such fees and special assessments shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial management system development fund of the department of administration.

State gaming revenues fund	No limit
Financial management system development fund — on budget	No limit
Construction defects recovery fund	No limit
Facilities conservation improvement fund	No limit
State revolving fund services fee fund	No limit
Conversion of materials and equipment — recycling program fund	No limit
Curtis office building maintenance reserve fund	No limit
Equipment lease purchase program administration clearing fund	No limit
Suspense fund	No limit
Electronic funds transfer suspense fund	No limit
Surplus property program fund — on budget	No limit
Surplus property program fund — off budget	No limit
Administrative hearings office fund	No limit
Older Americans act long-term care ombudsman federal fund	No limit
Long-term care ombudsman gift and grant fund	No limit
Title XIX — long-term care ombudsman medicaid federal grant fund ...	No limit
Wireless enhanced 911 grant fund	No limit
Landon state office building repair expense fund	No limit
MacVicar avenue assessment expense fund	No limit

(c) On July 1, 2008, the director of accounts and reports shall transfer \$210,000 from the state highway fund to the state general fund for the purpose of reimbursing the state general fund for the cost of providing purchasing services to the department of transportation.

(d) During the fiscal year ending June 30, 2009, the secretary of administration is hereby authorized to approve refinancing of equipment being financed by state agencies through the department's equipment financing program. Such refinancing project is hereby approved for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto.

(e) In addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated in any capital improvement account of any special revenue fund or in any capital improvement account of the state general fund for the above agency for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the above agency from any such capital improvement account of any special revenue fund or any such capital improvement account of the state general fund for fiscal year 2009 for the purpose of making emergency repairs to any facility that is under the charge, care, management or control of the department of administration as provided by law: *Provided*, That the secretary of administration shall make a full report on such repairs and expenditures to the director of the budget and the director of legislative research.

(f) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer's receivables for the children's initiatives fund and shall record a corresponding credit to the children's initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the children's initiatives fund during the fiscal year ending June 30, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the children's initiatives fund during fiscal year 2009. Among other appropriate factors, the director of the budget shall take into consideration the estimated and actual receipts and interest earnings of the Kansas endowment for youth fund for fiscal year 2008 and fiscal year 2009 in determining the amount to be certified under this subsection. All moneys transferred and credited to the children's initiatives fund during fiscal year 2009 shall reduce the amount debited and credited to the children's initiatives fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the children's initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the children's initiatives fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the children's initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer

shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the children's initiatives fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (f) for the children's initiatives fund to account for moneys actually received that are to be transferred and credited to the children's initiatives fund shall be made after the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (i) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund.

(g) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state economic development initiatives fund and shall record a corresponding credit to the state economic development initiatives fund in an amount certified by the director of the budget which shall be equal to 50% of the amount estimated by the director of the budget to be transferred and credited to the state economic development initiatives fund during the fiscal year ending June 30, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the state economic development initiatives fund during fiscal year 2009. All moneys transferred and credited to the state economic development initiatives fund during fiscal year 2009 shall reduce the amount debited and credited to the state economic development initiatives fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state economic development initiatives fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the state economic development initiatives fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the state economic development initiatives fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state economic development initiatives fund by the state treasurer in accordance with the notice thereof.

(h) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer's receivables for the correctional institutions building fund and shall record a corresponding credit to the correctional institutions building fund in an amount certified by the director of the budget which shall be equal to 80% of the amount estimated by the director of the budget to be transferred and credited to the correctional institutions building fund during the fiscal year ending June 30, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the correctional institutions building fund during fiscal year 2009. All moneys transferred and credited to the correctional institutions building fund during fiscal year 2009 shall reduce the amount debited and credited to the correctional institutions building fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the correctional institutions building fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the correctional institutions building fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the correctional institutions building fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the correctional institutions building fund by the state treasurer in accordance with the notice thereof.

(i) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer's receivables for the Kansas endowment for youth fund and shall record a corresponding credit to the Kansas endowment for youth fund in an amount certified by

the director of the budget which shall be equal to 80% of the amount approved for expenditure by the children’s cabinet during the fiscal year ending June 30, 2009, as certified by the director of the budget. All moneys received and credited to the Kansas endowment for youth fund during fiscal year 2009 shall reduce the amount debited and credited to the Kansas endowment for youth fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the Kansas endowment for youth fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the Kansas endowment for youth fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the Kansas endowment for youth fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the Kansas endowment for youth fund by the state treasurer in accordance with the notice thereof.

(4) The reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to this subsection (i) for the Kansas endowment for youth fund to account for moneys actually received that are to be deposited in the state treasury and credited to the Kansas endowment for youth fund shall be made before the reductions and adjustments prescribed to be made by the director of accounts and reports and the state treasurer pursuant to subsection (f) for the children’s initiatives fund to account for moneys actually received that are to be transferred and credited to the children’s initiatives fund.

(j) (1) On July 1, 2008, the director of accounts and reports shall record a debit to the state treasurer’s receivables for the expanded lottery act revenues fund and shall record a corresponding credit to the expanded lottery act revenues fund in an amount certified by the director of the budget which shall be equal to 90% of the amount estimated by the director of the budget to be transferred and credited to the expanded lottery act revenues fund during the fiscal year ending June 30, 2009, except that such amount shall be proportionally adjusted during fiscal year 2009 with respect to any change in the moneys to be transferred and credited to the expanded lottery act revenues fund during fiscal year 2009. All moneys transferred and credited to the expanded lottery act revenues fund during fiscal year 2009 shall reduce the amount debited and credited to the expanded lottery act revenues fund under this subsection.

(2) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer’s receivables and to the expanded lottery act revenues fund pursuant to this subsection, to reflect all moneys actually transferred and credited to the expanded lottery act revenues fund during fiscal year 2009.

(3) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the expanded lottery act revenues fund pursuant to this subsection and all reductions and adjustments thereto made pursuant to this subsection. The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the expanded lottery act revenues fund by the state treasurer in accordance with the notice thereof.

(k) During the fiscal year ending June 30, 2009, the secretary of administration, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2009, from the state general fund for the department of administration to another item of appropriation for fiscal year 2009 from the state general fund for the department of administration. The secretary of administration shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

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

SIBF — state building insurance \$80,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b05, and amendments thereto, expenditures may be made by the above agency from the SIBF — state building insurance account of the state institutions building fund for state building insurance premiums.

(m) There is appropriated for the above agency from the Kansas educational building fund for the fiscal year ending June 30, 2009, the following:

EBF — state building insurance \$475,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b02, and amendments thereto, expenditures may be made by the above agency from the EBF — state building insurance account of the Kansas educational building fund for state building insurance premiums.

(n) There is appropriated for the above agency from the correctional institutions building fund for the fiscal year ending June 30, 2009, the following:

CIBF — state building insurance \$75,000

Provided, That, notwithstanding the provisions of K.S.A. 76-6b09, and amendments thereto, expenditures may be made by the above agency from the CIBF — state building insurance account of the correctional institutions building fund for state building insurance premiums.

(o) On July 1, 2008, or as soon thereafter as moneys are available during the fiscal year ending June 30, 2009, the director of accounts and reports shall transfer an amount or amounts from the appropriate federal fund or funds of the department on aging to the older Americans act long-term care ombudsman federal fund of the department of administration: *Provided*, That the aggregate of such amount or amounts transferred during fiscal year 2009 shall be equal to and shall not exceed the Older Americans Act Title VII: Ombudsman Award and 4.38% of the Kansas Older Americans Act Title III: Part B Supportive Services Award.

(p) (1) On July 1, 2008, notwithstanding the provisions of any other statute, the director of accounts and reports shall record a debit to the state treasurer's receivables for the state general fund and shall record a corresponding credit to the state general fund in the net amount equal to \$32,689,900 minus the amount credited and debited on or before June 30, 2008, pursuant to section 76(p)(9)(D) of chapter 142 of the 2006 Session Laws of Kansas, to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006, for state agencies.

(2) On or before September 1, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the state general fund during fiscal year 2009.

(3) (A) (i) Prior to August 15, 2008, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has a specific expenditure limitation prescribed for fiscal year 2009 and that is in excess of the amount authorized under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2009.

(ii) On or before June 30, 2009, the director of the budget shall determine and certify to the director of accounts and reports the amount reappropriated in each account of the state general fund of a state agency, other than any regents agency, from the state general fund that has no specific expenditure limitation prescribed for the fiscal year, that is in excess of the amount estimated under the approved budget of expenditures to be expended from such reappropriated amount for fiscal year 2009, and that is determined by the director of the budget not to be needed for the purpose for which such amount was originally budgeted, including, but not limited to, actual or projected cost savings as a result of completed, cancelled or modified projects, programs or operations.

(iii) As used in paragraphs (i) and (ii) of this subsection (p)(3)(A), "specific expenditure limitation prescribed for the fiscal year" includes any case in which no expenditures may be made from such reappropriated balance except upon approval by the state finance council.

(B) Prior to August 15, 2008, the director of the budget shall determine and certify to the director of accounts and reports the amount equal to 10% of the amount determined by the director of the budget to be the amount (i) that is available to be expended for fiscal year 2009 from each Kansas savings incentive program account in the state general fund or in any special revenue fund of each state agency, other than any regents agency, under the Kansas savings incentive program, and (ii) that is in excess of \$50,000 in such Kansas savings incentive program account.

(C) Prior to August 15, 2008, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all unanticipated lapses of moneys which were appropriated or reappropriated from the state general fund for fiscal year 2008 and which were not reappropriated for fiscal year 2009, as determined by the director of the budget: *Provided*, That, as used in this subsection (p)(3)(C), “unanticipated lapses of moneys” shall not include any amount lapsed from the state general fund pursuant to explicit language in an appropriation act of the 2008 regular session of the legislature or any amount lapsed from the state general fund for which specific reappropriation language was deliberately not included in any appropriation act of the 2008 regular session of the legislature.

(D) Prior to August 15, 2008, the director of the budget shall determine and certify to the director of accounts and reports the aggregate of all amounts of unencumbered balances in accounts of the state general fund that were first encumbered during a fiscal year commencing prior to July 1, 2007, that were released during fiscal year 2008, and that were not specifically reappropriated by an appropriation act of the 2008 regular session of the legislature.

(4) On August 15, 2008, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3), the expenditure limitation established for fiscal year 2009 for each special revenue fund account under the Kansas savings incentive program that is appropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 regular session of the legislature is hereby respectively decreased by the amount equal to the amount certified under subsection (p)(3).

(5) (A) On August 15, 2008, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(i), the appropriation for fiscal year 2009 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(i).

(B) On August 15, 2008, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(B), the appropriation for fiscal year 2009 for each account of the state general fund, state economic development initiatives fund, state water plan fund, children’s initiatives fund and Kansas endowment for youth fund under the Kansas savings incentive program that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(B).

(C) On June 30, 2009, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under subsection (p)(3)(A)(ii), the appropriation for fiscal year 2009 for each account of the state general fund that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under subsection (p)(3)(A)(ii).

(6) At the same time as the director of the budget transmits each certification to the director of accounts and reports pursuant to subsection (p)(3), the director of the budget shall transmit a copy of such certification to the director of legislative research.

(7) (A) Prior to August 15, 2008, the state board of regents shall determine and certify to the director of the budget each of the specific amounts from the amounts appropriated from the state general fund or from the moneys appropriated and available in the special revenue funds for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (p): *Provided* That the aggregate of all such amounts certified to the director of the budget shall be an amount that is equal to or more than \$1,184,054. The certification by the state board of regents shall specify the amount in each account of the state general fund or in each special revenue fund, or account thereof, that is designated by the state board of regents pursuant to this subsection for each of the regents agencies to be transferred to and debited to the 27th payroll adjustment account in the state general fund by the director of accounts and reports pursuant to this subsection (p). At the same

time as such certification is transmitted to the director of the budget, the state board of regents shall transmit a copy of such certification to the director of legislative research.

(B) The director of the budget shall review each such certification from the state board of regents and shall certify a copy of each such certification from the state board of regents to the director of accounts and reports. At the same time as such certification is transmitted to the director of accounts and reports, the director of the budget shall transmit a copy of each such certification to the director of legislative research.

(C) On August 15, 2008, in accordance with the certification by the director of the budget that is submitted to the director of accounts and reports under this subsection (p)(7), the appropriation for fiscal year 2009 for each account of the state general fund, state economic development initiatives fund, state water plan fund and children's initiatives fund that is appropriated or reappropriated for the fiscal year ending June 30, 2009, by this or other appropriation act of the 2008 regular session of the legislature is hereby respectively lapsed by the amount equal to the amount certified under this subsection (p)(7).

(8) In determining the amounts to be certified to the director of accounts and reports in accordance with this subsection (p), the director of the budget and the state board of regents shall consider any changed circumstances and unanticipated reductions in expenditures or unanticipated and required expenditures by the state agencies for fiscal year 2009.

(9) (A) On or before September 1, 2008, after receipt of each certification by the director of the budget pursuant to this subsection (p), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, by an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (p)(3) and subsection (p)(7) in accordance with such certifications.

(B) On September 1, 2008, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(C) On September 1, 2008, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2009.

(D) On or before June 30, 2009, after receipt of each certification by the director of the budget pursuant to subsection (p)(3)(A)(ii), the director of accounts and reports shall transfer and debit to the 27th payroll adjustment account of the state general fund, which is hereby established in the state general fund, an amount equal to the aggregate of the amounts certified by the director of the budget pursuant to subsection (p)(3)(A)(ii) in accordance with such certifications.

(E) On June 30, 2009, the director of accounts and reports shall transfer the balance of the 27th payroll adjustment account of the state general fund to the master account of the state general fund: *Provided, however*, That the amount transferred shall not exceed the amount of the then outstanding balance of the state treasurer's receivables for the state general fund.

(F) On June 30, 2009, the director of accounts and reports shall adjust the amounts debited and credited to the state treasurer's receivables and to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p), to reflect all moneys actually transferred and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) during fiscal year 2009.

(G) On June 30, 2009, the director of accounts and reports shall record a credit to the state treasurer's receivables for the state general fund and shall record a corresponding debit to the state general fund in the amount of the outstanding receivable created to finance the cost of the 27th payroll chargeable to the fiscal year ending June 30, 2006.

(H) The director of accounts and reports shall notify the state treasurer of all amounts debited and credited to the 27th payroll adjustment account of the state general fund pursuant to this subsection (p) and all reductions and adjustments thereto made pursuant to

this subsection (p). The state treasurer shall enter all such amounts debited and credited and shall make reductions and adjustments thereto on the books and records kept and maintained for the state general fund by the state treasurer in accordance with the notice thereof.

(10) As used in this subsection (p), "regents agency" means the state board of regents, Fort Hays state university, Kansas state university, Kansas state university extension systems and agriculture research programs, Kansas state university veterinary medical center, Emporia state university, Pittsburg state university, university of Kansas, university of Kansas medical center, and Wichita state university.

(11) The provisions of this subsection (p) shall not apply to:

(A) The health care stabilization fund of the health care stabilization fund board of governors;

(B) any money held in trust in a trust fund or held in trust in any other special revenue fund of any state agency;

(C) any moneys received from any agency or authority of the federal government or from any other federal source, other than any such federal moneys that are credited to or may be received and credited to special revenue funds of a regents agency and that are determined by the state board of regents to be federal moneys that may be transferred to and debited to the 27th payroll adjustment account of the state general fund by the director of accounts and reports pursuant to this subsection (p);

(D) any account of the Kansas educational building fund or the state institutions building fund; or

(E) any fund in the state treasury, as determined by the director of the budget, that would experience financial or administrative difficulties as a result of executing the provisions of this subsection (p), including, but not limited to, cash-flow problems, the inability to meet ordinary expenditure obligations, or any conflicts with prevailing contracts, compacts or other provisions of law.

(12) Each amount transferred from any special revenue fund of any state agency, including any regents agency, to the state general fund pursuant to this subsection (p), is transferred to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(13) On or after July 1, 2008, notwithstanding the provisions of K.S.A. 75-4209, and amendments thereto, or any other statute, upon specific authorization in an appropriation act of the legislature, the pooled money investment board is authorized and directed to loan an amount of not more than \$6,000,000 to the state general fund to provide financing for any additional amounts required above the moneys otherwise provided by law to repay amounts provided by law to finance the cost of the 27th payroll chargeable to the fiscal year 2006 and to provide for an adequate reserve in the 27th payroll adjustment account. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for such loan. Such loan shall not bear interest and shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Any such loan shall be repaid from the state general fund and any appropriate special revenue funds in the state treasury.

(q) During the fiscal year ending June 30, 2009, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2009 by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2009, for the secretary of administration to fix, charge and collect fees for architectural, engineering and management services provided for capital improvement projects of the state board of regents or any state educational institution, as defined by K.S.A. 76-711, and amendments thereto, for which the department of administration provides such services and which are financed in whole or in part by gifts, bequests or donations made by one or more private individuals or other private entities: *Provided*, That such fees

for such services are hereby authorized to be fixed, charged and collected in accordance with the provisions of K.S.A. 2007 Supp. 75-1269, and amendments thereto, notwithstanding any provisions of K.S.A. 2007 Supp. 75-1269, and amendments thereto, to the contrary: *Provided further*, That all such fees received shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the architectural services recovery fund.

(r) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any statute or any rules and regulations to the contrary, in addition to the other purposes for which expenditures may be made by the above agency from moneys appropriated from the state general fund or any special revenue fund for the above agency for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the above agency from the state general fund or from any special revenue fund for fiscal year 2009, for the secretary of administration to provide parking for state employees on state-owned parking lots located within the state capitol area, as defined by subsection (c) of K.S.A. 75-2240a, and amendments thereto, without charge or cost to such employees for such parking: *Provided*, That this subsection shall not apply to parking garages or other parking structures in such state capitol area or to any state-owned parking lots for which revenues have been pledged to repay bonds issued for the construction of any of such parking garages, structures or lots: *Provided further*, That the secretary of administration shall continue otherwise to administer access to state-owned parking lots in accordance with policies and procedures adopted as provided by law, including use of hang tags and waiting lists for specific parking lots, in order to ensure orderly parking procedures: *And provided further*, That the secretary of administration shall make expenditures from moneys appropriated from the state buildings operating fund or any other special revenue funds for the purpose of maintaining the state-owned parking lots.

(s) On July 1, 2008, the director of accounts and reports shall transfer \$5,500,000 from the state highway fund to the financial management system development fund for the purpose of developing a financial management system to assist the department of transportation.

(t) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state property tax relief reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state property tax relief reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure of moneys from the state property tax relief reserve fund, or to increase any expenditure limitation on the state property tax relief reserve fund: *And provided further*, That no expenditures shall be authorized or made from the state property tax relief reserve fund by any state agency, except upon specific authorization therefor by appropriation act of the legislature: *Provided, however*, That, upon approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed by subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session, the director of accounts and reports shall transfer the amount or amounts specified in such approval from the state property tax relief reserve fund to the fund or funds specified in such approval.

(u) During fiscal year 2008 and fiscal year 2009, notwithstanding the provisions of any other statute, whenever any amount of moneys are credited to the expanded lottery act revenues fund, the director of accounts and reports shall transfer one-third of such amount of moneys from the expanded lottery act revenues fund to the state infrastructure reserve fund, which is hereby established in the state treasury: *Provided*, That all moneys transferred from the expanded lottery act revenues fund to the state infrastructure reserve fund pursuant to this subsection shall be reserved for purposes to be prescribed by law: *Provided further*, That the state finance council shall have no authority to authorize or approve any expenditure or transfer of moneys from the state infrastructure reserve fund, or to increase any expenditure limitation on the state infrastructure reserve fund: *And provided further*, That no expenditures or transfers shall be authorized or made from the state infrastructure re-

serve 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

Provided, That all moneys received for the costs incurred for conducting appraisals for any county shall be deposited in the state treasury and credited to the reappraisal reimbursement fund: *Provided further*, That expenditures may be made from this fund for the purpose of conducting appraisals pursuant to orders of the board of tax appeals under K.S.A. 79-1479, and amendments thereto.

Special training fund.....	No limit
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Provided, That expenditures may be made from the special training fund for operating expenditures, including official hospitality, incurred for conferences, training seminars, workshops and examinations: *Provided further*, That the secretary of revenue is hereby authorized to fix, charge and collect fees for conferences, training seminars, workshops and examinations sponsored or cosponsored by the department of revenue: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenditures incurred for such conferences, training seminars, workshops and examinations or for qualifying applicants for such conferences, training seminars, workshops and examinations: *And provided further*, That all fees received for conferences, training seminars, workshops and examinations shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the special training fund.

Recovery fund for enforcement actions and attorney fees.....	No limit
Federal commercial motor vehicle safety fund.....	No limit
Central stores fund.....	No limit

Provided, That expenditures may be made from the central stores fund to operate and maintain a central stores activity to sell supplies to other state agencies: *Provided further*, That all moneys received for such supplies shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the central stores fund.

Microfilming fund.....	No limit
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Provided, That expenditures may be made from the microfilming fund to operate and maintain a microfilming activity to sell microfilming services to other state agencies: *Provided further*, That all moneys received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilming fund.

Miscellaneous trust bonds fund	No limit
Liquor excise tax guarantee bond fund	No limit
Non-resident contractors cash bond fund	No limit
Bond guaranty fund.....	No limit
Interstate motor fuel user cash bond fund	No limit
Motor fuel distributor cash bond fund.....	No limit

Special county mineral production tax fund	No limit
County drug tax fund	No limit
Escheat proceeds suspense fund	No limit
Privilege tax refund fund	No limit
Suspense fund	No limit
Cigarette tax refund fund	No limit
Motor-vehicle fuel tax refund fund	No limit
Cereal malt beverage tax refund fund	No limit
Income tax refund fund	No limit
Sales tax refund fund	No limit
Compensating tax refund fund	No limit
Alcoholic liquor tax refund fund	No limit
Cigarette/tobacco products regulation fund	No limit
Motor carrier tax refund fund	No limit
Car company tax fund	No limit
Protested motor carrier taxes fund	No limit
Tobacco products refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-1694a	No limit
Interstate motor fuel taxes clearing fund	No limit
Bingo refund fund	No limit
Transient guest tax refund fund established by K.S.A. 12-16,100	No limit
Interstate motor fuel taxes refund fund	No limit
Interfund clearing fund	No limit
Local alcoholic liquor clearing fund	No limit
International registration plan distribution clearing fund	No limit
Rental motor vehicle excise tax refund fund	No limit
International fuel tax agreement clearing fund	No limit
Mineral production tax refund fund	No limit
Special fuels tax refund fund	No limit
LP-gas motor fuels refund fund	No limit
Local alcoholic liquor refund fund	No limit
Sales tax clearing fund	No limit
Rental motor vehicle excise tax clearing fund	No limit
VIPS/CAMA technology hardware fund	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2021, and amendments thereto, or of any other statute, expenditures may be made from the VIPS/CAMA technology hardware fund for the purposes of upgrading the VIPS/CAMA computer hardware and software for the state or for the counties and for administration and operation of the department of revenue.</i>	
County and city retailers sales tax clearing fund — county and city sales tax	No limit
City and county compensating use tax clearing fund	No limit
County and city transient guest tax clearing fund	No limit
Automated tax systems fund	No limit
Dyed diesel fuel fee fund	No limit
Electronic databases fee fund	No limit
<i>Provided, That, notwithstanding the provisions of K.S.A. 74-2022, and amendments thereto, or of any other statute, expenditures may be made from electronic databases fee fund for the purposes of operating expenditures, including expenditures for capital outlay; of operating, maintaining or improving the vehicle information processing system (VIPS), the Kansas computer assisted mass appraisal system (CAMA) and other electronic database systems 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.</i>	
Photo fee fund	No limit
<i>Provided, That expenditures may be made from the photo fee fund for administration and operation of the driver license program and related support operations in the division of</i>	

administration of the department of revenue, including costs of implementing Chapter 5 and Chapter 63 of the 2003 Session Laws of Kansas.

Estate tax abatement refund fund.....	No limit
Distinctive license plate fund.....	No limit
Repossessed certificates of title fee fund	No limit
Hazmat fee fund	No limit
Intra-governmental service fund	No limit

(c) On July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$10,690,422.75 from the state highway fund of the department of transportation to the division of vehicles operating fund of the department of revenue for the purpose of financing the cost of operation and general expense of the division of vehicles and related operations of the department of revenue.

(d) On August 1, 2008, the director of accounts and reports shall transfer \$77,250 from the accounting services recovery fund of the department of administration to the setoff services revenue fund of the department of revenue for reimbursing costs of recovering amounts owed state agencies under K.S.A. 75-6201 et seq., and amendments thereto.

(e) On August 1, 2008, the director of accounts and reports shall transfer \$20,400 from the social welfare fund and \$39,600 from the federal child support enforcement fund of the department of social and rehabilitation services to the child support enforcement contractual agreement fund of the department of revenue to reimburse costs of administrative expenses of child support enforcement activities under the agreement.

(f) (1) During the fiscal year ending June 30, 2009, notwithstanding the provisions of K.S.A. 2007 Supp. 79-34,156, and amendments thereto, the director of accounts and reports shall not transfer any amount from either the state economic development initiatives fund or the state general fund to the Kansas qualified biodiesel fuel producer incentive fund during the fiscal year ending June 30, 2009.

(2) On July 1, 2008, October 1, 2008, January 1, 2009, and April 1, 2009, the director of accounts and reports shall transfer \$500,000 from the state economic development initiatives fund to the Kansas qualified biodiesel fuel producer incentive fund: *Provided*, That, if sufficient moneys are not available in the state economic development initiatives fund for such transfer on July 1, 2008, October 1, 2008, January 1, 2009, or April 1, 2009, then the director of accounts and reports shall transfer on such date, the amount of moneys available in the state economic initiatives fund in accordance with this section and shall transfer on such date, or as soon thereafter as moneys are available therefor, the amount equal to the insufficiency from the state general fund to the Kansas qualified biodiesel fuel producer incentive fund.

Sec. 88.

KANSAS LOTTERY

(a) There is appropriated from 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
<i>Provided</i> , That expenditures from the state racing fund for official hospitality shall not exceed \$2,500.	
Racing reimbursable expense fund.....	No limit
Racing applicant deposit fund.....	No limit
Kansas horse breeding development fund.....	No limit
Kansas greyhound breeding development fund.....	No limit

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
<i>Provided</i> , 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
<i>Provided</i> , 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
Provided, That any unencumbered balance in the operating grant (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures may be made from the operating grant (including official hospitality) account for loans pursuant to loan agreements which are hereby authorized to be entered into by the secretary of commerce in accordance with repayment provisions and other terms and conditions as may be prescribed by the secretary therefor under the agricultural value added center program: *And provided further*, That expenditures may be made from the operating grant (including official hospitality) account for certified development companies that have been determined to be qualified for grants by the secretary of commerce, except that expenditures for such grants shall not be made for grants to more than 10 certified development companies that have been determined to be qualified for grants by the secretary of commerce: *And provided further*, That during fiscal year 2009, all expenditures made by the department of commerce from moneys appropriated in the state treasury for the department, including moneys appropriated in the operating grant (including official hospitality) account of the state economic development initiatives fund, shall be made for the purpose of achieving the following outcome measures:

Measure	Budget Year Projection FY 2009
Jobs created or retained by projects utilizing KDOC assistance	32,000
Payroll generated by projects utilizing KDOC assistance	\$100,000,000
Capital investment in Kansas resulting from projects utilizing KDOC assistance	\$500,000,000
Funds leveraged through match in projects utilizing KDOC assistance	\$75,000,000
Individuals trained through workforce development programs	10,000
Sales generated by projects utilizing KDOC assistance	\$175,000,000
Increase in visitation resulting from KDOC tourism promotion efforts	275,000
Kansans served with counseling, technical assistance or business services	125,000
Number of communities receiving community assistance services	125
Number of grants provided to Kansas businesses, communities, and families	590
Number of businesses impacted by funding from KDOC	700

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

Publication and other sales fund	No limit
Conversion of equipment and materials fund	No limit
Conference registration and disbursement fund	No limit
Trademark fund	No limit
Greyhound tourism fund	No limit
Reimbursement and recovery fund	No limit
Community development block grant — federal fund	No limit
Community development block grant — federal fund — revolving loan account	No limit

Other federal grants fund.....	No limit
<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 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
<i>Provided</i> , 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
<i>Provided</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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: <i>And provided further</i> , 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
<i>Provided</i> , 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: <i>Provided further</i> , 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 Peysner — 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
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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, 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
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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
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Provided, 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
Provided, 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

Provided, That transfers of moneys from the medicare fund — federal to the state fire marshal may be made during fiscal year 2009 pursuant to a contract which is hereby authorized to be entered into by the secretary of health and environment and the state fire marshal to provide fire and safety inspections for hospitals.

Migrant health program — federal fund No limit

Venereal disease control project — federal fund..... No limit

Disease prevention and health promotion grants — federal fund..... No limit

Provided, 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

Provided, 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: *Provided, however*, 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
<i>Provided</i> , That any unencumbered balance in the operating expenditures (including official hospitality) account of the department of health and environment — division of environment in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Operating expenditures (including official hospitality) — laboratories....	\$3,962,899
<i>Provided</i> , 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
<i>Provided</i> , That expenditures may be made from the solid waste management fund during the fiscal year ending June 30, 2009, for official hospitality: <i>Provided further</i> , That such expenditures for official hospitality shall not exceed \$2,500.	
Public water supply fee fund.....	No limit
Voluntary cleanup fund.....	No limit
Storage tank fee fund.....	No limit
Air quality fee fund	No limit
Hazardous waste collection fund.....	No limit
Power generating facility fee fund	No limit
Health and environment training fee fund — environment	No limit

Provided, That expenditures may be made from the health and environment training fee fund — environment for acquisition and distribution of division of environment program literature and films and for participation in or conducting training seminars for training employees of the division of environment of the department of health and environment, for training recipients of state aid from the division of environment of the department of health and environment and for training representatives of industries affected by rules and regulations of the department of health and environment relating to the division of environment: *Provided further*, That the secretary of health and environment is hereby authorized to fix, charge and collect fees in order to recover costs incurred for such acquisition and distribution of literature and films and for the operation of such seminars: *And provided further*,

That such fees may be fixed in order to recover all or part of such costs: *And provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the health and environment training fee fund — environment: *And provided further*, That, in addition to the other purposes for which expenditures may be made by the department of health and environment for the division of environment from moneys appropriated from the health and environment training fee fund — environment for fiscal year 2009, expenditures may be made by the department of health and environment from the health and environment training fee fund — environment for fiscal year 2009 for agency operations for the division of environment.

Driving under the influence equipment fund No limit
Provided, That expenditures from the driving under the influence equipment fund may be made only for the purpose of purchasing blood or breath alcohol concentration testing equipment, and other related expenditures.

Nuclear safety emergency preparedness special revenue fund No limit
Provided, That all moneys received from the adjutant general from the nuclear safety management fee fund of the adjutant general shall be credited to the nuclear safety emergency preparedness special revenue fund of the department of health and environment — division of environment.

Waste tire management fund No limit
Health and environment publication fee fund — environment No limit
Provided, That expenditures from the health and environment publication fee fund — environment shall be made only for the purpose of paying the expenses of publishing documents as required by K.S.A. 75-5662, and amendments thereto.

Local air quality control authority regulation services fund No limit
Environmental response fund No limit
Sponsored project overhead fund — environment No limit
Resource conservation and recovery act — federal fund No limit
Water supply — federal fund No limit
EPA voluntary cleanup federal fund No limit

Provided, That all expenditures from the EPA voluntary cleanup federal fund during fiscal year 2009 shall be supplemental to fees collected for direct or indirect costs of administering the voluntary cleanup and property redevelopment act: *Provided, however*, That such expenditures shall be in accordance with the federal agreement entered into by the secretary of health and environment for the grant moneys.

Clinical laboratory improvement amendments — federal fund No limit
EPA — core support — federal fund No limit
Other federal grants fund — environment No limit

Provided, That the department of health and environment is authorized to make expenditures for the division of environment from the other federal grants fund — environment of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$500,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the department of health and environment may make expenditures for the division of environment of moneys credited to this fund from any individual federal grant which is more than \$500,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That transfers or payments from this fund to other state agencies shall be in addition to any expenditure limitation placed on this fund.

Air quality program — federal fund No limit
Leaking underground storage tank trust — federal fund No limit
National surface mining control and reclamation act — federal fund No limit
Abandoned mined-land — federal fund No limit
State indoor radon grant — federal fund No limit
EPA non-point source implementation — federal fund No limit

Pollution prevention program — federal fund	No limit
Gifts, grants and donations fund — environment	No limit
Special bequest fund — environment	No limit
Aboveground petroleum storage tank release trust fund.....	No limit
Underground petroleum storage tank release trust fund	No limit
Drycleaning facility release trust fund	No limit
Public water supply loan fund.....	No limit
Public water supply loan operations fund.....	No limit
Kansas water pollution control revolving fund	No limit
<i>Provided</i> , That the proceeds from revenue bonds issued by the Kansas development finance authority to provide matching grant payments under the federal clean water act of 1987 (P.L.92-500) shall be credited to the Kansas water pollution control revolving fund: <i>Provided further</i> , That expenditures from this fund shall be made to provide for the payment of such matching grants.	
Kansas water pollution control operations fund.....	No limit
Cost of issuance fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Surcharge fund for Kansas water pollution control revolving fund revenue bonds	No limit
Surcharge operations fund for Kansas water pollution control revolving fund revenue bonds.....	No limit
Debt service reserve fund	No limit
EPA water related grants — federal fund.....	No limit
<i>Provided</i> , That no moneys from any grant that requires the matching expenditure of any other moneys in the state treasury during the current or any ensuing fiscal year shall be deposited to the credit of the EPA water related federal grants fund.	
Chemical control — federal fund	No limit
Subsurface hydrocarbon storage fund.....	No limit
Clean air leadership — federal fund.....	No limit
Natural resources damages trust fund	No limit
Hazardous waste management fund	No limit
Brownfields revolving loan program — federal fund	No limit
Mined—land reclamation fund.....	No limit
104 (6) (1) outreach operator training program — federal fund	No limit
Underground storage tank — federal fund.....	No limit
EPA underground injection control — federal fund.....	No limit
Laboratory medicaid cost recovery fund — environment	No limit
Diagnostic X-ray program — federal fund	No limit
Environmental control use fund	No limit
Environmental response remedial activity specific site — lead site federal fund.....	No limit
Emergency environmental response — nonspecific sites federal fund....	No limit
Chemical control fund.....	No limit
Medicare program — environment — federal fund	No limit
EPA 106 water pollution control — federal fund.....	No limit
Salt solution mining well plugging fund	No limit
Kansas essential fuels supply trust fund	No limit
(c) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2009, for the state water plan project or projects specified as follows:	
Contamination remediation	\$976,151
<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
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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

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
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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
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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
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SHICK fund — state operations — federal	No limit
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Senior services fund	No limit
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Long-term care loan and grant fund	No limit
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Intergovernmental transfer administration fund	\$0
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Non-government grant fund	No limit
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Other federal grants and assistance fund	No limit
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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
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Medicare fund — federal	No limit
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(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
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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.

Office of the inspector general	\$75,803
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Provided, That any unencumbered balance in the office of the inspector general account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Generic drug program	\$400,000
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Other medical assistance	\$457,479,000
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Provided, That any unencumbered balance in the other medical assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children’s health insurance program \$18,551,261

Provided, That any unencumbered balance in the children’s health insurance program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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

Preventive health care program fund No limit

Cafeteria benefits fund No limit

Provided, That expenditures from the cafeteria benefits fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$2,244,540.

State workers compensation self-insurance fund No limit

Provided, That expenditures from the state workers compensation self-insurance fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$3,788,047.

Dependent care assistance program fund No limit

Provided, That expenditures from the dependent care assistance program fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$56,773.

Non-state employer group benefit fund No limit

Provided, That expenditures from the non-state employer group benefit fund for the fiscal year ending June 30, 2009, for salaries and wages and other operating expenditures shall not exceed \$186,130.

Kansas health policy authority special revenue fund No limit

Provided, That expenditures from the Kansas health policy authority special revenue fund for the fiscal year ending June 30, 2009, for official hospitality shall not exceed \$1,000.

Health committee insurance fund No limit

Health care database fee fund No limit

Medical programs fee fund \$38,500,000

Health and hospitalization insurance clearing fund No limit

Health insurance premium reserve fund No limit

Other state fees fund No limit

Health care access improvement fund No limit

Other federal grants and assistance fund No limit

Medical assistance federal fund No limit

Children’s health insurance federal fund No limit

Ticket to work infrastructure grant federal fund No limit

Health policy and finance — PERM grant federal fund No limit

Ryan White title II federal fund No limit

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2009, the following:

Immunization outreach \$500,000

Any unencumbered balance in each of the following accounts in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: Immunization outreach.

Other medical assistance \$3,000,000

HealthWave \$2,000,000

(d) During the fiscal year ending June 30, 2009, the executive director of the Kansas health policy authority, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2009, from the state general fund for the Kansas health policy authority to another item of appropriation for fiscal year 2009 from the state general fund for the Kansas health policy authority. The executive director of the Kansas health policy authority shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

Sec. 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

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 Osawatomie state hospital: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses of such training activities for Osawatomie state hospital.

Parsons state hospital and training center — canteen fund..... No limit
 Parsons state hospital and training center — patient benefit fund..... No limit
 Parsons state hospital and training center — work therapy patient benefit fund..... No limit
 Parsons state hospital and training center fee fund \$1,434,990
Provided, That all moneys received as fees for the use of video teleconferencing equipment at Parsons state hospital and training center shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the video teleconferencing fee account of the Parsons state hospital and training center fee fund: *Provided further*, That all moneys credited to the video teleconferencing fee account shall be used solely for the servicing, maintenance and replacement of video teleconferencing equipment at Parsons state hospital and training center: *And provided further*, That any expenditures from the video teleconferencing fee account shall be in addition to any expenditure limitation imposed on the Parsons state hospital and training center fee fund.

Rainbow mental health facility fee fund..... \$999,708
 Rainbow mental health facility — patient benefit fund..... No limit
 Rainbow mental health facility — work therapy patient benefit fund..... No limit
 Social services clearing fund..... No limit
 Social welfare fund..... \$19,697,016
 Other state fees fund No limit
 Alcohol and drug abuse block grant federal fund No limit
 Child welfare services block grant federal fund No limit
 Mental health block grant federal fund No limit
 Social services block grant — federal fund No limit
 Child care and development federal fund No limit
 Children’s cabinet grants federal fund No limit
 Temporary assistance to needy families federal fund No limit
 Disability determination services federal fund No limit
 Food stamp assistance federal fund No limit
 Foster care assistance federal fund No limit
 Medical assistance federal fund No limit
 Rehabilitation services federal fund..... No limit
 Other federal grants and assistance fund No limit
 SRS enterprise fund No limit
 SRS trust fund No limit
 Problem gambling and addictions grant fund No limit
 Child support enforcement administration fund No limit
 Energy assistance block grant federal fund..... No limit
 Family and children trust account — family and children investment fund..... No limit
Provided, That expenditures from the family and children trust account — family and children investment fund for official hospitality shall not exceed \$1,500.

(c) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2009, the following:
 Children’s cabinet accountability fund..... \$541,802
Provided, That any unencumbered balance in the children’s cabinet accountability fund account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Children's mental health waiver.....	\$3,800,000
<i>Provided</i> , 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
<i>Provided</i> , 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
(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
<i>Provided</i> , 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 superin-	

tendent 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
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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
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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: *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
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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
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Special education services aid	\$54,500,455
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Provided, That any unencumbered balance in the special education services aid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures shall not be made from the special education services aid account for the provision of instruction for any homebound or hospitalized child unless the categorization of such child as exceptional is conjoined with the categorization of the child within

one or more of the other categories of exceptionality: *Provided further*, That expenditures shall be made from this account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-983, and amendments thereto: *And provided further*, That expenditures shall be made from the amount remaining in this account, after deduction of the expenditures specified in the foregoing proviso, for payments to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-978, and amendments thereto.

Supplemental general state aid \$39,768,000

Provided, That any unencumbered balance in the supplemental general state aid account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Kansas foundation for agriculture project grant \$35,000

Provided, That expenditures from the Kansas foundation for agriculture project grant account shall be used for agriculture in the classroom programs to supplement existing elementary and secondary curricula with agricultural information: *Provided further*, That expenditures from this account shall be made only if private funding sources are available to match such state grants on a 60% state and 40% private basis.

Professional development aid \$1,750,000

Discretionary grants \$905,000

Provided, That the above agency shall make expenditures from the discretionary grants account during the fiscal year 2009, in an amount not less than \$400,000 for after school programs for middle school students in the sixth, seventh and eighth grades: *Provided further*, That the after school programs may also include fifth and ninth grade students, if they attend a junior high school: *And provided further*, That such discretionary grants shall be awarded to after school programs that operate for a minimum of two hours a day, every day that school is in session, and a minimum of six hours a day for a minimum of five weeks during the summer: *And provided further*, That the discretionary grants awarded to after school programs shall require a dollar-for-dollar local match: *And provided further*, That the aggregate amount of discretionary grants awarded to any one after school program for fiscal year 2009 shall not exceed \$25,000.

School food assistance \$2,510,486

School safety hotline \$10,000

KPERS — employer contributions \$249,430,859

Provided, That any unencumbered balance in the KPERS — employer contributions account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That all expenditures from the KPERS — employer contributions account shall be for payment of participating employers' contributions to the Kansas public employees retirement system as provided in K.S.A. 74-4939, and amendments thereto: *And provided further*, That expenditures from this account for the payment of participating employers' contributions to the Kansas public employees retirement system may be made regardless of when the liability was incurred.

Declining enrollment state aid \$50,000

Educable deaf-blind and severely handicapped children's programs aid \$110,000

School district juvenile detention facilities and Flint Hills job corps center grants \$7,934,825

Provided, That any unencumbered balance in the school district juvenile detention facilities and Flint Hills job corps center grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures shall be made from the school district juvenile detention facilities and Flint Hills job corps center grants account for grants to school districts in amounts determined pursuant to and in accordance with the provisions of K.S.A. 72-8187, and amendments thereto.

Any unencumbered balance in excess of \$100 as of June 30, 2008, in each of the following accounts is hereby reappropriated for fiscal year 2009: General state aid.

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

State school district finance fund	No limit
School district capital improvements fund.....	No limit
<i>Provided</i> , That expenditures from the school district capital improvements fund shall be made only for the payment of general obligation bonds approved by voters under the authority of K.S.A. 72-6761, and amendments thereto.	
Conversion of materials and equipment fund	No limit
State safety fund	No limit
School bus safety fund.....	No limit
Motorcycle safety fund	No limit
Federal indirect cost reimbursement fund	No limit
Certificate fee fund	No limit
Food assistance — federal fund.....	No limit
Food assistance — school breakfast program — federal fund.....	No limit
Food assistance — national school lunch program — federal fund.....	No limit
Food assistance — child and adult care food program — federal fund.....	No limit
Elementary and secondary school aid — federal fund.....	No limit
Elementary and secondary school aid — educationally deprived children — federal fund.....	No limit
Educationally deprived children — state operations — federal fund.....	No limit
Elementary and secondary school — educationally deprived children — LEA's fund	No limit
ESEA chapter II — state operations — federal fund.....	No limit
Education of handicapped children fund — federal	No limit
Education of handicapped children fund — state operations — federal	No limit
Education of handicapped children fund — preschool — federal fund ..	No limit
Education of handicapped children fund — preschool state operations — federal	No limit
Elementary and secondary school aid — federal fund — migrant education fund.....	No limit
Elementary and secondary school aid — federal fund — migrant education — state operations	No limit
Vocational education amendments of 1968 — federal fund.....	No limit
Vocational education title II — federal fund	No limit
Vocational education title II — federal fund — state operations	No limit
Educational research grants and projects fund.....	No limit
Drug abuse fund — department of education — federal.....	No limit
Drug abuse funds — federal — state operations fund.....	No limit
Inservice education workshop fee fund.....	No limit
<i>Provided</i> , That expenditures may be made from the inservice education workshop fee fund for operating expenditures, including official hospitality, incurred for inservice workshops and conferences: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for inservice workshops and conferences: <i>And provided further</i> , That such fees shall be fixed in order to recover all or part of such operating expenditures incurred for inservice workshops and conferences: <i>And provided further</i> , That all fees received for inservice workshops and conferences shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the inservice education workshop fee fund.	
Private donations, gifts, grants and bequests fund	No limit
Interactive video fee fund	No limit
<i>Provided</i> , That expenditures may be made from the interactive video fee fund for operating expenditures incurred in conjunction with the operation and use of the interactive video conference facility of the department of education: <i>Provided further</i> , That the state board of education is hereby authorized to fix, charge and collect fees for the operation and use of such interactive video conference facility: <i>And provided further</i> , That all fees received for the operation and use of such interactive video conference facility shall be deposited in	

the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the interactive video fee fund.

Reimbursement for services fund	No limit
Communities in schools program fund	No limit
Governor's teaching excellence scholarships program repayment fund ...	No limit
<i>Provided</i> , That all expenditures from the governor's teaching excellence scholarships program repayment fund shall be made in accordance with K.S.A. 72-1398, and amendments thereto: <i>Provided further</i> , That each such grant shall be required to be matched on a \$1 for \$1 basis from nonstate sources: <i>And provided further</i> , That award of each such grant shall be conditioned upon the recipient entering into an agreement requiring the grant to be repaid if the recipient fails to complete the course of training under the national board for professional teaching standards certification program: <i>And provided further</i> , That all moneys received by the department of education for repayment of grants made under the governor's teaching excellence scholarships program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the governor's teaching excellence scholarships program repayment fund.	
Elementary and secondary school aid — federal fund — reading first ...	No limit
Elementary and secondary school aid — federal fund — reading first — state operations	No limit
State grants for improving teacher quality — federal fund	No limit
State grants for improving teacher quality — federal fund — state operations	No limit
21st century community learning centers — federal fund	No limit
State assessments — federal fund	No limit
Rural and low-income schools program — federal fund	No limit
Language assistance state grants — federal fund	No limit
Service clearing fund	No limit
Helping schools license plate program fund	No limit

(c) There is appropriated for the above agency from the children's initiatives fund for the fiscal year ending June 30, 2009, the following:

Grant to the Kansas optometric association for vision study	\$200,000
<i>Provided</i> , That any unencumbered balance in the grant to the Kansas optometric association for vision study account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Pre-K Pilot	\$5,000,000
General state aid	\$100,000
Parent education program	\$7,539,500

Provided, That expenditures from the parent education program account for each such grant shall be matched by the school district in an amount which is equal to not less than 65% of the grant.

(d) Any unencumbered balance in the pre-k pilot account of the children's initiatives fund in the department of social and rehabilitation services in excess of \$100 as of June 30, 2008, is hereby reappropriated to the pre-k pilot account of the children's initiatives fund in the department of education for fiscal year 2009.

(e) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$50,000 from the family and children trust account of the family and children investment fund of the department of social and rehabilitation services to the communities in schools program fund of the department of education.

(f) On July 1, 2008, and quarterly thereafter, the director of accounts and reports shall transfer \$68,451 from the state highway fund of the department of transportation to the school bus safety fund of the department of education.

(g) On July 1, 2008, the director of accounts and reports shall transfer an amount certified by the commissioner of education from the motorcycle safety fund of the department of education to the motorcycle safety fund of the state board of regents: *Provided*, That the amount to be transferred shall be determined by the commissioner of education based on the amounts required to be paid pursuant to subsection (b)(2) of K.S.A. 8-272, and amendments thereto.

(h) On June 30, 2009, notwithstanding the provisions of K.S.A. 8-267 or 8-272, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$1,700,000 from the state safety fund of the department of education to the state general fund: *Provided*, That the amount transferred from the state safety fund of the department of education to the state general fund pursuant to this subsection is to reimburse the state general fund for accounting, auditing, budgeting, legal, payroll, personnel and purchasing services and any other governmental services which are performed on behalf of the state agency involved by other state agencies which receive appropriations from the state general fund to provide such services.

(i) In addition to the other purposes for which expenditures may be made by the department of education from the moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009, as authorized by chapter 167 or chapter 201 of the 2007 Session Laws of Kansas or by this or any other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the department of education from moneys appropriated from the state general fund or from any special revenue fund for the department of education for fiscal year 2009 to require that local school boards review and inspect all school buildings and identify any school buildings that need to make adjustments or improvements for tornado safety.

Sec. 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

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

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

General fees fund No limit

Local services reimbursement fund No limit

Provided, That the Kansas state school for the deaf is hereby authorized to assess and collect a fee of 20% of the total cost of services provided to local school districts: *Provided further*, That all moneys received from such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the local services reimbursement fund.

Student activity fees fund No limit

Elementary and secondary education act — federal fund No limit

Vocational education fund — federal No limit

School lunch program — federal fund No limit

Special bequest fund No limit

Special workshop fund No limit

Gift fund No limit

Nine month payroll clearing fund No limit

Sec. 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

Provided, That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures from the operating expenditures account for official hospitality shall not exceed \$2,500.

Kansas humanities council \$81,830

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

Credit card clearing fund No limit

Vehicle repair and replacement fund No limit

General fees fund No limit

Archeology fee fund No limit

Provided, That expenditures may be made from the archeology fee fund for operating expenses for providing archeological services by contract: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing archeological services by contract: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the archeology fee fund.

Archeology federal fund No limit

Microfilm fees fund No limit

Provided, That expenditures may be made from the microfilm fees fund for operating expenses for providing microfilming services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided*

further, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing microfilming services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the microfilm fees fund.

Records center fee fund No limit

Provided, That expenditures may be made from the records center fee fund for operating expenses for providing copying and related services: *Provided further*, That the state historical society is hereby authorized to fix, charge and collect fees for the sale of such services: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred in providing such services: *And provided further*, That all fees received for such services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the records center fee fund.

Historic properties fee fund No limit

National historic preservation act fund — state No limit

Historic preservation overhead fees fund No limit

National historic preservation act fund — local No limit

Private gifts, grants and bequests fund No limit

Museum and historic sites visitor donation fund No limit

Insurance collection replacement/reimbursement fund No limit

Heritage trust fund No limit

Provided, That expenditures from the heritage trust fund for state operations shall not exceed \$94,548.

Land survey fee fund No limit

Provided, That, notwithstanding the provisions of K.S.A. 58-2011, and amendments thereto, expenditures may be made by the above agency from the land survey fee fund for the fiscal year ending June 30, 2009, for operating expenditures that are not related to administering the land survey program.

State historical society facilities fund No limit

Historic properties fund No limit

Law enforcement memorial fund No limit

Other federal grants fund No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Property sale proceeds fund No limit

Provided, That proceeds from the sale of property pursuant to K.S.A. 75-2701, and amendments thereto, shall be deposited in the state treasury and credited to the property sale proceeds fund.

Sec. 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

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

Master's-level nursing capacity \$150,000

Kansas wetlands education center at Cheyenne bottoms \$309,430

Provided, That any unencumbered balance in the Kansas wetlands education center at

Cheyenne bottoms account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

- Parking fees fund No limit
Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.
- General fees fund No limit
Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures maybe made from the general fees fund for official hospitality.
- Restricted fees fund No limit
Provided, That restricted fees shall be limited to receipts for the following accounts: Special events; technology equipment; Gross coliseum services; performing arts center services; farm income; choral music clinic; yearbook; off-campus tours; memorial union activities; student activity (unallocated); Leader (newspaper); conferences, clinics and workshops — noncredit; summer laboratory school; little theater; library services; student affairs; speech and debate; student government; counseling center services; interest on local funds; student identification cards; nurse education programs; athletics; placement fees; virtual college classes; speech and hearing; child care services for dependent students; computer services; interactive television contributions; midwestern student exchange; departmental receipts for all sales, refunds and other collections not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That all amounts of tuition received from students participating in the midwestern student exchange program shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the midwestern student exchange account of the restricted fees fund: *And provided further*, That expenditures may be made from the restricted fees fund for official hospitality.
- Education opportunity act — federal fund No limit
- Service clearing fund No limit
Provided, That the service clearing fund shall be used for the following service activities: Computer services, storeroom for official supplies including office supplies, paper products, janitorial supplies, printing and duplicating, car pool, postage, copy center, and telecommunications and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.
- Commencement fees fund No limit
- Health fees fund No limit
Provided, That expenditures from the health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.
- Student union fees fund No limit
- Kansas career work study program fund No limit
- Economic opportunity act — federal fund No limit
- Kansas comprehensive grant fund No limit
- Faculty of distinction matching fund No limit
- Nine month payroll clearing account fund No limit

Federal Perkins student loan fund	No limit
Housing system revenue fund	No limit
Institutional overhead fund	No limit
Oil and gas royalties fund	No limit
Housing system suspense fund	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Sponsored research overhead fund	No limit
Kansas distinguished scholarship fund	No limit
University federal fund	No limit

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

(c) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Fort Hays state university of not to exceed \$125,000 from the general fees fund to the federal Perkins student loan fund.

Sec. 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
<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.	
Midwest institute for comparative stem cell biology	\$150,000

Provided, That any unencumbered balance in the midwest institute for comparative stem cell biology account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Parking fees fund	No limit
Faculty of distinction matching fund	No limit
General fees fund	No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys: *Provided further*, That expenditures may be made from the general fees fund for official hospitality.

Interest on endowment fund	No limit
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Technology equipment; flight services; human resources management system; computer services; copy centers; standardized test fees; placement center; recreational services; college of technology and aviation; motor pool; music; professorships; student activities fees; army and aerospace uniforms; aerospace uniform augmentation; biology sales and services; chemistry; field camps; state department of education; physics storeroom; sponsored research, instruction, public service, equipment and facility grants; chemical engineering; nuclear engineering; contract-post office; library collections; civil engineering; continuing education; sponsored construction or improvement projects; attorney, educational and personal development, human resources; student financial assistance; application for undergraduate programs; speech and hearing fees; gifts; human development and family research and

training; college of education — publications and services; guaranteed student loan application processing; student identification card; auditorium receipts; catalog sales; emission spectroscopy fees; interagency consulting; sales and services of educational programs; transcript fees; facility use fees; human ecology storeroom; college of human ecology sales; family resource center fees; human movement performance; application for post baccalaureate programs; art exhibit fees; college of education — Kansas careers; foreign student application fee; student union repair and replacement reserve; departmental receipts for all sales, refunds and other collections; institutional support fee; miscellaneous renovations; speech receipts; art museum; exchange program; flight training lab fees; administrative reimbursements; parking fees; postage center; printing; short courses and conferences; student government association receipts; regents educational communications center; late registration fee; engineering equipment fee; architecture equipment fee; biotechnology facility; English language program; international programs; Bramlage coliseum; planning and analysis; telecommunications; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from the restricted fees fund may be made for the purchase of insurance for operation and testing of completed project aircraft and for operation of aircraft used in professional pilot training, including coverage for public liability, physical damage, medical payments and voluntary settlement coverages.

Kansas career work study program fund.....	No limit
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Supplies stores; telecommunications services; photographic services; K-State printing services; postage; facilities services; facilities carpool; public safety services; facility planning services; facilities storeroom; computing services; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.	
Sponsored research overhead fund	No limit
Housing system suspense fund.....	No limit
Housing system operations fund	No limit
Housing system repairs, equipment and improvement fund	No limit
Mandatory retirement annuity clearing fund	No limit
Student health fees fund.....	No limit
<i>Provided</i> , That expenditures from the student health fees fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff, including pharmacists and physical therapists, at the student health center.	
Scholarship funds fund	No limit
Perkins student loan fund	No limit
Board of regents — U.S. department of education awards fund.....	No limit
State agricultural university fund.....	No limit
Federal extension civil service retirement clearing fund.....	No limit
Salina — student union fees fund.....	No limit
Salina — housing system operation fund	No limit
Kansas distinguished scholarship fund.....	No limit
Kansas comprehensive grant fund	No limit
Temporary deposit fund	No limit
Business procurement card clearing fund	No limit
Suspense fund.....	No limit

Voluntary tax shelter annuity clearing fund.....	No limit
Agency payroll deduction clearing fund	No limit
Payroll clearing fund.....	No limit
Pre-tax parking clearing fund.....	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer an amount specified by the president of Kansas state university of not to exceed \$100,000 from the general fees fund to the Perkins student loan fund.

Sec. 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
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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.

Cooperative extension service (including official hospitality)	\$20,514,007
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Provided, That any unencumbered balance in the cooperative extension service (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Agricultural experiment stations (including official hospitality).....	\$32,727,735
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Provided, That any unencumbered balance in the agricultural experiment stations (including official hospitality) account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Restricted fees fund.....	No limit
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Provided, That restricted fees shall be limited to receipts for the following accounts: Plant pathology; Kansas artificial breeding service unit; technology equipment; professorships; agricultural experiment station, director's office; agronomy — Ashland farm; KSU agricultural research center — Hays; KSU southeast agricultural research center; KSU southwest research extension center; agronomy — general; agronomy — experimental field crop sales; entomology sales; grain science and industry — Kansas state university; food and nutrition research; extension services and publication; sponsored construction or improvement projects; gifts; animal resource facility; sales and services of educational programs; animal sciences and industry livestock and product sales; horticulture greenhouse and farm products sales; Konza prairie operations; departmental receipts for all sales, refunds and other collections; institutional support fee; KSU northwest research extension center operations; sponsored research, public service, equipment and facility grants; statistical laboratory; equipment/pesticide storage building; other specifically designated receipts not available for general operations of the university: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures may be

made from the Kansas agricultural mediation service account of the restricted fees fund during fiscal year 2009.

Fertilizer research fund.....	No limit
Sponsored research overhead fund	No limit
Federal extension fund	No limit
Federal experimental station fund	No limit
Federal awards — advance payment fund.....	No limit
Smith-Lever special program grant — federal fund	No limit
Faculty of distinction matching fund.....	No limit
Kansas artificial breeding service unit fees fund	No limit
Agricultural land use-value fund	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

Agricultural experiment stations.....	\$300,000
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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
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Faculty of distinction matching fund.....	No limit
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Hospital and diagnostic laboratory improvement fund.....	No limit
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Restricted fees fund.....	No limit
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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

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

Provided, That expenditures may be made from the parking fees fund for a capital improvement project for parking lot improvements.

General fees fund No limit

Provided, That expenditures may be made from the general fees fund to match federal grant moneys.

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
<i>Provided</i> , That expenditures may be made from the parking fees fund for capital improvement projects for parking lot improvements.	
General fees fund	No limit
<i>Provided</i> , 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: <i>Provided further</i> , That expenditures may be made from the general fees fund to match federal grant moneys: <i>And provided further</i> , That expenditures may be 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: 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; <i>Midwest Quarterly</i> ; 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: <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 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: <i>And provided further</i> , That expenditures may be made from this fund for official hospitality.	
Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: 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
<i>Provided</i> , 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: <i>Provided further</i> , 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 confer-

ence; concert course; residence hall maintenance; speech, language and hearing clinic; perceptual motor clinic; application for admission fees; named professorships; summer institutes and workshops; dramatics; economic opportunity act; executive management; continuing education programs; geology field trips; gifts and grants; extension services; counseling center; investment income from bequests; housing and residence halls; endowment research salaries; engineering research salaries; music and art camp; child development lab preschools; orientation center; educational placement; press publications; Rice estate educational project; sponsored research; student activities; sale of surplus books and art objects; building use charges; Kansas applied remote sensing program; executive master's degree in business administration; applied English center; cartographic services; economic education; study abroad programs; computer services; recreational activities; animal care activities; geological survey; engineering equipment fee; midwestern student exchange; department commercial receipts for all sales, refunds, and all other collections or receipts not specifically enumerated above: *Provided, however,* That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further,* That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further,* That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further,* That moneys received for student fees in any account of the restricted fees fund may be transferred to one or more other accounts of the restricted fees fund.

Service clearing fund No limit

Provided, That the service clearing fund shall be used for the following service activities: Residence hall food stores; university motor pool; furniture stores; business office stores; university printing service; military uniforms; telecommunications service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Health service fund No limit

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

Kansas career work study program fund No limit

Student union fund No limit

Federal Perkins loan fund No limit

Ford foundation — forgivable loan fund No limit

Health professions student loan fund No limit

Housing system suspense fund No limit

Scientific research and development project — special revenue fund No limit

Housing system operations fund No limit

Housing system repairs, equipment and improvement fund No limit

Educational opportunity act — federal fund No limit

Loans for disadvantaged students fund No limit

Prepaid tuition fees clearing fund No limit

Kansas comprehensive grant fund No limit

Fire service training fund No limit

University federal fund No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

(c) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer amounts specified by the chancellor of the university of Kansas of not to exceed a total of \$285,000 for all such amounts, from the general fees fund to the

following specified funds and accounts of funds: Federal Perkins student loan program account of the national direct student loan fund; federal supplemental educational opportunity program account of the national direct student loan fund; federal disadvantaged student loan program account of the national direct student loan fund; health professions student loan fund.

(d) There is appropriated for the above agency from the state water plan fund for the fiscal year ending June 30, 2009, for the water plan project or projects specified, the following:

Geological survey \$40,000

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the geological survey account is hereby reappropriated for fiscal year 2009.

(e) During the fiscal year ending June 30, 2009, the director of accounts and reports shall transfer one or more amounts specified by the chancellor of the university of Kansas from one or more accounts of the restricted fees fund to the multicultural resource center — construction fund.

Sec. 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; fed-

eral 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
<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.	
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
<i>Provided</i> , That expenditures may be made from the general fees fund to match federal grant moneys: <i>Provided further</i> , That expenditures may be made from the general fees fund for official hospitality.	
Restricted fees fund	No limit

Provided, That restricted fees shall be limited to receipts for the following accounts: Summer school workshops; technology equipment; concert course; dramatics; continuing education; flight training; gifts and grants (for teaching, research, and capital improvements); testing service; state department of education (vocational); investment income from bequests; sale of surplus books and art objects; public service; veterans counseling and educational benefits; sponsored research; campus privilege fee; student activities; national defense education programs; engineering equipment fee; midwestern student exchange; departmental receipts — for all sales, refunds and other collections or receipts not specifically enumerated above: *Provided, however*, That the state board of regents, with the approval of the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, may amend or change this list of restricted fees: *Provided further*, That all restricted fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the appropriate account of the restricted fees fund and shall be used solely for the specific purpose or purposes for which collected: *And provided further*, That expenditures may be made from this fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance: *And provided further*, That expenditures from this fund may be made for the purchase of medical malpractice liability coverage for individuals employed on the medical staff at the student health center: *And provided further*, That expenditures may be made from this fund for official hospitality.

Service clearing fund	No limit
<i>Provided</i> , That the service clearing fund shall be used for the following service activities: Central service duplicating and reproducing bureau; automobiles; furniture stores; postal	

clearing; telecommunication; computer service; and such other internal service activities as are authorized by the state board of regents under K.S.A. 76-755, and amendments thereto.

Faculty of distinction matching fund.....	No limit
Kansas career work study program fund.....	No limit
Scholarship funds fund	No limit
Sponsored research overhead fund	No limit
Economic opportunity act — federal fund	No limit
Education opportunity grant — federal fund.....	No limit
Matching education opportunity grant fund.....	No limit
Health professions student assistance program — loans fund.....	No limit
Nine month payroll clearing account fund	No limit
Pell grants fund	No limit
Housing system suspense fund.....	No limit
Housing system operations fund	No limit
Housing system renovation principal and interest fund.....	No limit
Housing system renovation and bond reserve fund	No limit
WSU housing system depreciation and replacement fund.....	No limit
Perkins loan fund	No limit
Kansas distinguished scholarship fund.....	No limit
Kansas comprehensive grant fund	No limit
WSU housing systems revenue fund.....	No limit
University federal fund	No limit

Provided, That expenditures may be made by the above agency from the university federal fund to purchase insurance for equipment purchased through research and training grants only if such grants include money for and authorize the purchase of such insurance.

Leveraging educational assistance partnership — federal fund..... No limit

(c) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$26,350 from the WSU housing systems revenue fund of Wichita state university to the state general fund.

(d) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

Aviation research.....	\$5,000,000
<i>Provided</i> , That any unencumbered balance in the aviation research account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Aviation infrastructure	\$2,500,000

Sec. 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
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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: *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
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Provided, That any unencumbered balance in the state scholarship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures may be made from the state scholarship program account for the state scholarship program under K.S.A. 72-6816, and amendments thereto, and for the Kansas distinguished scholarship program under K.S.A. 74-3278 through 74-3283, and amendments thereto: *And provided further*, That of the total amount appropriated in the state scholarship program account the amount dedicated for the Kansas distinguished scholarship program shall not exceed \$25,000.

Comprehensive grant program	\$15,689,878
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Provided, That any unencumbered balance in the comprehensive grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Ethnic minority scholarship program	\$315,213
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Provided, That any unencumbered balance in the ethnic minority scholarship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Kansas work-study program	\$528,172
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Provided, That any unencumbered balance in the Kansas work-study program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That the state board of regents is hereby authorized to transfer moneys from the Kansas work-study program account to the Kansas career work study program fund of any institution under its jurisdiction participating in the Kansas work-study program established by K.S.A. 74-3274 et seq., and amendments thereto: *And provided further*, That all moneys transferred from this account to the Kansas career work study program fund of any such institution shall be expended for and in accordance with the Kansas work-study program.

ROTC service scholarships	\$186,401
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Provided, That any unencumbered balance in the ROTC service scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Military service scholarships	\$500,000
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Provided, That any unencumbered balance in the military service scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Teachers scholarship program	\$1,962,859
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Provided, That any unencumbered balance in the teachers scholarship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

National guard educational assistance	\$925,838
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Provided, That any unencumbered balance in the national guard educational assistance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Vocational scholarships	\$121,275
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Provided, That any unencumbered balance in the vocational scholarships account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Nursing student scholarship program	\$443,592
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Provided, That any unencumbered balance in the nursing student scholarship program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Optometry education program	\$113,850
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Provided, That any unencumbered balance in the optometry education program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Municipal university operating grant \$12,126,216
 Postsecondary aid for vocational education \$34,010,397
Provided, That no technical college shall receive less state aid in the fiscal year ending June 30, 2009, than it received in the previous fiscal year.

Adult basic education \$1,548,998
 Community college operating grant \$106,265,068
 Technology equipment at community colleges and Washburn university \$441,040
Provided, That the state board of regents is hereby authorized to make expenditures from the technology equipment at community colleges and Washburn university account for grants to community colleges and Washburn university pursuant to grant applications for the purchase of technology equipment, in accordance with guidelines established by the state board of education.

Postsecondary education operating grant \$10,000,000
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 KPERS \$1,756,004
 Southwest Kansas access project \$200,000
Provided, That any unencumbered balance in the southwest Kansas access project account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Tuition waivers \$90,000
 Nurse educator grant program \$200,000
Provided, That any unencumbered balance in the nurse educator grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That the state board of regents is hereby authorized to make grants to qualified individuals from the nurse educator grant program account: *And provided further*, That such grants shall be awarded to Kansas residents who are registered nurses and enrolled in an accredited program leading to a master of science degree in nursing or a doctorate degree in nursing at a state educational institution or another institution of higher education located in Kansas: *And provided further*, That each grant to an individual enrolled at a state educational institution shall not exceed 70% of the cost of attendance for an individual enrolled at the state educational institution or, if the individual is enrolled at an institution other than a state educational institution, then the grant shall not exceed the lower of either 70% of the cost of attendance of the institution of higher education located in Kansas at which the individual is enrolled or the average cost of attendance at the state educational institutions: *And provided further*, That such grants shall be matched on the basis of \$2 from the nurse educator grant program account for \$1 from the state educational institution or the other institution of higher education located in Kansas: *And provided further*, That, as used in this proviso, "state educational institution" has the meaning ascribed thereto by K.S.A. 76-711, and amendments thereto.

Nursing faculty and supplies grant program \$1,900,000
Provided, That any unencumbered balance in the nursing faculty and supplies grant program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That the state board of regents is hereby authorized to make grants to Kansas postsecondary education institutions from the nursing faculty and supplies grant program account for expansion of nursing faculty and consumable laboratory supplies: *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
KAN-ED operating expenditures	\$2,000,000
Postsecondary technical education authority	\$779,687

Provided, That expenditures shall be made from the postsecondary technical education authority account to develop a new credit-hour funding formula for postsecondary technical training programs based on rates established by the postsecondary technical education authority; *Provided further*, That the formula should be tiered to recognize and support cost differentials in providing high-demand, high-tech training; *And provided further*, That the formula should target industries that are critical to the Kansas economy; *And provided further*, That the formula should be responsive to program growth opportunities.

(b) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year ending June 30, 2009, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Osteopathic medical service scholarship repayment fund	No limit
Vocational education scholarship discontinued attendance fund	No limit
Leveraging educational assistance program fund — federal	No limit
Regents' scholarship gift fund	No limit

Provided, That expenditures may be made from the regents' scholarship gift fund for scholarships awarded to Kansas residents who are attending institutions of postsecondary education in Kansas which are authorized under the laws of this state to award academic degrees and who meet academic and other eligibility criteria established by the state board of regents by rules and regulations; *Provided, however*, That a financial needs test shall not be one of the eligibility criteria established by the state board of regents for such scholarships; *Provided further*, That no scholarship awarded from this fund shall exceed \$2,000 per academic year; *And provided further*, That any recipient of a scholarship awarded from this fund may also receive either a state scholarship under K.S.A. 72-6810 through 72-6816, and amendments thereto, or a tuition grant under K.S.A. 72-6107 through 72-6111, and amendments thereto, or both; *And provided further*, That there shall be no reduction of any scholarship awarded from this fund for the amount of any such state scholarship or tuition grant received.

KAN-ED fund	No limit
<i>Provided</i> , That expenditures may be made from the KAN-ED fund for official hospitality for the purposes of the KAN-ED act.	
KAN-ED federal fund	No limit
Earned indirect costs fund — federal	No limit
Faculty of distinction program fund	No limit
Paul Douglas teacher scholarship fund — federal	No limit
GED credentials processing fees fund	No limit
Proprietary school fee fund	No limit
Tuition waiver gifts, grants and reimbursements fund	No limit
Adult basic education — federal fund	No limit
Truck driver training fund	No limit
No child left behind federal fund	No limit
Comprehensive grant program discontinued attendance fund	No limit
State scholarship discontinued attendance fund	No limit
Kansas ethnic minority fellowship program fund	No limit
Private postsecondary educational institution degree authorization expense reimbursement fee fund	No limit
Substance abuse education fund — federal	No limit
Nursing service scholarship program fund	No limit
Clearing fund	No limit
Conversion of materials and equipment fund	No limit
Teacher scholarship program fund	No limit
Motorcycle safety fund	No limit
Financial aid services fee fund	No limit
<i>Provided</i> , That expenditures may be made from the financial aid services fee fund for op-	

erating expenditures directly or indirectly related to the operating costs associated with student financial assistance programs administered by the state board of regents: *Provided further*, That the executive director of the state board of regents is hereby authorized to fix, charge and collect fees for the processing of applications for student financial assistance under programs administered by the state board of regents: *And provided further*, That such fees shall be fixed in order to recover all or a part of the direct and indirect operating expenses incurred for administering such programs: *And provided further*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the financial aid services fee fund.

Inservice education workshop fee fund	No limit
Optometry education repayment fund	No limit
Teacher scholarship repayment fund	No limit
Advanced registered nurse practitioner service scholarship program fund	No limit
Nursing service scholarship repayment fund	No limit
ROTC service scholarship program fund	No limit
ROTC service scholarship repayment fund	No limit
Carl D. Perkins vocational and technical education — federal fund	No limit
Carl D. Perkins vocational and technical education — federal fund — state operations	No limit
Other federal grants fund	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during fiscal year 2009, other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature.

Kansas national guard educational assistance program repayment fund ..	No limit
Carl D. Perkins technical preparation — federal fund	No limit
Grants fund	No limit
Workforce development loan fund	No limit
Regents clearing fund	No limit
Private and out-of-state postsecondary educational institution fee fund ..	No limit

(c) During the fiscal year ending June 30, 2009, the chief executive officer of the state board of regents, with the approval of the director of the budget, may transfer any part of any item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2009, to another item of appropriation in an account of the state general fund for the fiscal year ending June 30, 2009. The chief executive officer of the state board of regents shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the legislative research department. As used in this subsection, "account" (1) means the operating expenditures (including official hospitality) account of the state board of regents, the university of Kansas, the university of Kansas medical center, Kansas state university, Kansas state university veterinary medical center, Kansas state university extension systems and agriculture research programs, Wichita state university, Emporia state university, Pittsburg state university and Fort Hays state university; and (2) includes each account of the state general fund of the state board of regents.

(d) (1) In addition to the other purposes for which expenditures may be made by any state educational institution from the moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 for such state educational institution as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by such state educational institution from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 for the

purposes of capital improvement projects making energy and other conservation improvements: *Provided*, That such capital improvement projects are hereby approved for such state educational institution for the purposes of subsection (b) of K.S.A. 74-8905, and amendments thereto, and the authorization of issuance of one or more series of bonds by the Kansas development finance authority in accordance with that statute from time to time during fiscal year 2009: *Provided, however*, That no such bonds shall be issued until the state board of regents has first advised and consulted on any such project with the joint committee on state building construction: *Provided, further*, That the amount of the bond proceeds that may be utilized for any such capital improvement project shall be subject to approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session: *And provided further*, That, in addition to such project costs, any such amount of bond proceeds may include costs of issuance, capitalized interest and any required reserves for the payment of principal and interest on such bonds: *And provided further*, That all moneys received from the issuance of any such bonds shall be deposited and accounted for as prescribed by applicable bond covenants: *And provided further*, That payments relating to principal and interest on such bonds shall be subject to and dependent upon annual appropriations therefor to the state educational institution for which the bonds are issued: *And provided further*, That each energy conservation capital improvement project for which bonds are issued for financing under this subsection shall be designed and completed in order to have cost savings sufficient to be equal or greater than the cost of debt service on such bonds: *And provided further*, That the state board of regents shall prepare and submit a report to the committee on appropriations of the house of representatives and the committee on ways and means of the senate on the savings attributable to energy conservation capital improvements for which bonds are issued for financing under this subsection at the beginning of the 2009 regular session of the legislature.

(2) As used in this subsection, "state educational institution" includes each state educational institution as defined in K.S.A. 76-711, and amendments thereto.

(e) In addition to other expenditures authorized to be made from the comprehensive grant program account of the state general fund for fiscal year 2009 for the awards of Kansas comprehensive grants in accordance with the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program, expenditures shall be made from the comprehensive grant program account of the state general fund for fiscal year 2009 for awards of Kansas comprehensive grants to eligible Kansas students who are enrolling or enrolled at an institution of higher education which is accredited by the Association for Biblical Higher Education and which has its main campus or principal place of operation located in Kansas, and otherwise in accordance with and subject to the provisions of K.S.A. 74-32,120 through 74-32,125, and amendments thereto, and policies and rules and regulations adopted by the state board of regents for the administration of the Kansas comprehensive grant program.

(f) (1) The state board of regents is authorized to expend moneys appropriated by this section in the military service scholarships account of the state general fund for the payment of tuition and fees for persons described in paragraph (2) at Kansas educational institutions as defined by K.S.A. 75-4364, and amendments thereto: *Provided*, That the state board of regents is authorized to determine the terms and conditions relating to such educational assistance.

(2) The educational assistance provided by this subsection shall be for any person: (A) who graduated from high school in Kansas or who, as a resident of Kansas for at least two years, has received a general educational development (G.E.D.) credential; and (B) who either (i) has served in military service in Iraq or Afghanistan at least 90 days after September 11, 2001, or served less than such 90 days because of injuries received in Iraq or Afghanistan or (ii) has served in military service in international waters or on foreign soil in support of military operations in Iraq or Afghanistan for at least 90 days after September 11, 2001, or has service less than 90 days because of injuries received during such service; and (C) the person has received an honorable discharge from military service active duty orders that

indicate the person has served after September 11, 2001, in one or more of the following military operations: (i) Enduring Freedom; (ii) Nobel Eagle; or (iii) Iraqi Freedom.

(g) There is appropriated for the above agency from the state economic development initiatives fund for the fiscal year ending June 30, 2009, the following:

SEDIF — vocational education capital outlay aid \$2,565,000

Provided, That expenditures from the vocational education capital outlay aid account for each grant of vocational education capital outlay aid shall be matched by the area vocational school, the area vocational-technical school or the technical college awarded such grant in an amount which is equal to 50% of the grant: *Provided further*, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the vocational education capital outlay aid account is hereby reappropriated for fiscal year 2009.

SEDIF — technology innovation and internship program \$180,500

Provided, That any unencumbered balance in excess of \$100 as of June 30, 2008, in the technical innovation and internship program account is hereby reappropriated for fiscal year 2009.

(h) On July 1, 2008, the ROTC scholarship reimbursement account of the state general fund of the state board of regents is hereby redesignated as the ROTC service scholarships account of the state general fund of the state board of regents.

Sec. 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

Provided, That expenditures may be made from the correctional industries fund for official hospitality.

Alcohol and drug abuse treatment fund	No limit
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Provided, That expenditures may be made from the alcohol and drug abuse fund for payments associated with providing treatment services to offenders who were driving under the influence of alcohol or drugs regardless of when the services were rendered.

State of Kansas — department of corrections inmate benefit fund	No limit
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Department of corrections — alien incarceration grant fund — federal	No limit
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Department of corrections — general fees fund	No limit
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Provided, That expenditures may be made from the department of corrections — general fees fund for operating expenditures for training programs for correctional personnel, including official hospitality: *Provided further*, That the secretary of corrections is hereby authorized to fix, charge and collect fees for such programs: *And provided further*, That such fees shall be fixed in order to recover all or part of the operating expenses incurred for such training programs, including official hospitality: *And provided further*, That all fees received for such programs shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to this fund.

JEHT reentry program fund	No limit
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Topeka correctional facility — community development block grant — federal fund	No limit
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Topeka correctional facility — bureau of prisons contract — federal fund.....	No limit
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Topeka correctional facility — general fees fund	No limit
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Hutchinson correctional facility — general fees fund.....	No limit
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Lansing correctional facility — general fees fund.....	No limit
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Ellsworth correctional facility — general fees fund.....	No limit
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Winfield correctional facility — general fees fund.....	No limit
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Norton correctional facility — general fees fund.....	No limit
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El Dorado correctional facility — general fees fund.....	No limit
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Larned correctional mental health facility — general fees fund.....	No limit
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(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 op-

erations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bid requirements of K.S.A. 75-3739, and amendments thereto.

Larned juvenile correctional facility operations \$8,315,291

Provided, That any unencumbered balance in the Larned juvenile correctional facility operations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided further*, That expenditures may be made from this account for educational services contracts which are hereby authorized to be negotiated and entered into by the above agency with unified school districts or other public educational services providers: *And provided further*, That such educational services contracts shall not be subject to the competitive bidding requirements of K.S.A. 75-3739, and amendments thereto.

Intervention and graduated sanctions community grants \$16,721,809

Incentive funding \$1,000,000

Provided, That all expenditures from the incentive funding account shall be made to provide matching funds for cash contributions by units of local government to juvenile prevention, intervention and graduated sanctions programs within their judicial district: *Provided further*, That, if the above agency does not receive notification and verification of funds from local governments being expended for this purpose during fiscal year 2009, then, the commissioner of juvenile justice shall certify to the director of accounts and reports the amount of unencumbered moneys in the incentive funding account to be lapsed on June 30, 2009: *And provided further*, That the commissioner of juvenile justice shall transmit a copy of such certification to the director of the budget and the director of legislative research.

(b) There is appropriated for the above agency from the children’s initiatives fund for the fiscal year ending June 30, 2009, the following:

Prevention program grant \$5,579,530

Provided, That any unencumbered balance in the prevention program grant account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That all expenditures by the above agency from the prevention program grant account for fiscal year 2009 shall be for prevention program grants and evaluation of prevention programs: *Provided further*, That grantees may use prevention grant funds for graduated sanctions and intervention programs with written approval from the commissioner of juvenile justice: *And provided further*, That money awarded as grants from this account shall be distributed during fiscal year 2009 on the basis of the average amount of prevention grant awards received for the judicial district during fiscal year 2007 and fiscal year 2008: *And provided further*, That money awarded as grants from this account is not an entitlement to communities, but a grant that must meet conditions prescribed by the above agency for appropriate outcomes.

Intervention and graduated sanctions community grants \$3,420,470

Provided, That any unencumbered balance in the intervention and graduated sanctions community grants account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

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

Title XIX fund.....	No limit
Title IV-E fund.....	No limit
Juvenile accountability incentive block grant — federal fund.....	No limit
Juvenile justice delinquency prevention — federal fund.....	No limit
Juvenile detention facilities fund.....	\$3,995,690
Juvenile justice fee fund — central office.....	No limit
Juvenile justice federal fund — Atchison juvenile correctional facility....	No limit
Juvenile justice federal fund — Beloit juvenile correctional facility.....	No limit
Juvenile justice federal fund — Larned juvenile correctional facility.....	No limit

Juvenile justice federal fund — Kansas juvenile correctional complex	No limit
Juvenile justice federal fund	No limit
Kansas juvenile delinquency prevention trust fund	No limit
Byrne grant — federal fund	No limit
Atchison juvenile correctional facility fee fund	No limit
Atchison juvenile correctional facility — elementary and secondary education fund — federal	No limit
Beloit juvenile correctional facility fee fund	No limit
Beloit juvenile correctional facility — elementary and secondary education fund — federal	No limit
Title VI-B — Beloit juvenile correctional facility — federal fund	No limit
Larned juvenile correctional facility fee fund	No limit
Larned juvenile correctional facility — elementary and secondary education fund — federal	No limit
Kansas juvenile correctional complex fee fund	No limit
Kansas juvenile correctional complex — elementary and secondary education fund — federal	No limit
Kansas juvenile correctional complex — gifts, grants, and donations fund	No limit

(d) During the fiscal year ending June 30, 2009, the commissioner of juvenile justice, with the approval of the director of the budget, may transfer any part of any item of appropriation for the fiscal year ending June 30, 2009, from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice to another item of appropriation for fiscal year 2009 from the state general fund for the juvenile justice authority or any juvenile correctional facility or institution under the general supervision and management of the commissioner of juvenile justice. The commissioner of juvenile justice shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research.

(e) In addition to the other purposes for which expenditures may be made by the juvenile justice authority from the juvenile detention facilities fund for fiscal year 2009, notwithstanding the provisions of K.S.A. 79-4803, and amendments thereto, the juvenile justice authority is hereby authorized and directed to make expenditures from the juvenile detention facilities fund for fiscal year 2009 for purchase of services.

Sec. 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 pay-	

ments account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

NG life insurance premium reimbursement..... \$37,296

Provided, That any unencumbered balance in the NG life insurance premium reimbursement account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009: *Provided, however*, That expenditures for fiscal year 2009 from the NG life insurance premium reimbursement account of the state general fund shall be made only for premiums paid under the servicemembers' group life insurance program pursuant to 38 U.S.C. 1965 et seq., as amended, and not otherwise reimbursed by the federal government or for supplemental life insurance if the adjutant general is able to secure a supplemental life insurance policy for members of the Kansas national guard serving on federal active duty in a combat zone.

Kansas military emergency relief \$50,000

Provided, That expenditures may be made from the Kansas military emergency relief account of the state general fund for grants and interest-free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: *Provided further*, That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: *And provided further*, That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief account of the state general fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.

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

Conversion of materials and equipment fund — military division No limit

Adjutant general expense fund No limit

Emergency management — federal fund matching — equipment fund No limit

Emergency management — federal fund matching — administration fund No limit

Nuclear safety emergency management fee fund No limit

Provided, That, notwithstanding the provisions of any other statute, the adjutant general may make transfers of moneys from the nuclear safety emergency management fee fund to other state agencies for fiscal year 2009 pursuant to agreements which are hereby authorized to be entered into by the adjutant general with other state agencies to provide appropriate emergency management plans to administer the Kansas nuclear safety emergency management act.

Military fees fund — federal No limit

Provided, That all moneys received by the adjutant general from the federal government for reimbursement for expenditures made under agreements with the federal government shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the military fees fund — federal.

Emergency management — federal fund No limit

Homeland security federal fund No limit

Homeland security interest — federal fund No limit

Armories and units general fees fund No limit

Emergency management — disaster fund — federal fund No limit

State emergency fund allocation — several disasters fund No limit

State emergency fund allocation — weather related emergencies fund .. No limit

State emergency fund — weather disasters	No limit
State emergency fund — assistance fund.....	No limit
Radioactive materials fund	No limit
Hazardous materials emergency preparedness federal fund.....	No limit
Civil air patrol — grants and contributions — federal fund.....	No limit
Emergency management performance grant (EMPG) — federal fund...	No limit
NG — federal forfeiture fund.....	No limit
Inaugural expense fund.....	No limit
Indirect cost — federal fund.....	No limit
Kansas military emergency relief fund.....	No limit
<i>Provided</i> , That expenditures may be made from the Kansas military emergency relief fund for grants and interest — free loans, which are hereby authorized to be entered into by the adjutant general with repayment provisions and other terms and conditions including eligibility as may be prescribed by the adjutant general therefor, to members and families of the Kansas army and air national guard and members and families of the reserve forces of the United States of America who are Kansas residents, during the period preceding, during and after mobilization to provide assistance to eligible family members experiencing financial emergencies: <i>Provided further</i> , That such assistance may include, but shall not be limited to, medical, funeral, emergency travel, rent, utilities, child care, food expenses and other unanticipated emergencies: <i>And provided further</i> , That any moneys received by the adjutant general in repayment of any grants or interest-free loans made from the Kansas military emergency relief fund shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the Kansas military emergency relief fund.	
National guard life insurance premium reimbursement fund	No limit
Emergency management assistance compact federal fund	No limit

(c) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 and from which expenditures may be made for salaries and wages, as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures may be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009, notwithstanding the provisions of K.S.A. 48-205, and amendments thereto, or any other statute, in addition to other positions within the adjutant general's department in the unclassified service as prescribed by law: *Provided*, That the adjutant general may appoint a deputy adjutant general, who shall have no military command authority, and who may be a civilian and shall have served at least five years as a commissioned officer with the Kansas national guard, who will perform such duties as the adjutant general shall assign, and who will serve in the unclassified service under the Kansas civil service act: *Provided further*, That the position of such deputy adjutant general in the unclassified service under the Kansas civil service act shall be established by the adjutant general within the position limitation established for the adjutant general on the number of full-time and regular part-time positions equated to full-time, excluding seasonal and temporary positions, paid from appropriations for fiscal year 2009 made by this or other appropriation act of the 2008 regular session of the legislature.

(d) In addition to the other purposes for which expenditures may be made by the adjutant general from moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 as authorized by this or other appropriation act of the 2008 regular session of the legislature, expenditures shall be made by the adjutant general from such moneys appropriated from the state general fund or from any special revenue fund for fiscal year 2009 to change the job title of each of the regional homeland security coordinators to emergency management coordinators.

(e) No moneys shall be appropriated from the state general fund or from any special revenue fund to replace homeland security federal funds in future years.

Sec. 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

Provided, That expenditures from the fire marshal fee fund for official hospitality shall not exceed \$500.

Other federal grants fund..... No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$250,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$250,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year.

Gifts, grants and donations fund No limit

Hazardous material program fund \$379,959

Intragovernmental service fund No limit

State fire marshal liquefied petroleum gas fee fund \$158,711

Hazardous materials emergency fund..... \$250,000

Provided, That expenditures may be made by the state fire marshal from the hazardous materials emergency fund for fiscal year 2009 for the purposes of responding to specific incidences of emergencies related to hazardous materials without prior approval of the state finance council: *Provided, however*, That expenditures from the hazardous materials emergency fund during fiscal year 2009 for the purposes of responding to any specific incidence of an emergency related to hazardous materials without prior approval by the state finance council shall not exceed \$25,000, except upon approval by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto, except that such approval also may be given while the legislature is in session.

(b) On July 1, 2008, and January 1, 2009, or as soon after each such date as moneys are available, the director of accounts and reports shall transfer \$189,979.50 from the fire marshal fee fund to the hazardous material program fund of the state fire marshal.

(c) During the fiscal year ending June 30, 2009, notwithstanding the provisions of any other statute, the state fire marshal, with the approval of the director of the budget, may transfer funds from the fire marshal fee fund to the hazardous materials emergency fund of the state fire marshal. The state fire marshal shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to the director of legislative research. *Provided*, That the aggregate amount of such transfers for the fiscal year ending June 30, 2009, shall not exceed \$50,000.

(d) During the fiscal year ending June 30, 2009, the director of the budget and the director of legislative research shall consult periodically and review the balance credited to and the estimated receipts to be credited to the fire marshal fee fund during fiscal year 2009, and, upon a finding by the director of the budget in consultation with the director of legislative research that the total of the unencumbered balance and estimated receipts to be credited to the fire marshal fee fund during fiscal year 2009 are insufficient to fund the budgeted expenditures and transfers from the fire marshal fee fund for fiscal year 2009 in accordance with the provisions of appropriation acts, the director of the budget shall certify such finding to the director of accounts and reports. Upon receipt of any such certification, the director of accounts and reports shall transfer the amount of moneys from the hazardous materials emergency fund to the fire marshal fee fund that is required, in accordance with the certification by the director of the budget under this subsection, to fund the budgeted expenditures and transfers from the fire marshal fee fund for the remainder of fiscal year 2009 in accordance with the provisions of appropriation acts, as specified by the director of the budget pursuant to such certification.

Sec. 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 deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the highway patrol training center clearing fund.

Aircraft fund — on budget	No limit
Highway safety fund	No limit
Special services fund	No limit
Capitol area security fund	No limit
Vehicle identification number fee fund	No limit
Motor vehicle fuel and storeroom sales fund	No limit

Provided, That expenditures may be made from the motor vehicle fuel and storeroom sales fund to acquire and sell commodities and to provide services to local governments and other state agencies: *Provided further*, That the superintendent of the Kansas highway patrol is hereby authorized to fix, charge and collect fees for such commodities and services: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in acquiring or providing and selling such commodities and services: *And provided further*, That all fees received for such commodities and services shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the motor vehicle fuel and storeroom sales fund.

Kansas highway patrol operations fund	\$19,061,033
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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 investigation incurred for laboratory tests conducted for noncriminal justice entities, including governmental agencies and private organizations, which testing activity is hereby authorized: *Provided, however*, That all expenditures from this fund of moneys received as Kansas bureau of investigation laboratory analysis fees pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be for the purposes authorized by subsection (c) of K.S.A. 28-176, and amendments thereto: *Provided further*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees for laboratory tests conducted for such noncriminal justice entities: *And provided further*, That such fees shall be fixed in order to recover all or part of the direct and indirect operating expenses incurred for conducting laboratory tests for such noncriminal justice entities: *And provided further*, That all fees received for such laboratory tests, including all moneys received pursuant to subsection (a) of K.S.A. 28-176, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the forensic laboratory and materials fee fund.

KBI general fees fund No limit
Provided, That expenditures may be made from the KBI general fees fund for direct or indirect operating expenditures incurred for the following activities: (1) Conducting education and training classes for special agents and other personnel, including official hospitality; (2) purchasing illegal drugs, making contacts and acquiring information leading to illegal drug outlets, contraband and stolen property, and conducting other activities for similar investigatory purposes; (3) conducting investigations and related activities for the Kansas lottery or the Kansas racing and gaming commission; (4) conducting DNA forensic laboratory tests and related activities; (5) preparing, publishing and distributing crime prevention materials; and (6) conducting agency operations: *Provided, however*, That the director of the Kansas bureau of investigation is hereby authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses incurred, except as otherwise hereinafter provided, for the following: (1) Education and training services made available to local law enforcement personnel in classes conducted for special agents and other personnel of the Kansas bureau of investigation; (2) investigations and related activities conducted for the Kansas lottery or the Kansas racing and gaming commission, except that the fees fixed for these activities shall be fixed in order to recover all of the direct and indirect expenses incurred for such investigations and related activities; (3) DNA forensic laboratory tests and related activities; (4) sale and distribution of crime prevention materials: *Provided further*, That all fees received for such activities shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the KBI general fees fund: *And provided further*, That all moneys which are expended for any such evidence purchase, information acquisition or similar investigatory purpose or activity from whatever funding source and which are recovered shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75- 4215, and amendments thereto, and shall be credited to the KBI general fees fund: *And provided further*, That all moneys received as gifts, grants or donations for the preparation, publication or distribution of crime prevention materials shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the KBI general fees fund: *And provided further*, That expenditures from any moneys received from the division of alcoholic beverage control and credited to the KBI general fees fund may be made by the Kansas bureau of investigation for all purposes for which expenditures may be made for operating expenditures.

Record check fee fund..... No limit
Provided, That the director of the Kansas bureau of investigation is authorized to fix, charge and collect fees in order to recover all or part of the direct and indirect operating expenses for criminal history record checks conducted for noncriminal justice entities including government agencies and private organizations: *Provided, however*, That all moneys received for such fees shall be deposited in the state treasury in accordance with the provisions of

K.S.A. 75-4215, and amendments thereto, and shall be credited to the record check fee fund.

Intergovernmental service fund	No limit
Agency motor pool fund	No limit

Sec. 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
<i>Provided</i> , That any unencumbered balance in the operating expenditures account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Substance abuse treatment programs	\$\$,900,000
<i>Provided</i> , 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
<i>Provided</i> , That expenditures from the state fair fee fund for official hospitality shall not exceed \$10,000.	
State fair federal transfer fund.....	No limit
State fair special cash fund.....	No limit
State fair debt service special revenue fund.....	No limit

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

State fair debt service.....	\$1,540,821
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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
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
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Provided, That no additional water supply storage space shall be purchased in Milford, Perry, Big Hill or Hillsdale reservoirs during fiscal year 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
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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
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(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
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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
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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
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Provided, That any unencumbered balance in the MOU — storage operations and maintenance account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.

Technical assistance to water users	\$624,919
<i>Provided</i> , That any unencumbered balance in the technical assistance to water users account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Water resource education	\$84,000
<i>Provided</i> , That any unencumbered balance in the water resource education account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Wichita aquifer storage and recovery project.....	\$1,000,000
<i>Provided</i> , That any unencumbered balance in the Wichita aquifer recovery project account in excess of \$100 as of June 30, 2008, is hereby reappropriated to the Wichita aquifer storage and recovery project account for fiscal year 2009.	
Weather modification program.....	\$240,000
<i>Provided</i> , That any unencumbered balance in the weather modification program account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Weather stations	\$100,000
<i>Provided</i> , That any unencumbered balance in the weather stations account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	
Neosho river basin issues	\$500,000
<i>Provided</i> , That any unencumbered balance in the Neosho river basin issues account in excess of \$100 as of June 30, 2008, is hereby reappropriated for fiscal year 2009.	

(d) During the fiscal year ending June 30, 2009, the director of the Kansas water office, with approval of the director of the budget, may transfer any part of any item of appropriation for fiscal year 2009 from the state water plan fund for the Kansas water office to another item of appropriation for fiscal year 2009 from the state water plan fund for the Kansas water office: *Provided, however*, That the director of the Kansas water office shall certify each such transfer to the director of accounts and reports and shall transmit a copy of each such certification to (1) the director of legislative research, (2) the chairperson of the house of representatives agriculture and natural resources budget committee, and (3) the appropriate chairperson of the subcommittee on agriculture of the senate committee on ways and means.

(e) During the fiscal year ending June 30, 2009, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of a cash flow shortfall, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to maintain the cash flow of the water marketing fund upon approval of each such loan by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. No such loan shall be made unless the terms have been approved by the director of the budget. A copy of the terms of each such loan shall be submitted to the director of legislative research. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each such loan shall be repaid without interest within one year from the date of the loan.

(f) During the fiscal year ending June 30, 2009, if it appears that the resources are insufficient to meet in full the estimated expenditures as they become due to meet the financial obligations imposed by law on the water marketing fund of the Kansas water office as a result of increases in water rates, fees or charges imposed by the federal government, the pooled money investment board is authorized and directed to loan to the director of the Kansas water office a sufficient amount or amounts of moneys to reimburse the water marketing fund for increases in water rates, fees or charges imposed by the federal government and to allow the Kansas water office to spread such increases to consumers over a longer period, except that no such loan shall be made unless the terms thereof have been approved by the state finance council acting on this matter which is hereby characterized as a matter of legislative delegation and subject to the guidelines prescribed in subsection (c) of K.S.A. 75-3711c, and amendments thereto. The pooled money investment board is authorized and directed to use any moneys in the operating accounts, investment accounts or other investments of the state of Kansas to provide the funds for each such loan. Each

such loan shall bear interest at a rate equal to the net earnings rate for the pooled money investment portfolio at the time of the making of such loan. Such loan shall not be deemed to be an indebtedness or debt of the state of Kansas within the meaning of section 6 of article 11 of the constitution of the state of Kansas. Upon certification to the pooled money investment board by the director of the Kansas water office of the amount of each loan authorized pursuant to this subsection, the pooled money investment board shall transfer each such amount certified by the director of the Kansas water office from the state bank account or accounts to the water marketing fund of the Kansas water office. The principal and interest of each loan authorized pursuant to this subsection shall be repaid in payments payable at least annually for a period of not more than five years.

(g) During the fiscal year ending June 30, 2009, the director of accounts and reports shall transfer an amount or amounts specified by the director of the Kansas water office prior to April 1, 2009, from the water marketing fund to the state general fund, in accordance with the provisions of the state water plan storage act, and amendments thereto, and rules and regulations adopted thereunder, for the purposes of making repayments to the state general fund for moneys advanced for annual capital cost payments for water supply storage space in reservoirs.

(h) On July 1, 2008, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer \$525,729 from the water litigation proceeds suspense fund of the Kansas water office to the state water plan fund.

(i) On July 1, 2008, all liabilities of the water litigation proceeds suspense fund are hereby transferred to and imposed on the state water plan fund and the water litigation proceeds suspense fund is hereby abolished.

(j) There is appropriated for the above agency from the following special revenue fund or funds for the fiscal year or years specified, all moneys now or hereafter lawfully credited to and available in such fund or funds, except that expenditures shall not exceed the following:

Western water conservation projects fund

For the fiscal year ending June 30, 2008.....	No limit
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Provided, That, during the fiscal year ending June 30, 2008, or June 30, 2009, the above agency shall pay \$9,964,857 in one payment from the western water conservation projects fund as a grant pursuant to a grant agreement entered into by the Kansas water office and groundwater management district 3, which grant agreement is hereby authorized to be entered into by such entities: *Provided further*, That, in accordance with the grant agreement, such moneys shall be used exclusively for the purposes of paying all or a portion of the costs of the following water management, conservation, administration and delivery projects, and similar types of projects, in those areas of the state lying in the upper Arkansas river basin and directly impacted by the provisions of the Arkansas river compact between this state and the state of Colorado: (1) Efficiency improvements to canals or laterals owned by a ditch company or projects to improve the operational efficiency or management of such canals or laterals, (2) water use efficiency devices, tailwater systems or irrigation system efficiency upgrades, (3) water measurement flumes, meters, gauges, data collection platforms or related monitoring equipment, (4) artificial recharge or purchase of water rights for stream recovery or aquifer restoration, (5) maintenance of the Arkansas river channel, or (6) monitoring and enforcement of Colorado's compliance with the Arkansas river compact: *And provided further*, That, in accordance with the grant agreement, all expenditures of such moneys shall be approved by groundwater management district 3 in consultation with an advisory body composed of one representative designated by each of the following entities: (1) Garden City ditch company, (2) Kearney county farmers irrigation association, (3) Finney county water users association, (4) great eastern irrigation association, (5) south side ditch association, and (6) frontier ditch company: *And provided further*, That, in reviewing and recommending proposed projects, such advisory body shall give priority, first, to projects that achieve the greatest water conservation efficiency for the general good; and, second, to projects that have been required by the division of water resources of the Kansas department of agriculture: *And provided further*, That, in accordance with the grant agreement, such moneys shall be administered by groundwater management district 3 and any interest earned on such moneys shall be used for the purposes prescribed by this subsection:

And provided further, That in accordance with the grant agreement, all expenditures and the status of new projects approved by groundwater management district 3 shall be reported every three months to the Kansas water office: And provided further, That, the grant agreement shall require groundwater management district 3 to report annually to the committee on ways and means of the senate and the committee on appropriations of the house of representatives at the beginning of each regular session of the legislature, commencing with the regular session in 2009, on all expenditures of such moneys and the projects approved by groundwater management district 3, in consultation with the advisory body.

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

(k) (1) On the effective date of this act, the director of accounts and reports shall transfer \$9,224,893 from the water conservation projects fund to the western water conservation projects fund.

(2) On the effective date of this act, the director of accounts and reports shall transfer \$739,964 from the state water plan fund to the western water conservation projects fund.

Sec. 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
<i>Provided</i> , That additional expenditures may be made from the wildlife fee fund for fiscal year 2009 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the wildlife fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: <i>And provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$1,000.	
Parks fee fund	\$4,828,437
<i>Provided</i> , That additional expenditures may be made from the parks fee fund for fiscal year 2009 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the parks fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate.	
Boating fee fund	\$1,142,854
<i>Provided</i> , That additional expenditures may be made from the boating fee fund for fiscal year 2009 for the purposes of compensating federal aid program expenditures if necessary in order to comply with requirements established by the United States fish and wildlife service for the utilization of federal aid funds: <i>Provided further</i> , That all such expenditures shall be in addition to any expenditure limitation imposed upon the boating fee fund for fiscal year 2009: <i>And provided further</i> , That the secretary of wildlife and parks shall report all such expenditures to the governor and the legislature as appropriate: <i>And provided further</i> , That expenditures from this fund for official hospitality shall not exceed \$1,000.	
Central aircraft fund	No limit
<i>Provided</i> , That expenditures may be made by the above agency from the central aircraft fund for aircraft operating expenditures, for aircraft maintenance and repair, to provide aircraft services to other state agencies, and for the purchase of state aircraft insurance: <i>Provided further</i> , That the secretary of wildlife and parks is hereby authorized to fix, charge and collect fees for the provision of aircraft services to other state agencies: <i>And provided further</i> , That such fees shall be fixed to recover all or part of the operating expenditures incurred in providing such services: <i>And provided further</i> , That all fees received for such services shall be credited to the central aircraft fund.	
Wildlife and parks nonrestricted fund	No limit
<i>Provided</i> , That all moneys received under K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173, and amendments thereto, other than moneys restricted by K.S.A. 32-990, 32-991, 32-992, 32-993, 32-994 and 32-1173, and amendments thereto, shall be deposited in the state treasury in accordance with the provisions of K.S.A. 75-4215, and amendments thereto, and shall be credited to the wildlife and parks nonrestricted fund: <i>Provided further</i> , That expenditures from this fund may be made for federal aid eligible expenditures at the discretion of the secretary of wildlife and parks.	
Prairie spirit rails-to-trails fee fund	No limit
Nongame wildlife improvement fund	No limit
Nongame wildlife improvement fund — federal	No limit
Wildlife conservation fund	No limit
Federally licensed wildlife areas fund	No limit
State agricultural production fund	No limit
Land and water conservation fund — state	No limit
Land and water conservation fund — local	No limit
Development and promotions fund	No limit
Department of wildlife and parks private gifts and donations fund	No limit
Fish and wildlife restitution fund	No limit
Parks restitution fund	No limit
Nonfederal grants fund	No limit
Other federal grants fund	No limit

Provided, That the above agency is authorized to make expenditures from the other federal grants fund of any moneys credited to this fund from any individual grant if the grant is: (1) Less than or equal to \$750,000 in the aggregate, and (2) does not require the matching expenditure of any other moneys in the state treasury during fiscal year 2009 other than moneys appropriated by this or other appropriation act of the 2008 regular session of the legislature: *Provided, however*, That, upon application to and authorization by the governor, the above agency may make expenditures of moneys credited to this fund from any individual federal grant which is more than \$750,000 in the aggregate or which requires the matching expenditure of moneys in the state treasury during the current or any ensuing fiscal year: *Provided further*, That, subject to the provisions of the other provisos prescribing guidelines for authority to make expenditures from the other federal grants fund, expenditures may be made from the other federal grants fund for capital improvements.

Suspense fund.....	No limit
Employee maintenance deduction clearing fund.....	No limit
Cabin revenue fund.....	No limit
Boating fund — federal.....	No limit
Wildlife fund — federal.....	No limit
Wildlife conservation fund — federal.....	No limit
Feed the hungry fund.....	No limit

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

Stream monitoring.....	\$40,000
Sec. 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
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Provided, That expenditures may be made from the interagency motor vehicle fuel sales fund to provide and sell motor vehicle fuel to the Kansas highway patrol: *Provided further*, That the secretary of transportation is hereby authorized to fix, charge and collect fees for motor vehicle fuel sold to the Kansas highway patrol: *And provided further*, That such fees shall be fixed in order to recover all or part of the expenses incurred in providing motor vehicle fuel to the Kansas highway patrol: *And provided further*, That all fees received for such sales of motor vehicle fuel shall be credited to the interagency motor vehicle fuel sales fund.

Coordinated public transportation assistance fund.....	No limit
Public use general aviation airport development fund.....	No limit

Highway bond proceeds fund	No limit
Communication system revolving fund	No limit
Traffic records enhancement fund	No limit
Other federal grants fund	No limit

Provided, That no moneys received by the department of transportation that are highway trust funds or moneys that are received by the department of transportation under federal grants received on an ongoing basis shall be credited to the other federal grants fund: *Provided, however*, That the secretary of transportation may transfer moneys between the other federal grants fund and the state highway fund.

(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
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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
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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
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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
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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

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

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund — federal for fiscal year 2009.

(p) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife conservation fund — federal for fiscal year 2009, expenditures may be made by the above agency from the wildlife conservation fund — federal for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife conservation fund — federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife conservation fund — federal for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife conservation fund — federal for fiscal year 2009.

(q) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fund — federal for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Boating access projects \$200,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year 2009.

(r) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009, expenditures may be made by the above agency from the wildlife fund — federal for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the wildlife fund - federal: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the wildlife fund — federal for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the wildlife fund — federal for fiscal year 2009.

(s) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the migratory waterfowl propagation and protection fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Wetlands acquisition \$150,000

Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2009.

(t) In addition to the other purposes for which expenditures may be made by the above agency from the migratory waterfowl propagation and protection fund for fiscal year 2009, expenditures may be made by the above agency from the migratory waterfowl propagation

and protection fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the migratory waterfowl propagation and protection fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the migratory waterfowl propagation and protection fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the migratory waterfowl propagation and protection fund for fiscal year 2009.

(u) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the land and water conservation fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Rehabilitation and repair \$400,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2009.

(v) In addition to the other purposes for which expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009, expenditures may be made by the above agency from the land and water conservation fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the land and water conservation fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the land and water conservation fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the land and water conservation fund for fiscal year 2009.

(w) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:
Rehabilitation and repair \$34,000
Provided, That all expenditures from each such capital improvement account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2009.

(x) In addition to the other purposes for which expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009, expenditures may be made by the above agency from the department of wildlife and parks gifts and donations fund for fiscal year 2009 from the unencumbered balance as of June 30, 2008, in each existing capital improvement account of the department of wildlife and parks gifts and donations fund: *Provided*, That expenditures from the unencumbered balance of any such existing capital improvement account shall not exceed the amount of the unencumbered balance in such account on June 30, 2008: *Provided further*, That all expenditures from the unencumbered balance of any such account shall be in addition to any expenditure limitation imposed on the department of wildlife and parks gifts and donations fund for fiscal year 2009 and shall be in addition to any other expenditure limitation imposed on any such account of the department of wildlife and parks gifts and donations fund for fiscal year 2009.

(y) In addition to the other purposes for which expenditures may be made by the above agency from the department road access fund for fiscal year 2009, expenditures shall be made by the above agency from the following capital improvement account or accounts of the department road access fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Low water crossing at Crawford state park..... \$255,000

(z) In addition to the other purposes for which expenditures may be made by the above agency from the wildlife fee fund for fiscal year 2009, expenditures may be made by the above agency from the following capital improvement account or accounts of the wildlife fee fund during fiscal year 2009 for the following capital improvement project or projects, subject to the expenditure limitations prescribed therefor:

Bison herd compound fencing in southeast Kansas \$47,000

Sec. 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

Senator Umbarger moved the Senate adopt the Conference Committee Report on **SB 534**.

On roll call, the vote was: Yeas 25, Nays 14, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Betts, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Hensley, Jordan, Kelly, McGinn, Morris, Petersen, Pine, Reitz, Schmidt D, Schmidt V, Schodorf, Teichman, Umbarger, Vratil, Wysong.

Nays: Barone, Brownlee, Bruce, Haley, Huelskamp, Journey, Lee, Lynn, Ostmeyer, Pyle, Steineger, Taddiken, Wagle, Wilson.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

EXPLANATION OF VOTE

MR. PRESIDENT: I must reluctantly vote “no” on **SB 534**. We have made very little progress to control our deficit spending in this conference report. We are still spending nearly \$298 million more in Fiscal 2009 than we are receiving. We are becoming addicted to deficit spending — JIM BARONE

Senators Bruce, Lynn, and Wilson request the record to show that they concur with the “Explanation of Vote” offered by Senator Barone.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2123**, 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:

By striking all on pages 2 and 3 and inserting the following:

“Section 1. K.S.A. 2007 Supp. 12-5242 is hereby amended to read as follows: 12-5242. As used in the rural housing incentive district act:

(a) “City” means any city incorporated in accordance with Kansas law with a population of less than ~~40,000~~ 60,000 in a county with a population of less than ~~60,000~~ 80,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A 11-201, and amendments thereto;

(b) “County” means any county organized in accordance with K.S.A. 18-101 et seq., and amendments thereto, with a population of less than ~~40,000~~ 60,000, as certified to the secretary of state by the director of the division of the budget on the previous July 1st in accordance with K.S.A 11-201, and amendments thereto;

(c) “Developer” means the person, firm or corporation responsible under an agreement with the governing body to develop housing or related public facilities in a district.

(d) “District” means a rural housing incentive district established in accordance with this act.

(e) “Governing body” means the board of county commissioners of any county or the mayor and council, mayor and commissioners or board of commissioners, as the laws affecting the organization and status of cities affected may provide;

(f) “Secretary” means the secretary of commerce of the state of Kansas.

(g) “Real property taxes” means and includes all taxes levied on an ad valorem basis upon land and improvements thereon.

(h) “Taxing subdivision” means the county, the city, the unified school district, and any other taxing subdivision levying real property taxes, the territory or jurisdiction of which includes any currently existing or subsequently created rural housing incentive district.

Sec. 2. K.S.A. 2007 Supp. 12-5242 is hereby repealed.

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

In the title, by striking all in lines 12 through 14 and inserting the following:
“AN ACT concerning the rural housing incentive act; pertaining to certain definitions;
amending K.S.A. 2007 Supp. 12-5242 and repealing the existing section.”;

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

PETE BRUNGARDT

ROGER P. REITZ

MARK S. GILSTRAP

Conferees on part of Senate

ARLEN H. SIEGFREID

STEVE HUEBERT

MICHAEL J. PETERSON

Conferees on part of House

Senator Brungardt moved the Senate adopt the Conference Committee Report on **HB 2123**.

On roll call, the vote was: Yeas 39, Nays 0, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeier, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

CONFERENCE COMMITTEE REPORT

MR. PRESIDENT and MR. SPEAKER: Your committee on conference on Senate amendments to **HB 2343**, submits the following report:

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

On page 5, by striking all in lines 20 through 43;

On page 6, by striking all in lines 1 through 42;

And by renumbering the remaining sections accordingly;

On page 9, in line 7, by striking “\$10,000,000” and inserting “\$6,000,000 in fiscal year 2009, \$7,000,000 in fiscal year 2010 and \$8,000,000 in fiscal year 2011 and in each fiscal year thereafter”; by striking all in lines 39 through 43;

By striking all on pages 10 through 18;

On page 19, by striking all in lines 1 through 37; following line 37, by inserting:

Sec. 4. K.S.A. 2007 Supp. 76-774, 76-775 and 76-776 are hereby repealed.

And by renumbering the remaining section accordingly;

In the title, by striking all in lines 18 through 22; following line 22 by inserting:

“AN ACT concerning postsecondary educational institutions; relating to the faculty of distinction program; amending K.S.A. 2007 Supp. 76-774, 76-775 and 76-776 and repealing the existing sections.”;

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

JEAN KURTIS SCHODORF
JOHN VRATIL
JANIS K. LEE
Conferees on part of Senate

CLAY AURAND
DEENA HORST
SUE STORM
Conferees on part of House

Senator Schodorf moved the Senate adopt the Conference Committee Report on **HB 2343**.

On roll call, the vote was: Yeas 38, Nays 1, Present and Passing 0, Absent or Not Voting 1.

Yeas: Allen, Apple, Barnett, Barone, Betts, Brownlee, Bruce, Brungardt, Donovan, Emler, Francisco, Gilstrap, Goodwin, Haley, Hensley, Huelskamp, Jordan, Journey, Kelly, Lee, Lynn, McGinn, Morris, Ostmeyer, Petersen, Pine, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Teichman, Umbarger, Vratil, Wagle, Wilson, Wysong.

Nays: Taddiken.

Absent or Not Voting: Palmer.

The Conference Committee report was adopted.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following resolution was introduced and read by title:

SENATE CONCURRENT RESOLUTION No. 1626—

By Senators Morris, D. Schmidt and Hensley

A CONCURRENT RESOLUTION relating to the 2008 regular session of the legislature; extending such session beyond 90 calendar days; and providing for adjournment thereof.

Be it resolved by the Legislature of the State of Kansas, two-thirds of the members elected to the Senate and two-thirds of the members elected to the House of Representatives concurring therein: That the 2008 regular session of the legislature shall be extended beyond 90 calendar days; and

Be it further resolved: That the legislature shall adjourn at the close of business of the daily session convened on April 4, 2008, or at the close of business of the daily session convened on April 5, 2008, and shall reconvene at 10:00 a.m. on April 30, 2008; and

Be it further resolved: That the legislature may adjourn and reconvene at any time during the period on and after April 30, 2008, to May 29, 2008, but the legislature shall reconvene at 10:00 a.m. on May 29, 2008, at which time the legislature shall continue in session and shall adjourn *sine die* at the close of business on May 29, 2008; and

Be it further resolved: That the secretary of the senate and the chief clerk of the house of representatives and employees specified by the director of legislative administrative services for such purpose shall attend their duties each day during periods of adjournment, Sundays excepted, for the purpose of receiving messages from the governor and conducting such other business as may be required; and

Be it further resolved: That members of the legislature shall not receive the per diem compensation and subsistence allowances provided for in subsections (a) and (b) of K.S.A. 46-137a, and amendments thereto, for any day within a period in which both houses of the legislature are adjourned for more than two days, Sundays excepted; and

Be it further resolved: That members of the legislature attending a legislative meeting of whatever nature when authorized pursuant to law, or by the Legislative Coordinating Council or by the President of the Senate or the Speaker of the House of Representatives and members of a conference committee attending a meeting of the conference committee authorized by the President of the Senate and the Speaker of the House of Representatives during any period of adjournment for which members are not authorized compensation and allowances pursuant to K.S.A. 46-137a, and amendments thereto, shall receive compensa-

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tion and travel expenses or allowances as provided by K.S.A. 75-3212, and amendments thereto.

On emergency motion of Senator D. Schmidt SCR 1626 was adopted by voice vote.

On motion of Senator D. Schmidt the Senate adjourned until 10:00 a.m., Wednesday, April 30, 2008.

HELEN MORELAND, CHARLENE BAILEY, PAT MATZEK, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

