

Journal of the Senate

TWELFTH DAY

SENATE CHAMBER, TOPEKA, KANSAS
Wednesday, January 28, 2009—10:30 a.m.

The Senate was called to order by President Stephen Morris.
The roll was called with forty senators present.
Invocation by Chaplain Fred S. Hollomon:

Heavenly Father,
The reason we are here this morning
We have a lot to do.
We are facing a gigantic elephant
Which is difficult to chew.

This elephant doesn't represent
Any particular party.
It's an elephant which represents
A budget hale and hardy!

Some say it's common knowledge,
An elephant in its prime
Can only be consumed
One bite at a time!

Others say that this won't work.
This elephant in its prime
Won't ever be consumed
One bite at a time.

This elephant has a way of growing
Faster than we can eat.
If we don't find a better way,
We'll only taste defeat.

Lord, You know this kind of elephant.
You have tackled more than one.
Reveal to us just what to do.
To cause him to succumb.

I pray in the Name of Jesus,

AMEN

The Pledge of Allegiance was led by President Stephen Morris.

GUESTS

President Morris introduced Elena Pripisnova and Tatevik Avagyan, of Russia, who were visiting in the Capitol.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills were introduced and read by title:

SB 130, An act concerning school districts; concerning school terms, holidays and in-service training; amending K.S.A. 72-1106 and repealing the existing section, by Committee on Education.

SB 131, An act concerning technical colleges; relating to the powers and duties of the governing bodies thereof, by Committee on Education.

SB 132, An act enacting the business entity transaction act; amending K.S.A. 17-7675, 17-7681, 56a-401, 56a-502, 56a-905, 56a-906, 56a-907 and 56a-908 and repealing the existing sections; also repealing K.S.A. 17-7684, 17-7685, 56a-901, 56a-902, 56a-903 and 56a-904, by Committee on Judiciary.

SB 133, An act concerning the Kansas sports hall of fame; relating to funding therefor, by Committee on Ways and Means.

REFERENCE OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolution were referred to Committees as indicated:

Assessment and Taxation: **SB 111, SB 127.**

Commerce: **SB 108, SB 119, SB 120.**

Ethics and Elections: **SB 117, SB 118.**

Federal and State Affairs: **SB 113, SB 115, SB 116.**

Financial Institutions & Insurance: **SB 126.**

Judiciary: **SB 95, SB 110, SB 112.**

Local Government: **SB 114; SCR 1603.**

Public Health and Welfare: **SB 121, SB 129.**

Transportation: **SB 122, SB 123.**

Ways and Means: **SB 109, SB 124, SB 125, SB 128.**

FINAL ACTION ON BILLS AND CONCURRENT RESOLUTIONS

SB 30, An act concerning surplus property of the state; amending K.S.A. 2008 Supp. 75-6606 and repealing the existing section, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed, as amended.

SB 34, An act concerning open records; relating to the exceptions to disclosure; amending K.S.A. 2008 Supp. 45-229 and repealing the existing section; also repealing K.S.A. 2008 Supp. 45-229c, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 44, An act concerning civil actions and civil penalties; relating to the submission of false or fraudulent claims to or the performance of fraudulent acts upon the state or a political subdivision thereof, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed.

SB 45, An act concerning the Kansas power of attorney act; amending K.S.A. 58-652, 58-656 and 58-657 and repealing the existing sections, was considered on final action.

On roll call, the vote was: Yeas 40, Nays 0, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Apple, Barnett, Brownlee, Bruce, Brungardt, Colyer, Donovan, Emler, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Lynn, Marshall, Masterson, McGinn, Morris, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Reitz, Schmidt D, Schmidt V, Schodorf, Steineger, Taddiken, Teichman, Umbarger, Vratil, Wagle, Wysong.

The bill passed, as amended.

REPORT ON ENGROSSED BILLS

SB 45 reported correctly engrossed January 27, 2009.

Also, **SB 30** reported correctly engrossed January 28, 2009.

REPORT ON ENROLLED BILLS

SR 1806, **SR 1807** reported correctly enrolled, properly signed and presented to the Secretary of the Senate on January 28, 2009.

REPORTS OF STANDING COMMITTEES

Committee on **Financial Institutions and Insurance** recommends **SB 50** be passed.

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 Brungardt in the Chair.

On motion of Senator Brungardt the following report was adopted:

The Committee report on **SB 23** recommending a **Senate Sub for SB 23** be adopted, and the substitute bill be passed.

Substitute for SB 23, be amended by motion of Senator Emler on page 26, by striking all in lines 28 through 32 and by relettering the remaining subsections accordingly;

On page 44, in line 37, by striking all after "lapsed"; by striking all in lines 38 and 39; in line 40, by striking all before the period;

And by relettering the remaining subsections accordingly

The Committee rose and reported progress. (See Committee of the Whole Afternoon Session.)

On motion of Senator D. Schmidt, the Senate recessed until 1:30 p.m.

AFTERNOON- SESSION

The Senate returned to the Committee of the Whole with Senator Brungardt in the Chair.

Sub SB 23 be further amended by motion of Senator McGinn, on page 61, by striking all in lines 1 through 6; in line 7, by striking all before "And"

Sub SB 23 be further amended by motion of Senator Vratil, on page 17, in line 39, by subtracting \$1,309,846 from the dollar amount and by adjusting the dollar amount in line 39 accordingly;

On page 58, in line 42, by striking "\$46,750,000" and inserting "\$48,059,846";

On page 59, in line 4, by striking "\$46,750,000" and inserting "\$48,059,846"

Sub SB 23 be further amended by motion of Senator Francisco, on page 44, in line 12, by adding \$600,000 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 17, by adding \$200,000 to the dollar amount and by adjusting the dollar amount in line 17 accordingly; by striking all in lines 33 through 40;

And by relettering the remaining subsections;

On page 45, by striking all in lines 25 through 29;

And by relettering the remaining subsections;

On page 59, in line 21, by subtracting \$774,357 from the dollar amount and by adjusting the dollar amount in line 21 accordingly

Sub SB 23 be further amended by motion of Senator Umbarger, on page 61, following line 10, by inserting the following:

“Sec. 98. On the effective date of this act, during the fiscal year ending June 30, 2009, no state agency shall expend any moneys appropriated for fiscal year 2009 for such agency as authorized by chapter 131, 156, 159, 160, 164, 172 or 184 of the 2008 Session Laws of Kansas, or by this or other appropriation act of the 2009 regular session of the legislature to permanently eliminate or terminate a program or permanently close a facility until 30 days after such agency has submitted to the senate committee on ways and means and the house committee on appropriations a written plan for such program or facility. Such plan shall include an analysis of the program or facility’s merits and cost effectiveness as well as the impact of such elimination or closure on other state agencies.”;

And by renumbering remaining sections accordingly

Sub SB 23 be further amended by motion of Senator Kelly, on page 1, after line 38 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-3903, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$654 from the abstracters’ fee fund of the abstracters’ board of examiners to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the abstracters’ fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the abstracters’ 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 abstracters’ board of examiners by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 2, after line 1 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 1-204, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$9,500 from the board of accountancy fee fund of the board of accountancy to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the board of accountancy fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the board of accountancy 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 board of accountancy by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 2, after line 7 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-1308, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$257,311 from the bank commissioner fee fund of the state bank commissioner to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the bank commissioner fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the bank commissioner 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 state bank commissioner by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 2, after line 13, by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 65-1817a, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$4,676 from the board of barbering fee fund of the Kansas board of barbering to the state general fund: *Provided*, That the

transfer of such amount shall be in addition to any other transfer from the board of barbering fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the board of barbering 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 Kansas board of barbering by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 2, after line 19 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-7506, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$19,717 from the behavioral sciences regulatory board fee fund of the behavioral sciences regulatory board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the behavioral sciences regulatory board fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the behavioral sciences regulatory board 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 behavioral sciences regulatory board by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 3, after line 4 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 65-2855, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$67,618 from the healing arts fee fund of the state board of healing arts to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the healing arts fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the healing arts 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 state board of healing arts by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 10 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-2704, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$24,191 from the cosmetology fee fund of the Kansas state board of cosmetology to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the cosmetology fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the cosmetology 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 Kansas state board of cosmetology by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 16 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 17-2236, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$26,840 from the credit union fee fund of the state department of credit unions to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the credit union fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the credit union 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 state department of credit unions by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 22 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-1405, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$11,472 from the dental board fee fund of the Kansas dental board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the dental board fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the dental board 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 Kansas dental board by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 28 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 65-1718, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$8,298 from the mortuary arts fee fund of the state board of mortuary arts to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the mortuary arts fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the mortuary arts 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 state board of mortuary arts by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 35 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2008 Supp. 74-5805, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$885 from the hearing instrument board fee fund of the Kansas board of examiners in fitting and dispensing of hearing instruments to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the hearing instrument board fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the hearing instrument board 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 Kansas board of examiners in fitting and dispensing of hearing instruments by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 3, after line 41 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-1108, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$55,647 from the board of nursing fee fund of the board of nursing to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the board of nursing fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the board of nursing 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 state board of nursing by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 4, after line 6 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-1503, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$3,912 from the optometry fee fund of the board of examiners in optometry to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the optometry fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the optometry 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 board of examiners in optometry by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 4, after line 17 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-1609, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$25,102 from the state board of pharmacy fee fund of the state board of pharmacy to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state board of pharmacy fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state board of pharmacy 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 state board of pharmacy by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 4, after line 22 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 58-4107, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$9,804 from the appraiser fee fund of the real estate appraisal board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the appraiser fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the appraiser 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 real estate appraisal board by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 4, after line 40 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 58-3074, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$83,095 from the real estate fee fund of the Kansas real estate commission to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the real estate fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the real estate 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 Kansas real estate commission by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 5, after line 13 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 74-7009, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$17,325 from the technical professions fee fund of the state board of technical professions to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the technical professions fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the technical professions 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 state board of technical professions by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 5, after line 19 by inserting the following:

“(b) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 47-820, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$8,068 from the veterinary ex-

aminers fee fund of the state board of veterinary examiners to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the veterinary examiners fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the veterinary examiners 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 state board of veterinary examiners by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 6, in line 2, by adding \$19,664 to the dollar amount and by adjusting the dollar amount in line 2 accordingly; in line 7, by adding \$79,100 to the dollar amount and by adjusting the dollar amount in line 7 accordingly; in line 12, by adding \$70,972 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 19, by adding \$376,895 to the dollar amount and by adjusting the dollar amount in line 19 accordingly; in line 26, by adding \$57,500 to the dollar amount and by adjusting the dollar amount in line 26 accordingly;

On page 10, after line 30 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of the uniform unclaimed property act, K.S.A. 58-3934 et seq., and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$55,419 from the state treasurer operating fund of the state treasurer to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the state treasurer operating fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the state treasurer operating 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 state treasurer by other state agencies which receive appropriations from the state general fund to provide such services.

(d) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 10-108, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$30,000 from the bond services fee fund of the state treasurer to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the bond services fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the bond services 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 state treasurer by other state agencies which receive appropriations from the state general fund to provide such services.

(e) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 2008 Supp. 75-648, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$2,651 from the Kansas postsecondary education savings program expense fund of the state treasurer to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the Kansas postsecondary education savings program expense fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the Kansas postsecondary education savings program expense 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 state treasurer by other state agencies which receive appropriations from the state general fund to provide such services.

(f) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 58-3978, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$17,349 from the unclaimed property expense fund of the state treasurer to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the unclaimed property expense

fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the unclaimed property expense 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 state treasurer by other state agencies which receive appropriations from the state general fund to provide such services.

(g) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-4235, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$25,716 from the pooled money investment portfolio fee fund of the state treasurer to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the pooled money investment portfolio fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the 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 state treasurer by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 12, after line 18, by inserting the following:

“(d) On the effective date of this act, the state corporation commission shall certify to the director of the budget and director of accounts and reports an amount or amounts to be transferred on the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 55-143, 55-167, 55-168, 55-180, 55-1,116, 66-1,142, or 66-1a01, and amendments thereto, or of any other statute, from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, and the facility conservation improvement program fund of the state corporation commission to the state general fund during fiscal year 2009: *Provided*, That the aggregate of the amounts specified in such certification to be transferred from such funds during fiscal year 2009 shall be \$634,875: *Provided further*, That, upon receipt of such certification, the director accounts and reports shall transfer the amount or amounts specified to be transferred from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, and the facility conservation improvement program fund to the state general fund on the date or dates specified in such certification therefor, or as soon thereafter as moneys are available: *Provided however*, That the aggregate of the amounts transferred in accordance with this subsection to the state general fund from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, and the facility conservation improvement program fund during fiscal year 2009 shall not exceed \$634,875: *And provided further*, That the transfer of each such amount from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, or the facility conservation improvement program fund to the state general fund pursuant to this subsection shall be in addition to any other transfer from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, or the facility conservation improvement program fund to the state general fund prescribed by law: *And provided further*, That the transfer of each such amount from the public service regulation fund, the motor carrier license fees fund, the conservation fee fund, the natural gas underground storage fee fund, and the facility conservation improvement program 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 state corporation commission by other state agencies which receive appropriations from the state general fund to provide such services.”;

Also on page 12, after line 24 by inserting the following:

“(d) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of any other statute, the director of accounts and reports shall transfer \$24,100 from the utility regulatory fee fund of the citizens’ utility ratepayer

board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the utility regulatory fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the utility regulatory 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 citizens' utility ratepayer board by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 14, after line 23 by inserting the following:

“(s) On the effective date of this act, of the \$407,813 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 137(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the energy conservation improvements — debt service account, the sum of \$352,500 is hereby lapsed.

(t) On the effective date of this act, of the \$36,146,303 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 85(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the KPERs bonds debt service account, the sum of \$10,070,000 is hereby lapsed.

(u) On the effective date of this act, of the \$611,376 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 85(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the public broadcasting digital conversion debt service account, the sum of \$315,000 is hereby lapsed.

(v) On the effective date of this act, of the \$10,052,858 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 137(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the statehouse improvements — debt service account, the sum of \$1,190,000 is hereby lapsed.”;

On page 20, by striking all in lines 33 through 43;

On page 21, by striking all in lines 1 through 24;

On page 22, in line 6, by adding \$119,514 to the dollar amount and by adjusting the dollar amount in line 6 accordingly; in line 12, by adding \$36,843 to the dollar amount and by adjusting the dollar amount in line 12 accordingly; in line 17, by adding \$139,697 to the dollar amount and by adjusting the dollar amount in line 17 accordingly; in line 22, by adding \$183,347 to the dollar amount and by adjusting the dollar amount in line 22 accordingly;

On page 24, in line 36, by adding \$8,500,000 to the dollar amount and by adjusting the dollar amount in line 36 accordingly; after line 37 by inserting the following:

“(k) On the effective date of this act, the expenditure limitation established for the fiscal year ending June 30, 2009, by section 98(b) of chapter 131 of the 2008 Session Laws of Kansas on the medical programs fee fund is hereby increased from \$38,500,000 to \$41,000,000.”;

And by relettering the remaining subsections accordingly;

On page 25, in line 2 by striking “\$254,899” and inserting “\$222,124”; by striking all in lines 23 through 32;

On page 26, in line 4 by striking “\$277,630” and inserting “\$72,004”; by striking all in lines 8 through 43;

On page 27, by striking all in lines 1 through 14;

And by relettering the remaining subsections accordingly;

On page 29, in line 5, by adding \$7,000,000 to the dollar amount and by adjusting the dollar amount in line 5 accordingly;

On page 29, by striking all in lines 18 through 37;

And by relettering the remaining subsections accordingly;

Also on page 29, after line 42 by inserting the following:

“(e) On the effective date of this act, the \$37,170,000 appropriated for the above agency for the fiscal year ending June 30, 2010, by section 10 (a) of chapter 172 of the 2008 Session Laws of Kansas from the state general fund in the general state aid account is hereby lapsed.

(f) On the effective date of this act, the director of accounts and reports shall transfer all moneys in the keeping education promises trust fund to the state general fund. On the effective date of this act, the keeping education promises trust fund is hereby abolished.”;

On page 33, after line 8 by inserting the following:

“(b) On the effective date of this act, of the \$326,999 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 151(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the armory/classroom/recreation center debt service account, the sum of \$160,000 is hereby lapsed.”;

Also on page 33, in line 34 by adding \$4,880 to the dollar amount and by adjusting the dollar amount in line 34 accordingly;

On page 37, after line 35 by inserting the following:

“(k) On the effective date of this act, of the \$1,401,000 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 156(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the debt service payment for the reception and diagnostic unit relocation bond issue account, the sum of \$40,000 is hereby lapsed.”;

On page 39, by striking all in lines 4 through 13;

On page 40, after line 29 by inserting the following:

“(h) On the effective date of this act, of the \$2,226,807 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 160(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the debt service — rehabilitation and repair of the statewide armories account, the sum of \$1,140,000 is hereby lapsed.

(i) On the effective date of this act, of the \$115,188 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 160(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the debt service — armory/classroom/recreation center at PSU account, the sum of \$55,000 is hereby lapsed.”;

On page 41, after line 13 by inserting the following:

“(e) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-1514, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$129,627 from the fire marshal fee fund of the state fire marshal to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the fire marshal fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the fire marshal 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 state fire marshal by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 42, after line 5 by inserting the following:

“(c) On the effective date of this act, of the \$311,850 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 158(a) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the debt service — headquarters building account, the sum of \$285,000 is hereby lapsed.”;

Also on page 42, after line 26 by inserting the following:

“(c) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 65-6151, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$53,077 from the emergency medical services operating fund of the emergency medical services board to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the emergency medical services operating fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the emergency medical services operating 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 emergency medical services board by other state agencies which receive appropriations from the state general fund to provide such services.”;

On page 43, in line 13, by adding \$17,598 to the dollar amount which reads \$2,596 and by adjusting the dollar amount in line 13 accordingly; in line 18, by adding \$7,320 to the dollar amount which reads \$1,080 and by adjusting the dollar amount in line 18 accordingly; in line 23, by adding \$71,170 to the dollar amount which reads \$10,501 and by adjusting the dollar amount in line 23 accordingly; after line 38 by inserting the following:

“(b) On the effective date of this act, of the \$1,540,821 appropriated for the above agency for the fiscal year ending June 30, 2009, by section 129(b) of chapter 131 of the 2008 Session Laws of Kansas from the state general fund in the state fair debt service account, the sum of \$410,000 is hereby lapsed.”;

On page 44, in line 7, by adding \$475,375 to the dollar amount which reads \$70,137 and by adjusting the dollar amount in line 7 accordingly; in line 12, by adding \$477,960 to the dollar amount which reads \$70,519 and by adjusting the dollar amount in line 12 accordingly; in line 17, by adding \$143,120 to the dollar amount which reads \$21,116 and by adjusting the dollar amount in line 17 accordingly; in line 21, by adding \$121,813 to the dollar amount which reads \$17,972 and by adjusting the dollar amount in line 21 accordingly; in line 27, by adding \$55,389 to the dollar amount which reads \$8,172 and by adjusting the dollar amount in line 27 accordingly; in line 32, by adding \$36,996 to the dollar amount which reads \$5,459 and by adjusting the dollar amount in line 32 accordingly; in line 37, by adding \$137,028 to the dollar amount which reads \$20,217 and by adjusting the dollar amount in line 37 accordingly; in line 37, by striking all after “lapsed”; by striking all in lines 38 and 39; in line 40, by striking all before the period;

On page 45, in line 2, by adding \$749,128 to the dollar amount which reads \$110,527 and by adjusting the dollar amount in line 2 accordingly; in line 7, by adding \$187,531 to the dollar amount which reads \$27,668 and by adjusting the dollar amount in line 7 accordingly; in line 19, by adding \$109,822 to the dollar amount which reads \$16,203 and by adjusting the dollar amount in line 19 accordingly; in line 24, by adding \$30,500 to the dollar amount which reads \$4,500 and by adjusting the dollar amount in line 24 accordingly; in line 29, by adding \$36,773 to the dollar amount which reads \$5,426 and by adjusting the dollar amount in line 29 accordingly; in line 34, by adding \$96,520 to the dollar amount which reads \$14,241 and by adjusting the dollar amount in line 34 accordingly; in line 39, by adding \$14,823 to the dollar amount which reads \$2,187 and by adjusting the dollar amount in line 39 accordingly;

On page 46, in line 1, by adding \$207,400 to the dollar amount which reads \$30,600 and by adjusting the dollar amount in line 1 accordingly; in line 6, by adding \$29,280 to the dollar amount which reads \$4,320 and by adjusting the dollar amount in line 6 accordingly; in line 10, by adding \$12,200 to the dollar amount which reads \$1,800 and by adjusting the dollar amount in line 10 accordingly; in line 16, by adding \$117,120 to the dollar amount which reads \$17,280 and by adjusting the dollar amount in line 16 accordingly; in line 32, by adding \$4,880 to the dollar amount which reads \$720 and by adjusting the dollar amount in line 32 accordingly;

On page 47, by striking all in lines 18 through 24 and inserting the following:

“(b) On the effective date of this act, notwithstanding the provisions of subsection (j) of K.S.A. 40-3403, and amendments thereto, or any other statute, the director of accounts and reports shall not make any transfers pursuant to the provisions of subsection (j) of K.S.A. 40-3403, and amendments thereto, or any other statute, from the state general fund to the health care stabilization fund during the fiscal year ending June 30, 2009: *Provided*, That any transfers of moneys from the state general fund to the health care stabilization fund during the fiscal year ending June 30, 2009, pursuant to the provisions of subsection (j) of K.S.A. 40-3403, and amendments thereto, or any other statute, that have been made prior to the effective date of this act shall be reversed by the director of accounts and reports and reversing entries shall be entered upon the accounting records of the state treasurer therefor.”;

Also on page 47, by striking all in lines 38 through 43;

On page 48, by striking all in lines 1 through 27 and inserting the following:

“(d) The director of accounts and reports shall not make the transfer of \$23,652,162 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 19(b)(3) of chapter 3 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 40(a) of chapter 205 of the 2002 Session Laws of Kansas. On the effective date of this act, the provisions of section 19(b)(3) of chapter 3 of the 2003 Session Laws of Kansas are hereby declared to be null

and void and shall have no force and effect. The legislature shall review the repayment of the remaining amount during fiscal year 2011.

(e) The director of accounts and reports shall not make the transfer of \$7,220,145 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 73(k)(3) of chapter 138 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 73(j) of chapter 138 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 73(k)(3) of chapter 138 of the 2003 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect. The legislature shall review the repayment of the remaining amount during fiscal year 2011.

(f) The director of accounts and reports shall not make the transfer of \$23,901.75 prescribed to be transferred from the state general fund to the state highway fund of the department of transportation by section 19(c)(4) of chapter 160 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the state highway fund to the state general fund pursuant to section 19(b) of chapter 160 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 19(c)(4) of chapter 160 of the 2003 Session Laws of Kansas are hereby declared to be null and void and shall have no force and effect. The legislature shall review the repayment of the remaining amount during fiscal year 2011.”;

And by relettering the remaining subsections accordingly;

Also on page 48, by striking all in lines 35 through 41;

And by relettering the remaining subsections accordingly;

On page 49, in line 12, by striking “\$43,945,000” the first time it appears and inserting “\$35,000,000”; also in line 12, by striking “\$43,945,000” the second time it appears and inserting “\$35,000,000”; in line 17, by striking “\$43,945,000” and inserting “\$35,000,000”; after line 20 by inserting the following:

“(f) The director of accounts and reports shall not make the transfer of \$1,000,000 prescribed to be transferred from the state general fund to the workers compensation fund of the insurance department by section 10(a)(4) of chapter 3 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the workers compensation fund to the state general fund pursuant to section 10(a)(1) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 10(a)(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. The legislature shall review the repayment of the remaining amount during fiscal year 2011.”;

On page 57, in line 39, after “(2)” by inserting “(A)”;

On page 58, in line 1, before the period, by inserting “; (B) notwithstanding the provisions of K.S.A. 79-3425c and 75-3452i, and amendments thereto, or any other statute, the aggregate amount of moneys transferred into the special city and county highway fund for allocation and distribution during state fiscal year 2009, shall be allocated and paid in accordance with the following in the following priority listing: *First*, the amount of \$6,661,087 shall be apportioned and paid to eligible counties in accordance with the provisions of the applicable statutes that were in effect during such state fiscal years, for use by such counties and for allocation and payment to the cities and other local governmental entities in such counties for use in accordance with the provisions of the applicable statutes that were in effect during state fiscal years 2006, 2007 and 2008, and *Second*, the remainder of the aggregate amount of moneys transferred into the special city and county highway fund during state fiscal year 2009 shall be allocated and paid to all counties, cities and other local governmental entities in accordance with the provisions of K.S.A. 2008 Supp. 79-3425c, and amendments thereto; as used in this subsection(2)(B), “eligible counties” means the counties that did not receive the full amounts that were directed by statute to be allocated and paid to such counties from the special city and county highway fund during state fiscal years 2006, 2007 and 2008 in accordance with the applicable statutes in effect during such state fiscal years”;

On page 59, in line 16, after “that” by inserting “(1)”; by striking all in lines 19 and 20; in line 21, by striking all before the period and inserting “(2) the total amount of moneys transferred from the state general fund to the state water plan fund during the fiscal year ending June 30, 2009, shall not exceed \$2,000,000. On the effective date of this act, the director of accounts and reports shall transfer the amount in excess of \$2,000,000 which was transferred from state general fund to the state water plan fund prior to the effective date of this act during the fiscal year ending June 30, 2009, as certified by the director of the budget to the director of accounts and reports to the state general fund”;

On page 60, in line 7, by striking “3.4%” and inserting “1.5%”; in line 10, by striking “and”; in line 14, before the period by inserting “, and (3) any item of appropriation for the department of education for general state aid, supplemental general state aid or special education services aid”; in line 20, by striking “3.4%” and inserting “1.5%”; in line 23, by striking “and”; in line 27, before the period by inserting “, and (3) any item of appropriation for the department of education for general state aid, supplemental general state aid or special education services aid”; in line 40 by striking all after the colon; by striking all in lines 41 through 43;

On page 61, after line 10, by inserting the following:

“Sec. 98. Section 11 of chapter 172 of the 2008 Session Laws of Kansas is hereby repealed.
Sec. 99.

INSURANCE DEPARTMENT

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 40-112, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$472,357 from the insurance department service regulation fund of the insurance department to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the insurance department service regulation fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the insurance department service regulation 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 insurance department by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 100.

SECRETARY OF STATE

(a) On the effective date of this act, or as soon thereafter as moneys are available, notwithstanding the provisions of K.S.A. 75-438, and amendments thereto, or any other statute, the director of accounts and reports shall transfer \$186,500 from the information and services fee fund of the secretary of state to the state general fund: *Provided*, That the transfer of such amount shall be in addition to any other transfer from the information and services fee fund to the state general fund as prescribed by law: *Provided further*, That the amount transferred from the information and services 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 secretary of state by other state agencies which receive appropriations from the state general fund to provide such services.

Sec. 101. (a) (1) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 74-4927, and amendments thereto, or any other statute, no state agency shall pay to the Kansas public employees retirement system any amounts to the group insurance reserve fund attributable to the months of March, April, May, or June 2009, that constitute such state agency’s portion of the state’s contribution to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto.

(2) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2009, by chapter 131, chapter 156, chapter 159, chapter 160, chapter 164, chapter 172 or chapter 184 of the 2008 Session Laws of Kansas or by this or other appropriation act of the 2009 regular session of the legislature and that is budgeted for payment to the Kansas public employees retirement system as a contribution for March, April, May and June 2009, to the group insurance

reserve fund under K.S.A. 74-4927, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2009, is hereby lapsed from each such account.

(3) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2009, by chapter 131, chapter 156, chapter 159, chapter 160, chapter 164, chapter 172 or chapter 184 of the 2008 Session Laws of Kansas or by this or other appropriation act of the 2009 regular session of the legislature and that is budgeted for payment to the Kansas public employees retirement system as a contribution for March, April, May and June 2009, to the group insurance reserve fund under K.S.A. 74-4927, and amendments thereto, subject to any applicable federal limitations or restrictions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2009, from such special revenue fund, or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (a)(3) are 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.

(b) (1) On and after the effective date of this act, notwithstanding the provisions of K.S.A. 75-6508 or 75-6512, and amendments thereto, or any other statute, no state agency shall pay to the Kansas health policy authority any amounts specified by the Kansas state employees health care commission for employees of the state agency who are participating in the state health care benefits program, excluding any amounts prescribed under the cafeteria plan, that are attributable to the payroll periods commencing on or after March 8, 2009, and ending on or before June 13, 2009, that constitute such state agency's portion of the state's contribution for persons participating in the state health care benefits program under K.S.A. 75-6501 et seq., and amendments thereto, for such payroll periods.

(2) On the effective date of this act, the amount in each account of the state general fund of each state agency that is appropriated for the fiscal year ending June 30, 2009, by chapter 131, chapter 156, chapter 159, chapter 160, chapter 164, chapter 172 or chapter 184 of the 2008 Session Laws of Kansas or by this or other appropriation act of the 2009 regular session of the legislature and that is budgeted for payment to the Kansas health policy authority for employees of the state agency who are participating in the state health care benefits program, excluding any amounts prescribed under the cafeteria plan, that are attributable to the payroll periods commencing on or after March 8, 2009, and ending on or before June 13, 2009, under K.S.A. 75-6508, and amendments thereto, as certified by the director of the budget to the director of accounts and reports for fiscal year 2009, is hereby lapsed from each such account.

(3) On the effective date of this act, or as soon thereafter as moneys are available, the director of accounts and reports shall transfer the amount in each account of each special revenue fund of each state agency that is appropriated for the fiscal year ending June 30, 2009, by chapter 131, chapter 156, chapter 159, chapter 160, chapter 164, chapter 172 or chapter 184 of the 2008 Session Laws of Kansas or by this or other appropriation act of the 2009 regular session of the legislature and that is budgeted for payment to the Kansas health policy authority for employees of such state agency who are participating in the state health care benefits program, excluding any amounts prescribed under the cafeteria plan, that are attributable to the payroll periods commencing on or after March 8, 2009, and ending on or before June 13, 2009, under K.S.A. 75-6508, and amendments thereto, subject to any applicable federal limitations or restrictions, as certified by the director of the budget to the director of accounts and reports for fiscal year 2009, from such special revenue fund, or account thereof, to the state general fund: *Provided*, That the amounts transferred from special revenue funds to the state general fund pursuant to this subsection (b)(3) are 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.

Sec. 102. (a) The director of accounts and reports shall not make the transfer of \$250,000 prescribed to be transferred from the state general fund to the waste tire management fund of the department of health and environment — division of environment by section 13(a)(4) of chapter 3 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the waste tire management fund to the state general fund pursuant to section 13(a)(1) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 13(a)(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 transfer of \$2,500,000 prescribed to be transferred from the state general fund to the underground petroleum storage tank release trust fund of the department of health and environment — division of environment by section 13(b)(4) of chapter 3 of the 2003 Session Laws of Kansas, which was directed to be made on or before June 30, 2009, on a date certified by the director of the budget for the purpose of repaying 25% of the amount transferred from the underground petroleum storage tank release trust fund to the state general fund pursuant to section 13(b)(1) of chapter 3 of the 2003 Session Laws of Kansas. On the effective date of this act, the provisions of section 13(b)(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. The legislature shall review the repayment of the remaining amount during fiscal year 2011.”

Upon a showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 25, Nays 15, Present and Passing 0, Absent or Not Voting 0.

Yeas: Abrams, Brownlee, Bruce, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Masterson, Ostmeyer, Petersen, Pilcher-Cook, Pyle, Schmidt V, Steineger, Teichman, Umbarger, Wagle.

Nays: Apple, Barnett, Brungardt, Emler, Lynn, Marshall, McGinn, Morris, Owens, Reitz, Schmidt D, Schodorf, Taddiken, Vratil, Wysong.

The motion carried and the amendment was adopted, and **Sub SB 23** be passed as amended.

EXPLANATION OF VOTE

Mr. Chairman: I vote no on the amendment to **Sub SB 23** because it only saves \$125 million towards the state's billion dollar budget problem. — David Wysong

A motion by Senator Apple to amend **Sub SB 23** failed and the following amendment was rejected: as further amended by the Senate Committee of the Whole on motion of Senator Kelly, designated as FAS23g9.wpd, on page 25 of the printed version of the bill, in line 42, by adding \$6,661,087 to the dollar amount and by adjusting the dollar amount in line 42 accordingly;

By striking the language inserted by Senator Kelly on page 57, in line 39;

By striking the language inserted by Senator Kelly on page 58, in line 1;

On page 57 of the printed version of the bill, in line 42, by striking “the amount of moneys” and inserting “no moneys shall be”; in line 43, by striking “, shall not exceed”;

On page 58 of the printed version of the bill, in line 1, by striking all before the period

Upon a showing of five hands, a roll call vote was requested.

On roll call, the vote was: Yeas 14, Nays 22, Present and Passing 2, Absent or Not Voting 2.

Yeas: Apple, Barnett, Brungardt, Emler, Lynn, Marshall, McGinn, Morris, Reitz, Schmidt D, Schodorf, Taddiken, Teichman, Wysong.

Nays: Abrams, Brownlee, Colyer, Donovan, Faust-Goudeau, Francisco, Haley, Hensley, Holland, Huelskamp, Kelly, Kelsey, Kultala, Lee, Masterson, Ostmeyer, Owens, Petersen, Pilcher-Cook, Pyle, Umbarger, Wagle.

Present and Passing: Bruce, Schmidt V.

Absent or Not Voting: Steineger, Vratil.

The motion failed and the amendment was rejected.

A motion by Senator Umbarger to amend **Sub SB 23** was withdrawn.

INTRODUCTION OF BILLS AND CONCURRENT RESOLUTIONS

The following bills and resolutions were introduced and read by title:

SB 134, An act concerning court fees and costs; amending K.S.A. 2008 Supp. 8-2107, 8-2110, 23-108a, 28-170, 28-172a, 28-177, 38-2215, 38-2314, 59-104, 60-1621, 60-2001, 60-2203a, 61-2704 and 61-4001 and repealing the existing sections; also repealing K.S.A. 2008 Supp. 38-1511 and 38-1613, by Committee on Judiciary.

SB 135, An act concerning the Kansas open meetings act; relating to serial meetings; amending K.S.A. 2008 Supp. 75-4318 and repealing the existing section, by Committee on Judiciary.

SB 136, An act relating to insurance; concerning the patient protection act; prohibited provisions in agreement; amending K.S.A. 40-4607 and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 137, An act concerning viatical settlements; exempting actions by the securities commissioner from the viatical settlements act of 2002; amending K.S.A. 2008 Supp. 40-5012a and repealing the existing section, by Committee on Financial Institutions and Insurance.

SB 138, An act concerning tax increment financing; regarding bond revenue sources; amending K.S.A. 2008 Supp. 12-1770a, 12-1774, 12-17,166, 12-17,175, 79-3620 and 79-3620b and repealing the existing sections, by Committee on Commerce.

SB 139, An act relating to insurance; concerning deposits and securities; relating to the federal home loan bank; amending K.S.A. 40-2a20 and 40-2b20 and K.S.A. 2008 Supp. 40-229a and repealing the existing sections, by Committee on Financial Institutions and Insurance.

SENATE CONCURRENT RESOLUTION No. 1604—

By Joint Committee on Arts and Cultural Resources

A CONCURRENT RESOLUTION encouraging the Kansas State Historical Society to develop a plan to commemorate the sesquicentennial of the admission of Kansas to the Union.

WHEREAS, Kansas will celebrate its 150th anniversary of statehood in 2011; and

WHEREAS, Kansas entered the Union as the 34th state when President James Buchanan signed the bill making Kansas a state on January 29, 1861; and

WHEREAS, President Abraham Lincoln, raised the 34-star flag over Independence Hall in Philadelphia on February 22, 1861, to commemorate Kansas' entry into the Union; and

WHEREAS, Kansas has the proud distinction of being founded for the cause of abolition of slavery; and

WHEREAS, Kansas was inhabited long before it became a state and was named for the Kansa Native American tribe; and

WHEREAS, Kansas was at the center of the wagon trails heading west and benefitted from the resulting diverse population that settled and prospered; and

WHEREAS, Kansas has been at the forefront of history in pushing for greater rights for all peoples, and the protection of children; and

WHEREAS, Kansas ranchers and farmers established an industry that continues to provide food for the nation; and

WHEREAS, Kansas' innovative spirit has made the state a leader in aviation, education, medicine, science and technology; and

WHEREAS, Kansans have proudly served the country in the military since the Civil War; and

WHEREAS, Many notable Kansans have placed the state in the national spotlight, including Charles Curtis, Amelia Earhart, Dwight D. Eisenhower and William Allen White: Now, therefore,

Be it resolved by the Senate of the State of Kansas, the House of Representatives concurring therein: That the Legislature encourages the Kansas State Historical Society to develop a plan for 2011 to commemorate the sesquicentennial of Kansas' admission to the Union to recognize the remarkable 150 years of Kansas history.

SENATE CONCURRENT RESOLUTION No. 1605—

By Committee on Ethics and Elections

A PROPOSITION to amend section 2 of article 5 of the constitution of the state of Kansas, relating to qualification of voters.

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

Section 1. The following proposition to amend the constitution of the state of Kansas shall be submitted to the qualified electors of the state for their approval or rejection: Section 2 of article 5 of the constitution of the state of Kansas is hereby amended to read as follows:

“**§ 2 Disqualification to vote.** The legislature may, by law, exclude persons from voting because of ~~mental illness~~ or commitment to a jail or penal institution. No person convicted of a felony under the laws of any state or of the United States, unless pardoned or restored to his civil rights, shall be qualified to vote.”

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

“*Explanatory statement.* This amendment would authorize the legislature to permit persons with mental illness to be eligible to vote.” A vote for this amendment would permit the legislature to allow persons suffering from mental illness to vote.

“A vote against this amendment would continue the current prohibition against such persons voting.”

Sec. 3. This resolution, if approved by two-thirds of the members elected (or appointed) and qualified to the Senate, and two-thirds of the members elected (or appointed) and qualified to the House of Representatives shall be entered on the journals, together with the yeas and nays. The secretary of state shall cause this resolution to be published as provided by law and shall cause the proposed amendment to be submitted to the electors of the state at the general election in the year 2010.

CHANGE OF REFERENCE

The President withdrew **SB 129** from the Committee on **Public Health and Welfare**, and referred the bill to the Committee on **Local Government**.

REPORTS OF STANDING COMMITTEES

Committee on **Commerce** recommends **SB 35**, **SB 77** be passed.

On motion of Senator D. Schmidt the Senate adjourned until 2:30 p.m., Thursday, January 29, 2009.

HELEN MORELAND, ROSE MARIE GLATT, SHIRLEY LAMOTT, *Journal Clerks.*

PAT SAVILLE, *Secretary of the Senate.*

